

# HOUSE BILL No. 4962

September 10, 2013, Introduced by Rep. Haines and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding part 58A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 58A

SUDDEN UNEXPECTED INFANT DEATH EDUCATION AND PREVENTION

SEC. 5881. (1) THIS PART MAY BE REFERRED TO AS THE "SLEEP SAFE  
ACT".

(2) FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES DEFINED  
IN SECTIONS 5883 TO 5884 HAVE THE MEANINGS ASCRIBED TO THEM IN  
THOSE SECTIONS UNLESS THE CONTEXT REQUIRES OTHERWISE.

(3) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND

1 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS ACT.

2 SEC. 5883. (1) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL  
3 LICENSED, REGISTERED, CERTIFIED, OR OTHERWISE AUTHORIZED TO ENGAGE  
4 IN A HEALTH PROFESSION UNDER ARTICLE 15.

5 (2) "HOSPITAL" MEANS A HOSPITAL LICENSED UNDER ARTICLE 17 THAT  
6 PROVIDES CLINICALLY RELATED HEALTH SERVICES FOR OBSTETRICAL AND  
7 NEWBORN CARE AND INCLUDES A HOSPITAL OPERATED BY THIS STATE, A  
8 LOCAL GOVERNMENTAL UNIT, OR AN AGENCY. HOSPITAL DOES NOT INCLUDE AN  
9 OFFICE USED PRIMARILY FOR PRIVATE OR GROUP PRACTICE BY HEALTH  
10 PROFESSIONALS IN WHICH NO REVIEWABLE, CLINICALLY RELATED HEALTH  
11 SERVICES ARE OFFERED.

12 (3) "INFANT" MEANS A CHILD WHO IS 30 DAYS OLD OR OLDER AND WHO  
13 IS YOUNGER THAN 24 MONTHS OLD.

14 (4) "NEWBORN" MEANS A CHILD WHO IS YOUNGER THAN 30 DAYS OLD.

15 SEC. 5884. (1) "PARENT" MEANS A NATURAL PARENT, STEPPARENT,  
16 ADOPTIVE PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN OF A NEWBORN OR  
17 INFANT.

18 (2) "PARENT ACKNOWLEDGMENT STATEMENT" MEANS THE STATEMENT OF A  
19 PARENT ON A FORM PRESCRIBED BY THE DEPARTMENT UNDER SECTION  
20 5885(4).

21 (3) "PROGRAM" MEANS THE SAFE SLEEP EDUCATION PROGRAM  
22 ESTABLISHED UNDER THIS PART.

23 (4) "SAFE SLEEP VIDEO" MEANS THE SAFE SLEEP VIDEO DESCRIBED IN  
24 SECTION 5885(3).

25 (5) "SUDDEN INFANT DEATH SYNDROME" OR "SIDS" MEANS A SUDDEN  
26 UNEXPECTED INFANT DEATH THAT REMAINS UNEXPLAINED AFTER THE  
27 PERFORMANCE OF A COMPLETE POSTMORTEM INVESTIGATION THAT INCLUDES AN

1 AUTOPSY, AN EXAMINATION OF THE SCENE OF THE DEATH, AND A REVIEW OF  
2 THE INFANT'S MEDICAL RECORD.

3 (6) "SUDDEN UNEXPECTED INFANT DEATH" OR "SUID" MEANS THE  
4 SUDDEN UNEXPECTED DEATH OF AN APPARENTLY HEALTHY INFANT.

5 SEC. 5885. (1) THE DEPARTMENT SHALL ESTABLISH A SAFE SLEEP  
6 EDUCATION PROGRAM TO PROMOTE AWARENESS AND EDUCATION RELATING TO  
7 SIDS AND SUIDS WITH THE FOCUS ON THE RISK FACTORS OF SIDS AND  
8 SUIDS AND SAFE SLEEPING PRACTICES FOR NEWBORNS AND INFANTS.

9 (2) THE DEPARTMENT SHALL DESIGN AND IMPLEMENT STRATEGIES  
10 FOR RAISING PUBLIC AWARENESS CONCERNING SUIDS, INCLUDING, BUT  
11 NOT LIMITED TO, ALL OF THE FOLLOWING:

12 (A) RISK FACTORS FOR SUID, INCLUDING, BUT NOT LIMITED TO,  
13 INFANT SLEEP POSITION, EXPOSURE TO SMOKE, OVERHEATING,  
14 INAPPROPRIATE INFANT BEDDING, AND BED SHARING.

15 (B) SUGGESTIONS FOR REDUCING THE RISK OF SUIDS.

16 (3) THE DEPARTMENT SHALL INCLUDE AS PART OF THE PROGRAM THE  
17 DISTRIBUTION OF READILY UNDERSTANDABLE INFORMATION AND EDUCATIONAL  
18 AND INSTRUCTIONAL MATERIALS REGARDING SUIDS AND SAFE SLEEPING  
19 PRACTICES. THE MATERIALS DISTRIBUTED UNDER THIS SUBSECTION MUST  
20 EXPLAIN THE RISK FACTORS ASSOCIATED WITH SUIDS AND EMPHASIZE SAFE  
21 SLEEPING PRACTICES. THE DEPARTMENT AND THE DEPARTMENT OF HUMAN  
22 SERVICES SHALL CREATE AND MAINTAIN A SAFE SLEEP VIDEO THAT INCLUDES  
23 INFORMATION ON SAFE SLEEPING PRACTICES FOR INCLUSION IN THE  
24 PROGRAM.

