

ACT 216

S.B. NO. 1750

A Bill for an Act Relating to Health.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that shaken baby syndrome is the medical term used to describe the vigorous violent shaking of an infant or young child and the resulting injuries. At least one in four victims of shaken baby syndrome die as a result of their injuries. More than fifty per cent of the infants and young children who survive shaken baby syndrome suffer from residual disabilities, including brain damage, seizures, mental retardation, spinal injury, paralysis, blindness, and hearing loss.

The legislature further finds that shaken baby syndrome is preventable when parents of newborns are educated regarding the effects of a moment's violent loss of control and the resulting signs and symptoms of shaken baby syndrome. Prevent Child Abuse Hawaii is a nonprofit organization willing to provide hospitals and public health facilities with written educational materials about the dangerous effects of shaken baby syndrome and the different methods of preventing shaken baby syndrome.

The purpose of this Act is to enable a hospital, including a public health facility, to provide information regarding shaken baby syndrome to the parents of all newborns under its care.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§321- Shaken baby syndrome.** (a) Any hospital that provides medical care to a newborn may provide each parent of the newborn with written educational information approved by the department of health and provided by nonprofit organizations about the dangerous effects of shaken baby syndrome and the different methods of preventing shaken baby syndrome.

(b) For the purpose of this section:

“Hospital” includes:

- (1) An institution with an organized medical staff, regulated under section 321-11(10), that admits patients for inpatient care, diagnosis, observation, and treatment; and
- (2) A health facility under chapter 323F.

“Medical care” means every type of care, treatment, surgery, hospitalization, attendance, service, and supplies as the nature of the injury or condition requires.

“Parent” includes a biological mother or father, foster mother or foster father, adoptive mother or adoptive father, and step-mother or step-father.

“Shaken baby syndrome” means an injury caused by the vigorous shaking of an infant or young child that may result in injuries such as subdural hemotoma, head injury, irreversible brain damage, blindness, retinal hemorrhage, eye damage, cerebral palsy, hearing loss, spinal cord injury, paralysis, seizures, learning disability, central nervous system injury, rib fracture, or death.”

SECTION 3. The department of health shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2009. The report shall include:

- (1) Statistics on the number of hospitals, since this Act took effect, that have provided all parents of newborns with written educational information about the dangerous effects of shaken baby syndrome and the different methods of preventing shaken baby syndrome;
- (2) Statistics on the number of cases of shaken baby syndrome to see the results of providing this educational material to parents of newborns; and
- (3) Recommendations, including suggested legislation, on improving methods and policies necessary to provide for the safety of newborn children.

SECTION 4. New statutory material is underscored.<sup>2</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2007.)

**Notes**

1. So in original.

2. Edited pursuant to HRS §23G-16.5.