



**Am. S.B. 144**

127th General Assembly  
(As Passed by the General Assembly)

**Sens. Stivers, Goodman, D. Miller, Schuler, Gardner, Schuring, Padgett, Morano, Austria, Boccieri, Clancy, Faber, Fedor, Harris, Kearney, Mason, R. Miller, Mumper, Niehaus, Roberts, Sawyer, Schaffer, Spada, Wilson, Cafaro, Buehrer**

**Reps. Schindel, Flowers, Yuko, R. Hagan, DeBose, Otterman, Letson, Boyd, Fende, Brown, B. Williams, Uecker, Raussen, Jones, Beatty, Blessing, Bolon, Brady, Budish, Celeste, Chandler, Collier, Combs, DeGeeter, Distel, Domenick, Dyer, Evans, J. Hagan, Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Luckie, Lundy, J. McGregor, Mecklenborg, Oelslager, Peterson, Sayre, Schlichter, Schneider, Setzer, Skindell, D. Stewart, Strahorn, Szollosi, Wachtmann, Wagoner, White, Zehringer**

**Effective date:** \*

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**ACT SUMMARY**

- Requires the Director of Health to establish the Shaken Baby Syndrome Education Program to distribute educational materials about the syndrome.
- Requires the Director to create a work group to provide assistance in creating the educational materials.
- Provides civil and criminal immunity for harm resulting from the dissemination of, or failure to disseminate, program materials to entities required to disseminate those materials.
- Requires public children services employees to indicate whether cases of child abuse arose from shaken baby syndrome and the Department of Job

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\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

and Family Services to annually report to the Director of Health the number of reported cases.

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## **CONTENT AND OPERATION**

### **Background--shaken baby syndrome**

(R.C. 3701.63(A)(7))

The act defines shaken baby syndrome as signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

### **The Shaken Baby Syndrome Education Program**

(R.C. 3701.63(B) and (C))

The act requires the Director of Health to establish the Shaken Baby Syndrome Education Program by developing educational materials that present readily comprehensible information on shaken baby syndrome and to post these materials on the Department of Health web site within one year after the act's effective date. These materials must be presented in a format that will not impose an administrative or financial burden on any of the entities or persons required to distribute the materials.

### **Work group**

(R.C. 3701.63(D))

The act requires the Director to convene a work group to advise the Director on the educational materials described above, comprised of at least one representative from each of the following groups:

- Child abuse prevention advocates;
- The staff of the "Help Me Grow" program;<sup>1</sup>
- Experts in the field of infant care, particularly in the area of infant calming methods;

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<sup>1</sup> The "Help Me Grow" program is established in R.C. 3701.61 for the purpose of encouraging early prenatal and well-baby care.

- Maternity unit directors;<sup>2</sup>
- Parenting skills educators;
- Child care facilities.<sup>3</sup>

The Director has discretion to add to the work group representatives of other professions whose members have practical experience regarding shaken baby syndrome and representatives of citizens' organizations whose members are knowledgeable about shaken baby syndrome.

**Distribution of the educational materials**

(R.C. 3701.64)

The act requires the educational materials developed by the Director of Health and the work group to be distributed to expectant and current parents.<sup>4</sup> Child birth educators and the staff of pediatric physicians' offices and obstetricians' offices must distribute the materials to every expectant parent who uses their services. The hospital<sup>5</sup> or freestanding birthing center<sup>6</sup> where a child is born must distribute the educational materials to the child's parent before the child is discharged. The staff of the "Help Me Grow" program must distribute the materials to the child's parent during home-visiting services, and each child care

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<sup>2</sup> The act defines "maternity unit" as any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care (R.C. 3701.63(A)(5)).

<sup>3</sup> The act defines "child care facility" as a child day-care center, a type A family day-care home, or a certified type B family day-care home (R.C. 3701.63(A)(1) and (2)).

<sup>4</sup> The act defines "parent" as either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child, and also means a prospective adoptive parent with whom a child is placed (R.C. 3701.63(A)(6)).

<sup>5</sup> "Hospital" is defined in the act as a hospital classified pursuant to Department of Health rules as a general hospital or children's hospital (R.C. 3701.63(A)(4)).

<sup>6</sup> The act defines "freestanding birthing center" as any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed as a level one, two, or three maternity unit or a limited maternity unit (R.C. 3701.63(A)(3) by reference to R.C. 3702.51).

facility operating in this state must distribute the materials to each of its employees.

Each entity and person required to distribute the materials is immune from any civil or criminal liability for injury, death, or loss to any person or property resulting from the dissemination of, or failure to disseminate, the educational materials.

**Child abuse reports and the statewide automated child welfare information system**

(R.C. 3701.63(B)(3) and 5101.135)

The act requires each employee of a public children services agency to make a notation on the statewide automated child welfare information system of each case of child abuse where there is an indication that the child may be a victim of shaken baby syndrome.

Beginning March 1, 2009, the Department of Job and Family Services must report to the Director of Health the number of reports involving a victim of shaken baby syndrome during the preceding calendar year. This report is to be made annually thereafter, every March 1. The Director must evaluate these reports to assess the effectiveness of the Shaken Baby Syndrome Education Program.

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**HISTORY**

ACTION	DATE
Introduced	04-17-07
Reported, S. Health, Human Services & Aging	05-22-07
Passed Senate (32-0)	05-30-07
Reported, H. Health	10-11-07
Passed House (96-0)	11-07-07
Senate concurred in House amendments (30-0)	11-14-07

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