

JAN 20 2017

---

---

# A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-152.7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[+]§346-152.7 [+~~ **Safe sleep policy.** (a) All child care  
4 facilities ~~[, which include family child care homes, group child~~  
5 ~~care centers, and group child care homes, as those terms are~~  
6 ~~defined in section 346-151, and infant and toddler child care~~  
7 ~~centers,]~~ that are registered or licensed by the department to  
8 provide care for children less than one year of age shall  
9 implement and maintain a written safe sleep policy in accordance  
10 with any rules that may be adopted by the department to  
11 implement the provisions of this section. The purpose of the  
12 safe sleep policy shall be to maintain a safe sleep environment  
13 that prevents the occurrence of sudden infant death syndrome and  
14 sudden unexpected infant deaths in children less than one year  
15 of age.

16           (b) Each safe sleep policy shall require operators of each  
17 child care facility and their employees to place a child less



1 than one year of age on the child's back for sleeping, unless  
2 the operator of the child care facility obtains a written waiver  
3 of this requirement from a health care professional, as defined  
4 in rules adopted by the department.

5 (c) The operator of the child care facility shall discuss  
6 the safe sleep policy with the child's parent or legal guardian  
7 before the child is enrolled in the child care facility. The  
8 child's parent or legal guardian shall sign a statement  
9 attesting that the parent or legal guardian received a copy of  
10 the safe sleep policy and that the policy was discussed with the  
11 parent or legal guardian before the child's enrollment.

12 (d) The operator of a child care facility and the  
13 operator's employees shall complete, annually, training in safe  
14 sleep practices, which shall be conducted by the department.

15 (e) Every child care facility shall promptly report to the  
16 department the death of a child less than one year of age that  
17 occurs in the child care facility.

18 ~~[(b)]~~ (f) As used in this section:

19 "Child care facility" includes a family child care home,  
20 group child care home, and group child care center, as defined  
21 in section 346-151, and an infant and toddler child care center.



1 "Sudden infant death syndrome" means the sudden death of an  
 2 infant less than one year of age that cannot be explained after  
 3 a thorough investigation has been conducted, including a  
 4 complete autopsy, an examination of the death scene, and a  
 5 review of the clinical history.

6 "Sudden unexpected infant death" means the sudden and  
 7 unexpected death of an infant less than one year of age in which  
 8 the manner and cause of death are not immediately obvious prior  
 9 to investigation. Causes of sudden unexpected infant death  
 10 include but are not limited to metabolic disorders, hypothermia  
 11 or hyperthermia, neglect or homicide, poisoning, and accidental  
 12 suffocation."

13 SECTION 2. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

INTRODUCED BY:

*[Handwritten signature]*

*Michelle N. Sidani*

*Rosaly de Bak*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*



# S.B. NO. 522

**Report Title:**

Sudden Infant Death Syndrome; Sudden Unexpected Infant Death;  
Safe Sleep Policy

**Description:**

Strengthens the safe sleep policy for child care facilities for children less than one year of age, including requiring placement of children on their backs for sleeping and establishing notice and annual training requirements; requires such facilities to report death of such a child to DHS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

