SUBSTITUTE FOR HOUSE BILL NO. 4962

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:

- 1 PART 58A
- 2 INFANT DEATH DUE TO UNSAFE SLEEP EDUCATION AND PREVENTION
- 3 SEC. 5881. (1) THIS PART MAY BE REFERRED TO AS THE "INFANT
- 4 SAFE SLEEP ACT".
- 5 (2) FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES DEFINED
- 6 IN SECTIONS 5883 TO 5884 HAVE THE MEANINGS ASCRIBED TO THEM IN
- 7 THOSE SECTIONS UNLESS THE CONTEXT REQUIRES OTHERWISE.
- 8 (3) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
- 9 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS ACT.

House Bill No. 4962 (H-2) as amended February 18, 2014

- 1 SEC. 5883. (1) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL
- 2 LICENSED, REGISTERED, CERTIFIED, OR OTHERWISE AUTHORIZED TO ENGAGE
- 3 IN A HEALTH PROFESSION UNDER ARTICLE 15.
- 4 (2) "HOSPITAL" MEANS A HOSPITAL LICENSED UNDER ARTICLE 17 THAT
- 5 PROVIDES CLINICALLY RELATED HEALTH SERVICES FOR OBSTETRICAL AND
- 6 INFANT CARE AND INCLUDES A HOSPITAL OPERATED BY THIS STATE, A LOCAL
- 7 GOVERNMENTAL UNIT, OR AN AGENCY. HOSPITAL DOES NOT INCLUDE AN
- 8 OFFICE USED PRIMARILY FOR PRIVATE OR GROUP PRACTICE BY HEALTH
- 9 PROFESSIONALS IN WHICH NO REVIEWABLE, CLINICALLY RELATED HEALTH
- 10 SERVICES ARE OFFERED.
- 11 (3) "INFANT" MEANS A CHILD WHO IS 12 MONTHS OLD OR YOUNGER.
- 12 (4) "INFANT DEATH DUE TO UNSAFE SLEEP" MEANS INFANT DEATH BY
- 13 SUFFOCATION, ASPHYXIATION, OR STRANGULATION IN A SLEEP ENVIRONMENT.
- 14 SEC. 5884. (1) "PARENT" MEANS A NATURAL PARENT, STEPPARENT,
- 15 ADOPTIVE PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN OF AN INFANT.
- 16 (2) "PARENT ACKNOWLEDGMENT STATEMENT" MEANS THE STATEMENT OF A
- 17 PARENT ON A FORM DESCRIBED IN SECTION 5885(2).
- 18 SEC. 5885. (1) A HOSPITAL SHALL PROVIDE TO PARENTS READILY
- 19 UNDERSTANDABLE INFORMATION AND EDUCATIONAL AND INSTRUCTIONAL
- 20 MATERIALS REGARDING INFANT SAFE SLEEP PRACTICES. THE MATERIALS
- 21 DESCRIBED IN THIS SUBSECTION MUST EXPLAIN THE RISK FACTORS
- 22 ASSOCIATED WITH INFANT DEATH DUE TO UNSAFE SLEEP PRACTICES AND
- 23 EMPHASIZE INFANT SAFE SLEEP PRACTICES.
- 24 (2) A HOSPITAL SHALL PRESCRIBE THE FORM OF A PARENT
- 25 ACKNOWLEDGMENT STATEMENT. THE FORM MUST INCLUDE A PLACE FOR A
- 26 PARENT TO SIGN, ACKNOWLEDGING THAT THE PARENT HAS RECEIVED[
- 27 THE EDUCATIONAL AND INSTRUCTIONAL

