

SECOND REGULAR SESSION

# HOUSE BILL NO. 1120

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PRATT (Sponsor), DUSENBERG, SCHAAF, KINGERY, BAKER, MORRIS, THRELKELD, PURGASON, STEVENSON, SUTHERLAND, HOBBS, PORTWOOD, PAGE, BROWN, JOHNSON (47), COOPER (120), SELBY, HENKE AND WITTE (Co-sponsors).

Read 1<sup>st</sup> time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2536L.011

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### AN ACT

To amend chapter 192, RSMo, by adding thereto two new sections relating to educational information on shaken baby syndrome.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 192, RSMo, is amended by adding thereto two new sections, to be known as sections 192.625 and 192.626, to read as follows:

**192.625. 1. Sections 192.625 and 192.626 shall be known and may be cited as the "Shaken Baby Syndrome Education Act of 2004".**

**2. As used in sections 192.625 and 192.626, the following terms mean:**

**(1) "Birth center", a facility not part of a hospital which provides maternity care to childbearing families not requiring hospitalization. A birth center provides a homelike atmosphere for maternity care, including prenatal, labor, delivery, and postpartum care related to medically complicated pregnancies;**

**(2) "Commitment statement", a form which may be voluntarily signed by a parent or parents acknowledging that the parent or parents have received, read, and have an understanding of the educational and instructional materials provided on shaken baby syndrome;**

**(3) "Department", the Missouri department of health and senior services;**

**(4) "Director", the director of the Missouri department of health and senior services;**

**(5) "Hospital", the same meaning as such term is defined in section 197.020, RSMo;**

**(6) "Infant", a child thirty days of age to twenty-four months of age;**

**(7) "Newborn", a child up to and including twenty-nine days of age;**

- 18           **(8) "Parent", a natural parent, stepparent, adoptive parent, legal guardian, or legal**  
19 **custodian of an infant, newborn, or child;**
- 20           **(9) "Program", the shaken baby syndrome education and prevention program;**
- 21           **(10) "Shaken baby syndrome", the vigorous shaking of a newborn, infant, or young**  
22 **child that may result in bleeding inside the head and may cause one or more of the**  
23 **following conditions:**
- 24           **(a) Irreversible brain damage;**
- 25           **(b) Blindness, retinal hemorrhage, or eye damage;**
- 26           **(c) Cerebral palsy;**
- 27           **(d) Hearing loss;**
- 28           **(e) Spinal cord injury, including paralysis;**
- 29           **(f) Seizures;**
- 30           **(g) Learning disabilities;**
- 31           **(h) Death;**
- 32           **(i) Central nervous system injury as evidenced by central nervous system**  
33 **hemorrhaging;**
- 34           **(j) Closed head injury;**
- 35           **(k) Rib fracture; or**
- 36           **(l) Subdural hematoma.**

192.626. 1. The department of health and senior services shall establish a program  
2 to focus on awareness, education, and prevention of shaken baby syndrome. The  
3 department shall design and implement strategies for raising public awareness concerning  
4 the causes and nature of shaken baby syndrome, including but not limited to:

- 5           **(1) Factors placing parents, guardians, and other caregivers at risk for shaking a**  
6 **newborn or infant;**
- 7           **(2) The risks associated with shaking a newborn or infant;**
- 8           **(3) Suggestions for preventing shaken baby syndrome.**

9           **2. The program established in this section shall include the distribution of readily**  
10 **understandable information and educational and instructional materials regarding shaken**  
11 **baby syndrome, explaining its medical effects on newborns, infants, and young children**  
12 **and emphasizing preventive measures. The educational and instructional materials and**  
13 **the commitment statement shall be provided to the parent or parents separate and apart**  
14 **from any other educational and instructional materials that are provided to the parent or**  
15 **parents prior to discharge from the hospital or birth center.**

16           **3. The commitment statement may be signed by the parent or parents prior to**  
17 **discharge from the hospital or birth center. The form of the commitment statement shall**

18 be in duplicate. One copy shall be given to the parent and one copy shall remain on file in  
19 the hospital or birth center. The commitment statement shall be set forth in a form to be  
20 prescribed by the director by rule.

21 4. The information and educational and instructional materials described in  
22 subsection 2 of this section shall be provided without cost by each hospital or birth center  
23 licensed in this state to a parent or guardian of every newborn or infant upon discharge  
24 from the hospital or birth center.

25 5. The department shall:

26 (1) Work to improve the capacity of community-based services available to victims  
27 of shaken baby syndrome;

28 (2) Work with other state and local governmental agencies, community and  
29 business leaders, community organizations, health care and human services providers, and  
30 national organizations to coordinate efforts and maximize state and private resources in  
31 the areas of prevention of and education about shaken baby syndrome;

32 (3) Identify and, when appropriate, replicate or use successful shaken baby  
33 syndrome programs and procure related materials and services from organizations with  
34 appropriate experience and knowledge of shaken baby syndrome.

35 6. The department may promulgate rules to implement the provisions of this  
36 section. No rule or portion of a rule promulgated under the authority of this section shall  
37 become effective unless it has been promulgated pursuant to chapter 536, RSMo.