

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

As Engrossed: H3/15/13

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 Arkansas Code § 20-9-102 is repealed.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) An individual or entity may create educational materials
9 concerning shaken baby syndrome.

10 (2) An individual or entity that develops educational materials
11 under subdivision (b)(1) of this section shall submit the materials for
12 approval by the department before distributing the educational materials.

13 (3) If the department approves educational materials submitted
14 under subdivision (b)(2) of this section, the individual or entity may
15 distribute the educational materials at the individual's or entity's expense.

16 (c)(1) Annually beginning on or before January 1, 2014, the director
17 shall assess the effectiveness of the shaken baby syndrome education program.

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

22
23 20-9-1303. Distribution of shaken baby syndrome educational materials.

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

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

29 (2) By a hospital or freestanding birthing center in which a
30 child is born to the child's parent who is present at the hospital or
31 freestanding birthing center before the child is discharged from the
32 facility;

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

35 (4) By a child care facility to each employee of the child care
36 facility.

