

## SLEEP SAFE ACT

### House Bill 4962

Sponsor: Rep. Gail Haines

Committee: Health Policy

Complete to 9-16-13

## A SUMMARY OF HOUSE BILL 4962 AS INTRODUCED 9-10-13

In brief, the bill would create the "Sleep Safe Act" to do the following:

- Require the Department of Community Health to establish a safe sleep education program.
- Require the focus of the program to be on the risk factors of sudden infant death syndrome and sudden unexpected infant death, referred to as SIDS and SUID, and safe sleeping practices for newborns and infants.
- Require the distribution of educational and instructional materials to new parents, including a video on safe sleeping practices.
- Require a parent to sign an acknowledgement form that he/she has received, read, and has an understanding of the materials, including viewing the video.
- Place certain responsibilities regarding the distribution of materials and filing of signed parental acknowledgement forms with hospitals or health professionals.
- Extend immunity from criminal and civil liability to hospitals or health professionals who comply with the bill.
- Define terms, including SIDS and SUID.
- Establish an effective date 90 days after the bill is enacted into law.

House Bill 4962 would amend the Public Health Code to create Part 58A, entitled "Sudden Unexpected Infant Death Education and Prevention," which may also be referred to as the Sleep Safe Act. The primary thrust of the bill would be two-fold: (1) to require the Department of Community Health (DCH) to establish a safe sleep education program to promote awareness and education relating to SIDS and SUID with the focus on associated risk factors and safe sleeping practices for newborns and infants, and (2) to require new parents to read and understand materials provided to them when their child is born and acknowledge that fact in writing.

"Sudden unexpected infant death" or "SUID" is defined as the sudden unexpected death of an apparently healthy infant. "Sudden infant death syndrome" or "SIDS" is defined as a SUID that remains unexplained after the performance of a complete postmortem investigation that includes an autopsy, an examination of the scene of the death, and a review of the infant's medical record.

A "newborn" is a child under 30 days old. An "infant" is a child younger than 24 months old (who is not a newborn).

### ***Departmental responsibilities***

DCH responsibilities regarding the program would include:

- Designing and implementing strategies for raising public awareness concerning SUID, including, but not limited to, risk factors for SUID such as infant sleep positions, exposure to smoke, overheating, inappropriate infant bedding, and bed sharing (e.g., with an adult) and also suggestions for reducing the risk of SUIDs.
- Including in the program the distribution of readily understandable information and educational and instructional materials regarding SUIDs and safe sleeping practices. Materials must explain the risk factors associated with SUIDs and emphasize safe sleeping practices.
- Creating and maintaining a safe sleep video that includes information on safe sleeping practices, together with the Department of Human Services.
- Prescribing the form of a parent acknowledgment statement, including a place for a parent to sign the statement acknowledging that he or she has viewed the video and has received, read, and has an understanding of the materials.
- Working to improve the capacity of community-based services available to parents regarding the risk factors involved with SUID and safe sleeping practices.
- Working with other state and local governmental agencies, community and business leaders, community organizations, health care and human service providers, and national organizations to coordinate efforts and maximize state and private resources in the areas of SUID education, including risk factors and safe sleeping practices.
- Identifying and, when appropriate, replicating or using successful SUID programs and procuring related materials and services from organizations with appropriate experience and knowledge of SUID.

### ***Responsibilities of hospitals & health professionals***

If a birth occurs in a hospital, the hospital must provide the materials described above without cost to a parent after the birth and before discharge from the hospital. If the birth occurs in a setting outside of a hospital, the health professional in charge of the care of a newborn (or, if none, the health care professional in charge of the birth) must provide the materials to the parents, also without cost.

### ***Parent signature on statement; statement part of medical record***

After receiving the SUID/safe sleep materials, including viewing the safe sleep video, a parent would be required to sign the parent acknowledgment statement. The hospital or health professional, as applicable, must place the signed statement in the newborn's permanent medical record and also provide a copy to the parent who signed the statement.

***Immunity provision***

A hospital or health professional who complied with the bill's provisions would not be criminally or civilly liable for the action or inaction of a parent with regard to safe sleeping practices for a newborn or infant as detailed in the required materials. However, the immunity would not apply if the hospital or health professional engaged in behavior involving gross negligence or willful or wanton misconduct.

**FISCAL IMPACT:**

Statutory requirements under House Bill 4962 may have modest cost implications for the Department of Community Health (DCH). The Department has been active in safe sleep initiatives over the past decade, including activities required in the bill: education, public awareness, information materials, and inter-agency collaboration. There may be costs to public hospitals and health agencies related to the required provision of free materials to new parents, and retention of signed parent acknowledgment statements. The number of births was just under 114,200 in 2011 in Michigan,

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Susan Frey

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.