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- 1 MATERIALS PROVIDED ON THE RISK FACTORS ASSOCIATED WITH INFANT DEATH
- 2 DUE TO UNSAFE SLEEP PRACTICES AND INFANT SAFE SLEEP PRACTICES.
- 3 (3) FOR A BIRTH THAT OCCURS IN A SETTING OTHER THAN A
- 4 HOSPITAL, THE HEALTH PROFESSIONAL IN CHARGE AT THE BIRTH OF AN
- 5 INFANT, OR IF NONE THE HEALTH PROFESSIONAL IN CHARGE OF THE CARE OF
- 6 AN INFANT, SHALL PROVIDE THE MATERIALS DESCRIBED IN SUBSECTION (1)
- 7 TO A PARENT AFTER THE BIRTH OF AN INFANT.
- 8 (4) TO COMPLY WITH THIS SECTION, A HOSPITAL OR HEALTH
- 9 PROFESSIONAL SUBJECT TO THIS SECTION MAY USE EDUCATIONAL AND
- 10 INSTRUCTIONAL MATERIALS PROVIDED BY THE DEPARTMENT UNDER SUBSECTION
- 11 (5) OR MAY USE EDUCATIONAL AND INSTRUCTIONAL MATERIALS OF ITS
- 12 CHOICE THAT ARE CONSISTENT WITH THE MATERIALS PROVIDED BY THE
- 13 DEPARTMENT UNDER SUBSECTION (5).
- 14 (5) UPON THE REQUEST OF A HOSPITAL OR HEALTH PROFESSIONAL
- 15 SUBJECT TO THIS SECTION, THE DEPARTMENT SHALL PROVIDE, AT NO COST,
- 16 TO THE HOSPITAL OR HEALTH PROFESSIONAL, EDUCATIONAL AND
- 17 INSTRUCTIONAL MATERIALS DESCRIBED IN SECTION 5887(C).
- 18 SEC. 5886. (1) AFTER RECEIPT OF THE MATERIALS UNDER SECTION
- 19 5885, A PARENT [MAY] SIGN THE PARENT ACKNOWLEDGMENT STATEMENT. THE
- 20 HOSPITAL OR HEALTH PROFESSIONAL, AS APPLICABLE, SHALL PLACE THE
- 21 SIGNED PARENT ACKNOWLEDGMENT STATEMENT IN THE INFANT'S PERMANENT
- 22 MEDICAL RECORD. THE HOSPITAL OR HEALTH PROFESSIONAL, AS APPLICABLE,
- 23 SHALL PROVIDE A COPY OF THE SIGNED PARENT ACKNOWLEDGMENT STATEMENT
- 24 TO THE PARENT WHO SIGNED THE STATEMENT.
- 25 (2) A HOSPITAL OR HEALTH PROFESSIONAL THAT COMPLIES WITH THIS
- 26 PART IS NOT CRIMINALLY OR CIVILLY LIABLE FOR THE ACTION OR INACTION
- 27 OF A PARENT WITH REGARD TO INFANT SAFE SLEEP PRACTICES PURSUANT TO

- 1 MATERIALS GIVEN TO THE PARENT UNDER SECTION 5885.
- 2 SEC. 5887. THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES
- 3 SHALL COLLABORATE TO DO ALL OF THE FOLLOWING:
- 4 (A) WORK TO IMPROVE COMMUNITY-BASED SERVICES AVAILABLE TO
- 5 INFORM PARENTS REGARDING THE RISK FACTORS ASSOCIATED WITH INFANT
- 6 DEATH DUE TO UNSAFE SLEEP PRACTICES AND INFANT SAFE SLEEP
- 7 PRACTICES.
- 8 (B) WORK WITH OTHER STATE AND LOCAL GOVERNMENTAL AGENCIES,
- 9 COMMUNITY ORGANIZATIONS, HEALTH CARE AND HUMAN SERVICE PROVIDERS,
- 10 AND NATIONAL ORGANIZATIONS TO COORDINATE EFFORTS AND MAXIMIZE STATE
- 11 AND PRIVATE RESOURCES IN EDUCATION REGARDING THE RISK FACTORS
- 12 ASSOCIATED WITH INFANT DEATH DUE TO UNSAFE SLEEP PRACTICES AND
- 13 INFANT SAFE SLEEP PRACTICES.
- 14 (C) PROVIDE EDUCATIONAL AND INSTRUCTIONAL MATERIALS THAT
- 15 EXPLAIN THE RISK FACTORS ASSOCIATED WITH INFANT DEATH DUE TO UNSAFE
- 16 SLEEP PRACTICES, THAT INCLUDE METHODS TO REDUCE THE RISK OF INFANT
- 17 DEATH DUE TO UNSAFE SLEEP, AND THAT EMPHASIZE INFANT SAFE SLEEP
- 18 PRACTICES.
- 19 Enacting section 1. This amendatory act takes effect 90 days
- 20 after the date it is enacted into law.