

2016 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVES HODGES AND HILFERTY

CHILDREN/NEWBORNS: Requires birthing facilities to offer information to parents of newborns on shaken baby syndrome and sudden infant death syndrome

1 AN ACT

2 To enact Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 40:1086.1 through 1086.4, relative to prevention  
4 of certain conditions affecting the health and safety of newborns and young children;  
5 to provide for definitions and findings; to establish requirements of birthing facilities  
6 regarding delivery of information on shaken baby syndrome and sudden infant death  
7 syndrome; to authorize certain public awareness activities by the Department of  
8 Health and Hospitals; to provide for administrative rulemaking; and to provide for  
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised  
12 Statutes of 1950, comprised of R.S. 40:1086.1 through 1086.4, is hereby enacted to read as  
13 follows:

14 SUBPART D. SHAKEN BABY SYNDROME AND  
15 SUDDEN INFANT DEATH SYNDROME PREVENTION

16 §1086.1. Definitions

17 As used in this Subpart, the following terms have the meaning ascribed in this

18 Section:

1           (1) "Birthing facility" means an inpatient or ambulatory healthcare facility  
2           licensed by the Department of Health and Hospitals that provides birthing and  
3           newborn care services.

4           (2) "Department" means the Department of Health and Hospitals.

5           (3) "Postneonatal death" means the death of a child aged twenty-eight days  
6           to three hundred sixty-four days.

7           (4) "Shaken baby syndrome" means the condition known also as abusive  
8           head trauma which is characterized by injuries resulting from violent shaking or  
9           shaking and impacting of the head of an infant or small child.

10           (5) "Sudden infant death syndrome" means the sudden death of an infant of  
11           less than one year of age that remains unexplained after the performance of a  
12           thorough postmortem investigation that includes a complete autopsy, an examination  
13           of the death scene, and a review of the clinical history of the deceased child.

14           §1086.2. Legislative findings; declaration

15           A. With respect to shaken baby syndrome, the legislature finds that this  
16           condition occurs when an infant or child is violently shaken as part of a pattern of  
17           abuse, or because an adult has momentarily succumbed to the frustration of  
18           responding to a crying infant or child. The legislature further finds that the effects  
19           of shaken baby syndrome can include brain swelling and damage, subdural  
20           hemorrhage, intellectual disability, and death.

21           B. The legislature finds that sudden infant death syndrome was the leading  
22           cause of postneonatal death in each year of the most recent ten-year period for which  
23           complete child mortality data is available (2002 through 2012). The legislature  
24           further finds that although there are no known ways to prevent sudden infant death  
25           syndrome in all cases, parents and caregivers can take simple steps to reduce the risk  
26           of sudden infant death.

27           C. The legislature hereby declares that prevention of shaken baby syndrome  
28           and prevention of sudden infant death syndrome are major public health priorities  
29           of this state.

1        §1086.3. Information for parents of newborns; birthing facility requirements

2            A. Every birthing facility that discharges a newborn child shall request that  
3        each maternity patient and father of a newborn child, if available, view a video  
4        presentation and read printed materials approved by the department in accordance  
5        with Subsection C of this Section that, collectively, address all of the following:

6            (1) The dangers of shaking infants and children.

7            (2) The symptoms of shaken baby syndrome.

8            (3) The dangers associated with rough handling or the striking of an infant.

9            (4) Safety measures which can be taken to prevent sudden infant death.

10          (5) The dangers associated with infants sleeping in the same bed with other  
11        children or adults.

12          B. After the mother and father, if available, view the presentation and read  
13        the materials provided for in Subsection A of this Section, or upon a refusal to do so,  
14        the birthing facility shall request that the mother and father, if available, sign a form  
15        indicating that he or she has viewed and read, or refused to view and read, the  
16        presentation and materials.

17          C.(1) The department shall promulgate all rules in accordance with the  
18        Administrative Procedure Act as are necessary to implement the provisions of this  
19        Subpart. At minimum, the rules shall designate one or more video presentations and  
20        the compendium of printed materials that the department approves for use by  
21        birthing facilities in meeting the requirements of Subsection A of this Section.

22          (2) The department may furnish to birthing centers any presentation,  
23        materials, and forms provided for in this Section.

24        §1086.4. Public awareness activities authorized

25          The department is hereby authorized to conduct public awareness activities  
26        designed to promote the prevention of shaken baby syndrome and prevention of  
27        sudden infant death syndrome. The public awareness activities may include but shall  
28        not be limited to public service announcements, information kits and brochures,

- 1            promotion of relevant telephone hotlines, and provision of information concerning  
2            shaken baby syndrome and sudden infant death syndrome on an internet website.
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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 171 Original

2016 Regular Session

Hodges

**Abstract:** Requires birthing facilities to offer to parents of newborns the opportunity to receive information and view a video presentation on shaken baby syndrome and sudden infant death syndrome.

Proposed law provides definitions.

Proposed law provides findings relative to the dangers of shaken baby syndrome and sudden infant death syndrome. Declares that prevention of these conditions is a major public health priority of this state.

Proposed law requires every birthing facility that discharges a newborn child to request that each maternity patient and father of a newborn child, if available, view a video presentation and read printed materials approved by DHH that, collectively, address all of the following:

- (1) The dangers of shaking infants and children.
- (2) The symptoms of shaken baby syndrome.
- (3) The dangers associated with rough handling or the striking of an infant.
- (4) Safety measures which can be taken to prevent sudden infant death.
- (5) The dangers associated with infants sleeping in the same bed with other children or adults.

Proposed law requires that after the mother and father, if available, view the presentation and read the materials provided for in proposed law, or upon a refusal to do so, the birthing facility shall request that the mother and father, if available, sign a form indicating that he or she has viewed and read, or refused to view and read, the presentation and materials.

Proposed law requires DHH to promulgate all administrative rules as are necessary to implement the provisions of proposed law. Provides that at minimum, the rules shall designate one or more video presentations and the compendium of printed materials approved for use by birthing facilities in meeting the requirements of proposed law.

Proposed law authorizes DHH to do the following:

- (1) Furnish to birthing centers any presentation, materials, and forms provided for in proposed law.
- (2) Conduct public awareness activities designed to promote the prevention of shaken baby syndrome and prevention of sudden infant death syndrome. Proposed law provides that the public awareness activities may include but shall not be limited to the following:

- (a) Public service announcements.
- (b) Information kits and brochures.
- (c) Promotion of relevant telephone hotlines.
- (d) Provision of information concerning shaken baby syndrome and sudden infant death syndrome on an internet website.

(Adds R.S. 40:1086.1-1086.4)