

AMENDED IN ASSEMBLY JUNE 11, 2008

AMENDED IN SENATE JANUARY 29, 2008

AMENDED IN SENATE JANUARY 17, 2008

AMENDED IN SENATE JANUARY 7, 2008

SENATE BILL

No. 825

Introduced by Senator Padilla

(Principal coauthor: Senator Alquist)

(Principal coauthor: Assembly Member Ma)

(Coauthors: Senators Cox, Romero, and Steinberg)

(Coauthors: Assembly Members DeSaulnier, Fuentes, Gaines, and Galgiani)

February 23, 2007

An act to add Article 3 (commencing with Section 24525) to Chapter 4.7 of Division 20 of, to add and repeal Section 24523 of, and to repeal Article 2 (commencing with Section 24520) of Chapter 4.7 of Division 20 of, the Health and Safety Code, relating to public health. An act to add and repeal Section 24523 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 825, as amended, Padilla. Public health: shaken baby syndrome.

Existing law declares the Legislature's intent to encourage public and private collaboration in developing instructional materials regarding shaken baby syndrome, and to encourage that these materials be provided to health facilities, licensed midwives, and to the State Department of Social Services free of charge. Existing law requires health facilities and licensed midwives to provide information and instructional materials relating to shaken baby syndrome to parents or

guardians of newborns. Existing law requires the department to provide instructional materials, if available, free of charge to child care providers upon licensure and at the time of a site visit regarding the medical risks and ways of preventing shaken baby syndrome.

This bill would ~~also~~ establish the Shaken Baby Syndrome Education Program, to be implemented by the department, in consultation with specified entities and other interested stakeholders, by July 1, 2009; ~~and until July 1, 2012.~~

The bill would authorize the department, in consultation with the State Department of Public Health, *the Department of Justice*, the Office of Emergency Services, and First Five California, to *develop a process for the selection of counties and to* select eligible counties in the state to voluntarily participate in the program, which is designed to provide new parents and other adult caregivers of newborns and young infants with information and education relating to the prevention of shaken baby syndrome. ~~The bill would require the department to develop a process for the selection of counties that elect to participate in the program, as specified.~~

The bill would require the department, by January 1, 2012, to evaluate and submit to the Legislature a report on the effectiveness of the program in reducing the number of injuries and infant deaths in the state resulting from shaken baby syndrome, including a review of benchmarks ~~and~~, feedback about *the* program, *and* improvement opportunities, as applicable. The bill would provide that the activities required by its provisions shall be funded with available moneys from the Children's Trust Fund. The bill would also authorize the department to accept and expend other private funds received by the department from donations for the purposes of the program.

The bill would make its provisions inoperative on July 1, 2012, and repeal them by January 1, 2013.

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 24523 is added to the Health and Safety
- 2 Code, to read:
- 3 24523. (a) *The department, in consultation with the State*
- 4 *Department of Public Health, the Department of Justice, the Office*
- 5 *of Emergency Services, First Five California, and other interested*

1 stakeholders shall, by July 1, 2009, develop and implement the
2 Shaken Baby Syndrome Education Program. The program is
3 intended to use delivery approaches and public education materials
4 for the presentation of information on shaken baby syndrome,
5 based on current scientific evidence and best practices. The
6 program shall be in effect for no more than three years.

7 (b) The department, in consultation with the State Department
8 of Public Health, the Department of Justice, the Office of
9 Emergency Services, and First Five California, shall develop a
10 process for the selection of eligible counties in the state to
11 voluntarily participate in the program and select the counties that
12 will participate. A county shall participate at its option.

13 (c) In designing the Shaken Baby Syndrome Education Program,
14 using its own experts and drawing on the expertise of stakeholders,
15 the department shall select the most appropriate evidence-based
16 approaches to provide new parents and caregivers of newborns
17 and young infants with information and education relating to
18 shaken baby syndrome, including, but not limited to, the following:

19 (1) Selecting and developing instructional materials designed
20 to teach parents and other caregivers of infants about shaken baby
21 syndrome and its prevention.

