

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 468

Introduced by Senator Padilla

(Principal coauthor: Assembly Member Ma)

(Coauthor: Senator Steinberg)

(Coauthors: Assembly Members DeSaulnier and Galgiani)

February 21, 2007

An act to amend Sections 24520, 24521, and 24522 of, and to add Section 24521.5 to, the Health and Safety Code, relating to shaken baby syndrome.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as amended, Padilla. Shaken baby syndrome.

Existing law makes various legislative findings and declarations and expresses the Legislature's intent to encourage public and private collaboration in developing instructional materials regarding shaken baby syndrome.

This bill would revise those legislative findings and declarations to state that programs focusing on providing information on shaken baby syndrome by educating adults about the dangers of shaking a child and ways to avoid that conduct have been effective in reducing the number of deaths from shaken baby syndrome.

Existing law requires that specified information and instructional materials be provided free of charge by each health facility to parents or guardians of each newborn, upon discharge from the health facility, and requires the State Department of Social Services to provide the information and instructional materials free of charge to child care providers upon licensure and at the time of a site visit.

This bill would revise those provisions to only require that information about shaken baby syndrome be provided by health facilities and the department.

The bill would require the department, no later than July 1, 2009, to establish the voluntary Shaken Baby Syndrome Education Pilot Program, which is intended to provide public education on shaken baby syndrome to participants in eligible counties that elect to participate in up to 10 counties. The bill would require the department to select an entity to administer the program, and carry out prescribed functions and duties with regard to the implementation of the pilot program. The bill would require the department, no later than July 1, 2012, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot program that contains recommendations regarding the continuation of the pilot program and any changes that may be needed to improve its operation. *The bill would provide that its activities would be funded exclusively with funds allocated to the department from the State Children's Trust Fund.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24520 of the Health and Safety Code is
2 amended to read:
3 24520. The Legislature finds and declares all of the following:
4 (a) Shaken baby syndrome is a medically serious, sometimes
5 fatal, matter affecting newborns and very young children. Shaking
6 an infant or child in anger is particularly dangerous.
7 (b) Vigorous shaking of an infant or child can result in bleeding
8 inside the head, causing irreversible brain damage, blindness,
9 cerebral palsy, hearing loss, spinal cord injury, seizures, learning
10 disabilities, and even death.
11 (c) While doctors have long recognized that shaking an infant
12 or child can cause injuries, many adults remain unaware of how
13 dangerous this practice can be.
14 (d) Shaken baby syndrome is preventable. Shaken baby
15 syndrome prevention programs in New York State and elsewhere
16 have been associated with a reduction in the number of deaths
17 from shaken baby syndrome by over 50 percent.

1 (e) Educational programs on shaken baby syndrome work by
2 educating adults about the dangers of shaking a child and ways to
3 avoid that conduct. These programs have been effectively
4 duplicated in numerous localities across the country.

5 SEC. 2. Section 24521 of the Health and Safety Code is
6 amended to read:

7 24521. The purpose of this article is to prevent the occurrence
8 of injuries and deaths to infants and children as a result of shaken
9 baby syndrome by creating a statewide education campaign. The
10 campaign shall include the distribution of readily understandable
11 information regarding shaken baby syndrome, explaining its
12 medical effects upon infants and children, and emphasizing
13 preventive measures, as described in Section 24521.5.

14 SEC. 3. Section 24521.5 is added to the Health and Safety
15 Code, to read:

16 24521.5. (a) The department shall, no later than July 1, 2009,
17 establish the Shaken Baby Syndrome Education Pilot Program,
18 which is intended to provide public education on shaken baby
19 syndrome to participants in eligible counties that elect to participate
20 in the program.

21 (b) The department may select up to 10 counties in the state to
22 voluntarily participate in the program, which is designed to provide
23 new parents, and other adult caregivers of newborns and young
24 infants, with information and education relating to the prevention
25 of shaken baby syndrome. The department shall develop a process
26 for the selection of counties that elect to participate in the pilot
27 program.

28 (c) The department, with the assistance of its Office of Child
29 Abuse Prevention, shall select an appropriate entity to implement
30 the program, and that entity shall be required to do all of the
31 following:

32 (1) Select or develop instructional materials designed to teach
33 parents and other caregivers of infants about shaken baby syndrome
34 and its prevention.

35 (2) Provide information and materials to parents and caregivers
36 of infants on the current best practices for the prevention of shaken
37 baby syndrome, which may include instructional materials such
38 as videos, materials on ways to handle infant crying, and pledge
39 materials with a child's hand or footprint, which states a parent or
40 caregiver's pledge not to shake or otherwise harm an infant.

1 (3) Provide informational materials to all health facilities in the
2 counties that elect to participate in the pilot program, including,
3 but not limited to, birthing centers, hospitals, birth clinics, and
4 facilities employing licensed midwives.

5 (4) Train health facility staff and volunteers to deliver
6 educational presentations to new parents and other caregivers of
7 infants. Whenever possible, birth fathers of infants shall be
8 encouraged to participate in the programs.

9 (5) Provide support to hospitals, birth clinics, midwives, and
10 the department in all aspects of program implementation.

11 (6) Be available to consult with the department and the
12 Legislative Analyst's Office on the design and implementation of
13 an evaluation of the effectiveness of the program in reducing the
14 number of injuries and infant deaths in the state resulting from
15 shaken baby syndrome.

16 (d) The department shall, no later than July 1, 2012, prepare
17 and submit to the Legislature a report evaluating the effectiveness
18 of the pilot program. The report shall contain recommendations
19 regarding the continuation of the pilot program and any changes
20 that may be needed to improve its operation.

21 SEC. 4. Section 24522 of the Health and Safety Code is
22 amended to read:

23 24522. (a) Information as described in Section 24521 shall be
24 provided free of charge by each health facility to parents or
25 guardians of each newborn, upon discharge from the health facility.
26 In the event of home birth attended by a licensed midwife, the
27 midwife shall provide the information to the parents or guardians
28 of the newborn.

29 (b) The State Department of Social Services shall provide the
30 information free of charge to child care providers upon licensure
31 and at the time of site visit.

32 (c) The information provided pursuant to this section shall focus
33 upon the serious nature of the risk to infants and young children
34 presented by shaken baby syndrome.

35 (d) The requirement that information be provided pursuant to
36 this section applies only when information has been supplied to
37 those persons or entities that are required to provide the materials.
38 The persons or entities required to provide that information shall
39 not be subject to any legal cause of action whatsoever based on
40 the requirements of this section.

1 (e) For persons or agencies providing information pursuant to
2 this section, this section does not require the provision of
3 duplicative or redundant information.

4 *SEC. 5. The activities required by this act shall be funded*
5 *exclusively with funds allocated to the State Department of Social*
6 *Services from the State Children's Trust Fund established pursuant*
7 *to Section 18969 of the Welfare and Institutions Code.*

O