

BILL: Senate Bill 59 **DATE:** February 7, 2024

SUBJECT: Safe Sleep for Infants – Awareness Certification **COMMITTEE:** Finance

POSITION: Information Only

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The Maryland State Department of Education (MSDE) is providing information for consideration regarding Senate Bill (SB) 59 – Safe Sleep for Infants – Awareness and Certification, which requires child care centers to be certified by the Maryland Safe Sleep Certification Program. The child care center would need to submit proof of certification to the MSDE’s Division of Early Childhood, Office of Child Care (OCC). If a child care center is not certified, then the center could receive a fine of \$250 for the first violation, \$500 for the second violation, and \$1,000 for the third and each subsequent violation.

Currently, MSDE’s OCC inspects licensed child care centers for their compliance with licensing regulations. These inspections already include compliance with safe sleep. In addition, all licensed and registered child care centers and family child care homes are trained on safe sleep through a Basic Health and Safety training, the 45-Hour Infant and Toddler Certification course, as well as a Sudden Infant Death Syndrome (SIDS) training, in alignment with the U.S. Department of Health and Human Services, Administration for Children and Families. Moreover, licensing staff monitor programs for supervision of resting children, including infants.

In addition, MSDE’s OCC has put forth new proposed regulations regarding safe sleep. These proposed regulations are currently in the promulgation process and open for public comment. The proposed regulations seek to align the requirements for safe sleep in child care settings with the latest research recommendations from the American Academy of Pediatrics (AAP). As an initial matter, these regulations clarify that cribs, portable cribs, and playpens used for child care must adhere to the current safety standards set by the U.S. Consumer Product Safety Commission.

Additionally, these regulations mandate that sleep surfaces for children under 12 months old must be firm, flat, and non-inclined unless specifically authorized in writing by a physician or other licensed health care provider, which is in alignment with the AAP’s guidance to reduce the risk of SIDS.

While such authorizations have historically been given by physicians, the addition of “other licensed health care provider” to these regulations is intended to increase access for families so long as evaluation of a child for an inclined sleeping surface or positioning device is within the scope of the provider’s license.

Furthermore, the use of weighted rest items, including blankets, sleepers, and swaddles, is prohibited for children under 12 months, consistent with the AAP's recommendations to create a safe sleep environment. These regulations collectively aim to ensure a safe and nurturing environment for children in child care programs while adhering to the latest research-backed guidelines from the AAP.

MSDE would like to caution the committee on the use of fines. Given that child care supply across the State is declining, in addition to licensing non-compliances, which may also lower a program’s revenue by reducing their Child Care Scholarship reimbursement, may be overly administratively and financially burdensome to child care centers and cause them to close or no longer care for infants.

We respectfully request that you consider this information as you **deliberate SB 59**. Please contact Akilah Alleyne, akilah.alleyne@maryland.gov for any additional information.