22 (2) Providing information and materials to parents and
23 caregivers of infants, based on the current best practices for the
24 delivery of educational and prevention-related information.

25 (3) Developing an implementation plan that addresses the
26 phasing in, including the launch, expansion, and bringing to scale
27 of the core components of the evidence-based program across the
28 state and that incorporates additional components as appropriate
29 to raise awareness of shaken baby syndrome.

30 (d) The department shall, by January 1, 2012, prepare and
31 submit to the Legislature a report evaluating the effectiveness of
32 the program in reducing the number of injuries and infant deaths
33 in the state from shaken baby syndrome, including a review of the
34 benchmarks, feedback about the program, and improvement
35 opportunities, as applicable.

36 (e) The activities required by this section shall be funded with
37 available moneys from the Children's Trust Fund, established
38 pursuant to Section 18969 of the Welfare and Institutions Code,
39 but shall not be funded from General Fund moneys. The State
40 Department of Social Services may also accept and expend other

1 *private funds from donations that are received by the department*
2 *for the purposes of this section.*

3 *(f) This section shall become inoperative on July 1, 2012, and,*
4 *as of January 1, 2013, is repealed, unless a later enacted statute,*
5 *that becomes operative on or before January 1, 2013, deletes or*
6 *extends the dates on which it becomes inoperative and is repealed.*

7 ~~SECTION 1. Section 24523 is added to the Health and Safety~~
8 ~~Code, to read:~~

9 ~~24523. (a) This article shall cease to be implemented on the~~
10 ~~date that the Shaken Baby Syndrome Education Program, provided~~
11 ~~for pursuant to Article 3 (commencing with Section 24525) begins~~
12 ~~to be implemented.~~

13 ~~(b) This article shall be repealed on July 1, 2009.~~

14 ~~SEC. 2. Article 3 (commencing with Section 24525) is added~~
15 ~~to Chapter 4.7 of Division 20 of the Health and Safety Code, to~~
16 ~~read:~~

17
18 ~~Article 3. Shaken Baby Syndrome~~
19

20 ~~24525. The Legislature finds and declares all of the following:~~

21 ~~(a) Shaken baby syndrome is a medically serious, sometimes~~
22 ~~fatal, matter affecting newborns and very young children. Shaking~~
23 ~~an infant or child in anger is particularly dangerous.~~

24 ~~(b) Vigorous shaking of an infant or child can result in bleeding~~
25 ~~inside the head, causing irreversible brain damage, blindness,~~
26 ~~cerebral palsy, hearing loss, spinal cord injury, seizures, learning~~
27 ~~disabilities, and even death.~~

28 ~~(c) While doctors have long recognized that shaking an infant~~
29 ~~or child can cause injuries, many adults remain unaware of how~~
30 ~~dangerous this practice can be.~~

31 ~~(d) Shaken baby syndrome is preventable. Shaken baby~~
32 ~~syndrome prevention programs in New York and elsewhere have~~
33 ~~been associated with a reduction in the number of deaths from~~
34 ~~shaken baby syndrome by over 50 percent.~~

35 ~~(e) Educational programs on shaken baby syndrome work by~~
36 ~~educating adults about normal child development, including the~~
37 ~~role of infant crying, and the dangers of shaking a child and ways~~
38 ~~to avoid that conduct. These programs have been effectively~~
39 ~~duplicated in numerous localities across the country.~~

1 ~~24526. As used in this article, “department” means the State~~
2 ~~Department of Social Services.~~

3 ~~24527. The purpose of this article is to prevent the occurrence~~
4 ~~of injuries and deaths to infants and children as a result of shaken~~
5 ~~baby syndrome by creating a statewide public awareness education~~
6 ~~program. The Shaken Baby Syndrome Education Program,~~
7 ~~established pursuant to this article, shall include the distribution~~
8 ~~of readily understandable information and instructional materials~~
9 ~~regarding shaken baby syndrome, explaining its medical effects~~
10 ~~upon infants and children and emphasizing preventive measures.~~

