

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1492

5 By: Representative Hammer  
6 By: Senator J. Woods  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A COMPREHENSIVE PROGRAM OF EDUCATION  
10 REGARDING SHAKEN BABY SYNDROME; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

15 TO CREATE A COMPREHENSIVE PROGRAM OF  
16 EDUCATION REGARDING SHAKEN BABY SYNDROME.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 20-9-102 is repealed.

22 ~~20-9-102. Shaken baby syndrome educational materials.~~

23 ~~(a) A hospital or a free-standing birthing clinic shall ensure that~~  
24 ~~each woman who gives birth in a hospital or a free-standing birthing clinic~~  
25 ~~receives educational materials before being discharged describing the nature~~  
26 ~~of, the dangers of, and methods for the prevention of shaken baby syndrome.~~

27 ~~(b) The Department of Health shall develop and disseminate the~~  
28 ~~required materials under subsection (a) of this section to hospitals and~~  
29 ~~free-standing birthing clinics in the state.~~

30 ~~(c)(1) The department may adopt rules to implement this section.~~

31 ~~(2) The rules adopted under subdivision (c)(1) of this section~~  
32 ~~shall include without limitation rules establishing procedures for reporting~~  
33 ~~compliance with this section.~~  
34

35 SECTION 2. Arkansas Code Title 20, Chapter 9, is amended to add an  
36 additional subchapter to read as follows:



1           Subchapter 13 – Shaken Baby Syndrome Education Program

2  
3           20-9-1301. Definitions.

4           As used in this subchapter:

5           (1) “Child care facility” means a facility licensed under the  
6 Child Care Facility Licensing Act, § 20-78-201 et seq.;

7           (2) “Free-standing birthing center” means a facility,  
8 institution, or place, which is not an ambulatory surgical center or a  
9 hospital or in a hospital, organized to provide family-centered maternity  
10 care for women and childbearing families in which births are planned to occur  
11 in a homelike atmosphere away from the mothers’ residences following a low-  
12 risk pregnancy;

13           (3) “Hospital” means an institution that has been licensed,  
14 certified, or approved by the Division of Health Facilities Services of the  
15 Department of Health as a hospital;

16           (4)(A) “Maternity unit” means a unit or place in a hospital in  
17 which women are regularly received and provided care during all or part of  
18 the maternity cycle.

19           (B) “Maternity unit” does not include an emergency  
20 department or similar place dedicated to providing emergency health care;

21           (5) “Parent” means:

22           (A) Either parent;

23           (B) If the parents are separated or divorced or their  
24 marriage has been dissolved or annulled, the parent who is the residential  
25 parent and legal custodian of the child; and

26           (C) A prospective adoptive parent with whom a child is  
27 placed; and

28           (6) “Shaken baby syndrome” means signs and symptoms resulting  
29 from the violent shaking or the shaking and impacting of the head of an  
30 infant or child, including without limitation:

31           (A) Retinal hemorrhage;

32           (B) Subdural hematoma; and

33           (C) Cerebral edema.

34  
35           20-9-1302. Shaken baby syndrome education program established.

36           (a) The Director of the Department of Health shall establish the

1 shaken baby syndrome education program by:

2 (1) Not later than one (1) year after the effective date of this  
3 subchapter, developing educational materials that present readily  
4 comprehensible information for new parents on shaken baby syndrome; and

5 (2) Making available on the Department of Health website in an  
6 easily accessible format the educational materials developed under  
7 subdivision (a)(1) of this section.

8 (b)(1) Annually beginning on or before January 1, 2014, the director  
9 shall assess the effectiveness of the shaken baby syndrome education program.

10 (2) The department shall submit a biennial report of the  
11 assessment under subdivision (b)(1) of this section to the Chair of the House  
12 Committee on Public Health, Welfare, and Labor and the Chair of the Senate  
13 Committee on Public Health, Welfare, and Labor.

14  
15 20-9-1303. Distribution of shaken baby syndrome educational materials.

16 (a) A copy of the shaken baby syndrome educational materials developed  
17 under § 20-9-1302 shall be distributed:

18 (1) By a child birth educator, a pediatric physician's office,  
19 or an obstetrician's office to an expectant parent who uses the services of  
20 the child birth educator or staff;

21 (2) By a hospital or freestanding birthing center in which a  
22 child is born to the child's parent who is present at the hospital or  
23 freestanding birthing center before the child is discharged from the  
24 facility;

25 (3) By a child care facility to the parent with whom the child  
26 resides; and

27 (4) By a child care facility to each employee of the child care  
28 facility.

29 (b) An entity or a person required to distribute educational materials  
30 under subsection (a) of this section is not subject to civil or criminal  
31 liability for an injury, a death, or a loss to a person or property resulting  
32 from the dissemination of, or failure to disseminate, the educational  
33 materials.

34  
35 20-9-1304. Shaken baby syndrome notation in child abuse report.

36 (a) An employee of the Arkansas State Police Child Abuse Hotline shall

1 make a notation on each case of child abuse that indicates whether the child  
2 abuse arose from an act that caused the child to suffer from, or resulted in  
3 the child suffering from, shaken baby syndrome.

4 (b)(1) Beginning on October 1, 2013, and annually on the first day of  
5 October, the Arkansas State Police Child Abuse Hotline shall report to the  
6 Department of Health the number of reports that arose during the current  
7 calendar year of child abuse from an act that caused the child to suffer  
8 from, or resulted in the child suffering from, shaken baby syndrome.

9 (2) The department shall include the report required under  
10 subdivision (b)(1) of this section in the report required under § 20-9-1302.

11  
12 20-9-1305. Rules.

13 The State Board of Health shall adopt rules to implement this  
14 subchapter.