

2016 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVES HODGES, ADAMS, BACALA, BAGLEY, BERTHELOT, GARY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, DAVIS, EDMONDS, HENSGENS, HILFERTY, HOFFMANN, HORTON, HOWARD, IVEY, MIKE JOHNSON, LEBAS, LYONS, MIGUEZ, MORENO, PEARSON, POPE, RICHARD, SCHEXNAYDER, SMITH, STOKES, THIBAUT, AND WILLMOTT AND SENATORS BROWN, CHABERT, CLAITOR, COLOMB, ERDEY, AND LUNEAU

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 centers  
6 regarding delivery of information on shaken baby syndrome and sudden unexpected  
7 infant death; 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 UNEXPECTED INFANT DEATH PREVENTION

16 §1086.1. Definitions

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

18 Section:

19 (1) "Birthing center" means a healthcare facility, the primary purpose of  
20 which is the performance of low-risk deliveries, where births are planned to occur

1           away from the mother's usual residence following a low-risk pregnancy. For  
 2           purposes of this Subpart, the term "birthing center" shall not include a hospital or a  
 3           facility licensed as part of a hospital.

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

5                     (3) "Hospital" means a facility that is licensed as a hospital in accordance  
 6           with the provisions of the Hospital Licensing Law, R.S. 40:2100 et seq.

7                     (4) "Licensed midwife" means a midwife who is licensed in accordance with  
 8           the provisions of the Midwife Practitioners Act, R.S. 37:3240 et seq.

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

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

14                    (7) "Sudden unexpected infant death" means the death of an infant of less  
 15          than one year of age, the cause of which is not immediately obvious before  
 16          investigation, that occurs suddenly and unexpectedly. A sudden unexpected infant  
 17          death requires the performance of a thorough postmortem investigation that includes  
 18          a complete autopsy, an examination of the death scene, and a review of the clinical  
 19          history of the deceased child. The term includes ill-defined and unknown causes of  
 20          mortality, sudden infant death syndrome, and accidental suffocation and  
 21          strangulation in bed.

22          §1086.2. Legislative findings; declaration

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

29                    B. With respect to sudden infant death syndrome, which is a form of sudden  
 30          unexpected infant death, the legislature finds all of the following:

1           (1) Sudden infant death syndrome was the leading cause of postneonatal  
2           death in each year of the most recent ten-year period for which complete child  
3           mortality data is available (2002 through 2012).

4           (2) Even after a thorough investigation, it is difficult to distinguish sudden  
5           infant death syndrome from other sleep-related infant deaths such as from overlay  
6           or suffocation in soft bedding.

7           (3) Parents and caregivers can take simple steps to reduce the risk of sudden  
8           unexpected infant deaths.

9           C. The legislature hereby declares that prevention of shaken baby syndrome  
10          and prevention of sudden unexpected infant death are major public health priorities  
11          of this state.

12          §1086.3. Information for parents of newborns; birthing center requirements

13           A. Every birthing center, hospital, and licensed midwife shall share resources  
14           with each maternity patient and father of a newborn child, if available, regarding  
15           shaken baby syndrome and sudden unexpected infant death.

16           B.(1) The department shall promulgate all rules in accordance with the  
17           Administrative Procedure Act as are necessary to implement the provisions of this  
18           Subpart. At minimum, the rules of the department shall designate the compendium  
19           of resources approved for use by birthing centers, hospitals, and licensed midwives  
20           to meet the requirements of Subsection A of this Section. The compendium of  
21           resources shall, collectively, address all of the following:

22                   (a) The dangers of shaking infants and children.

23                   (b) The symptoms of shaken baby syndrome.

24                   (c) The dangers associated with rough handling or striking of an infant.

25                   (d) Safety measures which can be taken to prevent sudden unexpected infant  
26           death.

27                   (e) The risks associated with infants sleeping in the same bed with other  
28           children or adults.

1                   (2) The department shall ensure that all approved resources provided for in  
2                   this Subsection are publicly available, through the department's website or any other  
3                   means, to birthing centers, hospitals, and licensed midwives.

4                   §1086.4. Public awareness activities authorized

5                   The department is hereby authorized to conduct public awareness activities  
6                   designed to promote the prevention of shaken baby syndrome and prevention of  
7                   sudden unexpected infant death. The public awareness activities may include but  
8                   shall not be limited to public service announcements, information kits and brochures,  
9                   promotion of relevant telephone hotlines, and provision of information concerning  
10                  shaken baby syndrome and sudden unexpected infant death on an internet website.

11                  Section 2. This Act shall be known as the "Kaci Billings Act of 2016".

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_