11 ~~24528. (a) The department, in consultation with the State~~
12 ~~Department of Public Health, the Department of Justice, the Office~~
13 ~~of Emergency Services, First Five California, and other interested~~
14 ~~stakeholders shall, by July 1, 2009, and until July 1, 2012, develop~~
15 ~~and implement the Shaken Baby Syndrome Education Program,~~
16 ~~which is intended to use delivery approaches and public education~~
17 ~~materials for the presentation of information on shaken baby~~
18 ~~syndrome based on current scientific evidence and best practices.~~
19 ~~The program shall be in effect for no more than three years.~~

20 ~~(b) The department, in consultation with the State Department~~
21 ~~of Public Health, the Department of Justice, the Office of~~
22 ~~Emergency Services, and First Five California shall do both of the~~
23 ~~following:~~

24 ~~(1) Select eligible counties in the state to voluntarily participate~~
25 ~~in the program, which is designed to provide new parents and other~~
26 ~~adult caregivers of newborns and young infants with information~~
27 ~~and education relating to the prevention of shaken baby syndrome.~~

28 ~~(2) Develop a process for the selection of counties that elect to~~
29 ~~participate in the program.~~

30 ~~(c) In designing the Shaken Baby Syndrome Education Program,~~
31 ~~using its own experts and drawing on the expertise of stakeholders,~~
32 ~~the department shall select the most appropriate evidence-based~~
33 ~~approach, including all of the following:~~

34 ~~(1) Selection and development of instructional materials~~
35 ~~designed to teach parents and other caregivers of infants about~~
36 ~~shaken baby syndrome and its prevention.~~

37 ~~(2) Provide information and materials to parents and caregivers~~
38 ~~of infants based on the current best practices for the prevention of~~
39 ~~shaken baby syndrome.~~

~~(3) Develop an implementation plan that addresses the phasing in, including the launch, expansion, and bringing to scale of the core components of the evidence-based program across the state and incorporates additional components as appropriate to raise awareness about shaken baby syndrome.~~

~~(d) The department shall, by January 1, 2012, prepare and submit to the Legislature a report evaluating the effectiveness of the program in reducing the number of injuries and infant deaths in the state resulting from shaken baby syndrome, including a review of the benchmarks and feedback about program improvement opportunities, as applicable.~~

~~(e) (1) In addition to the requirements set forth in subdivisions (a) to (d), inclusive, each health facility as defined in Section 1250, shall distribute readily understandable information and instructional materials regarding shaken baby syndrome, explaining its medical effects upon infants and children, and emphasizing preventive measures, to parents or guardians of each newborn, upon discharge from the health facility. In the event of a home birth attended by a licensed midwife, the midwife shall provide the information and instructional materials to the parents or guardians of the newborn.~~

~~(2) The State Department of Social Services shall provide the information and instructional materials free of charge to child care providers upon licensure and at the time of site visit.~~

~~(3) The information and instructional materials provided pursuant to this section shall focus upon the serious nature of the risk to infants and young children presented by shaken baby syndrome.~~

~~(4) The requirement that informational and instructional materials be provided pursuant to this section applies only when those materials have been supplied to those persons or entities that are required to provide the materials. The persons or entities required to provide these materials shall not be subject to any legal cause of action whatsoever based on the requirements of this section.~~

~~(5) For persons or agencies providing these materials pursuant to this section, this section does not require the provision of duplicative or redundant informational and instructional materials.~~

~~SEC. 3. The activities required by Section 2 of this act shall be funded with available moneys from the Children's Trust Fund established pursuant to Section 18969 of the Welfare and~~

1 ~~Institutions Code, but shall not be funded from General Fund~~
2 ~~moneys. The State Department of Social Services may also accept~~
3 ~~and expend other private funds from donations that are received~~
4 ~~by the department for the purposes of Article 3 (commencing with~~
5 ~~Section 24525) of Chapter 4.7 of Division 20 of the Health and~~
6 ~~Safety Code.~~

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