25 (4) THE DEPARTMENT SHALL PRESCRIBE THE FORM OF A PARENT  
26 ACKNOWLEDGMENT STATEMENT. THE FORM MUST INCLUDE A PLACE FOR A  
27 PARENT TO SIGN, ACKNOWLEDGING THAT THE PARENT HAS VIEWED THE SAFE

1 SLEEP VIDEO AND HAS RECEIVED, HAS READ, AND HAS AN UNDERSTANDING OF  
2 THE EDUCATIONAL AND INSTRUCTIONAL MATERIALS PROVIDED ON SUID AND  
3 SAFE SLEEPING PRACTICES.

4 SEC. 5886. (1) FOR A BIRTH THAT OCCURS IN A HOSPITAL, THE  
5 HOSPITAL SHALL PROVIDE THE MATERIALS DESCRIBED IN SECTION 5885(3)  
6 WITHOUT COST TO A PARENT AFTER THE BIRTH OF THE NEWBORN AND BEFORE  
7 DISCHARGE FROM THE HOSPITAL. FOR A BIRTH THAT OCCURS IN A SETTING  
8 OTHER THAN A HOSPITAL, THE HEALTH PROFESSIONAL IN CHARGE OF THE  
9 CARE OF A NEWBORN, OR IF NONE THE HEALTH PROFESSIONAL IN CHARGE AT  
10 THE BIRTH OF A NEWBORN, SHALL PROVIDE THE MATERIALS DESCRIBED IN  
11 SECTION 5885(3) WITHOUT COST TO A PARENT AS SOON AS POSSIBLE AFTER  
12 THE BIRTH OF A NEWBORN.

13 (2) AFTER RECEIPT OF THE MATERIALS UNDER SUBSECTION (1),  
14 INCLUDING THE VIEWING OF THE SAFE SLEEP VIDEO, A PARENT SHALL SIGN  
15 THE PARENT ACKNOWLEDGMENT STATEMENT. THE HOSPITAL OR HEALTH  
16 PROFESSIONAL, AS APPLICABLE, SHALL PLACE THE SIGNED PARENT  
17 ACKNOWLEDGMENT STATEMENT IN THE NEWBORN'S PERMANENT MEDICAL RECORD.  
18 THE HOSPITAL OR HEALTH PROFESSIONAL, AS APPLICABLE, SHALL PROVIDE A  
19 COPY OF THE SIGNED PARENT ACKNOWLEDGMENT STATEMENT TO THE PARENT  
20 WHO SIGNED THE STATEMENT.

21 (3) A HOSPITAL OR HEALTH PROFESSIONAL THAT COMPLIES WITH THIS  
22 SECTION IS NOT CRIMINALLY OR CIVILLY LIABLE FOR THE ACTION OR  
23 INACTION OF A PARENT WITH REGARD TO SAFE SLEEPING PRACTICES FOR A  
24 NEWBORN OR INFANT PURSUANT TO MATERIALS GIVEN TO THE PARENT UNDER  
25 THIS SECTION. THIS SUBSECTION DOES NOT APPLY IF THE HOSPITAL OR  
26 HEALTH PROFESSIONAL ENGAGES IN BEHAVIOR THAT INVOLVES GROSS  
27 NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.

1           SEC. 5887. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

2           (A) WORK TO IMPROVE THE CAPACITY OF COMMUNITY-BASED SERVICES  
3 AVAILABLE TO PARENTS REGARDING THE RISK FACTORS INVOLVED WITH SUID  
4 AND SAFE SLEEPING PRACTICES FOR NEWBORNS AND INFANTS.

5           (B) WORK WITH OTHER STATE AND LOCAL GOVERNMENTAL AGENCIES,  
6 COMMUNITY AND BUSINESS LEADERS, COMMUNITY ORGANIZATIONS, HEALTH  
7 CARE AND HUMAN SERVICE PROVIDERS, AND NATIONAL ORGANIZATIONS TO  
8 COORDINATE EFFORTS AND MAXIMIZE STATE AND PRIVATE RESOURCES IN THE  
9 AREAS OF EDUCATION ABOUT SUIDS, INCLUDING THE RISK FACTORS AND SAFE  
10 SLEEPING PRACTICES.

11           (C) IDENTIFY AND, WHEN APPROPRIATE, REPLICATE OR USE  
12 SUCCESSFUL SUID PROGRAMS AND PROCURE RELATED MATERIALS AND SERVICES  
13 FROM ORGANIZATIONS WITH APPROPRIATE EXPERIENCE AND KNOWLEDGE OF  
14 SUID.

15           Enacting section 1. This amendatory act takes effect 90 days  
16 after the date it is enacted into law.