

SENATE BILL 59

J1, J3, O4

4lr1355

(PRE-FILED)

By: ~~Senator Ellis~~ **Senators Ellis, McCray, Beidle, Gile, Hayes, Klausmeier, Kramer, Lam, Ready, and A. Washington**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 ~~Safe Sleep for Infants – Awareness and Certification~~
3 Hospitals – Care of Infants After Discharge
4 (Safe Sleep Act of 2024)

5 FOR the purpose of requiring ~~the Maryland Department of Health to develop and~~
6 ~~implement a public awareness campaign to promote education regarding safe sleep~~
7 ~~for infants; establishing the Maryland Safe Sleep Certification Program and~~
8 ~~requiring child care centers to be certified by the Program; requiring hospitals and~~
9 ~~freestanding birthing centers to be certified by a certain safe sleep certification~~
10 ~~program; and generally relating to safe sleep for infants~~ a hospital to take certain
11 actions relating to the care of infants as soon as practicable before the hospital
12 discharges an infant after the birth of the infant, including providing oral and
13 written educational resources to the parent or legal guardian on how to provide a
14 safe sleep environment and providing a list of resources available for an infant's
15 parent or legal guardian; requiring a hospital, on or before a certain date each year,
16 to establish a process for providing certain educational resources and confirming
17 receipt of the resources; requiring the Maryland Department of Health to develop a
18 list of resources available for an infant's parent or legal guardian; and generally
19 relating to the care of infants after discharge from a hospital.

20 BY adding to
21 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section ~~13-5201 through 13-5203~~ to be under the new subtitle “~~Subtitle 52. Safe Sleep Certification Program~~”; ~~19-310.4 and 19-3B-03.1~~; and ~~20-2401~~ to be under the new subtitle “~~Subtitle 24. Safe Sleep for Infants Public Awareness~~”
19-308.10

Annotated Code of Maryland
 (2023 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~

~~Article – Education~~

~~Section 9.5-401(a) and (c)~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2023 Supplement)~~

~~BY adding to~~

~~Article – Education~~

~~Section 9.5-405(g)~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 9.5-418~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Health – General~~

~~Section 19-301(a) and (f) and 19-3B-01(a) and (d)~~

~~Annotated Code of Maryland~~

~~(2023 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Health – General

19-308.10.

(A) IN THIS SECTION, “SAFE SLEEP ENVIRONMENT” MEANS, AS DESCRIBED IN THE MOST RECENT AMERICAN ACADEMY OF PEDIATRICS POLICY STATEMENTS, AN ENVIRONMENT IN WHICH A NEWBORN MAY SLEEP THAT REDUCES THE RISK OF SLEEP-RELATED INFANT DEATHS, INCLUDING THROUGH:

(1) THE USE OF SUPINE POSITIONING;

(2) THE USE OF A FIRM, FLAT SLEEP SURFACE;

1 **(3) THE USE OF ROOM SHARING WITHOUT BED SHARING;**

2 **(4) THE AVOIDANCE OF SOFT BEDDING AND OVERHEATING; AND**

3 **(5) THE AVOIDANCE OF EXPOSURE TO SMOKE.**

4 **(B) (1) AS SOON AS PRACTICABLE BEFORE A HOSPITAL DISCHARGES AN**
5 **INFANT AFTER THE BIRTH OF THE INFANT, THE HOSPITAL SHALL PROVIDE ORAL**
6 **AND WRITTEN EDUCATIONAL RESOURCES TO THE PARENT OR LEGAL GUARDIAN ON**
7 **HOW TO PROVIDE A SAFE SLEEP ENVIRONMENT.**

8 **(2) THE ORAL AND WRITTEN EDUCATIONAL RESOURCES REQUIRED**
9 **UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SUPPLEMENTED BY AN**
10 **EDUCATIONAL VIDEO.**

11 **(C) (1) AS SOON AS PRACTICABLE BEFORE DISCHARGING AN INFANT**
12 **AFTER THE BIRTH OF THE INFANT, A HOSPITAL SHALL:**

13 **(I) ASK THE INFANT'S PARENT OR LEGAL GUARDIAN TO**
14 **DESCRIBE THE SLEEP ENVIRONMENT THAT THE PARENT OR LEGAL GUARDIAN WILL**
15 **PROVIDE AT HOME;**

16 **(II) INFORM THE PARENT OR LEGAL GUARDIAN OF THE**
17 **IMPORTANCE OF ENSURING THAT THE INFANT HAS A SAFE SLEEP ENVIRONMENT**
18 **AND THE RISKS OF SUFFOCATION AND SUDDEN INFANT DEATH IN UNSAFE SLEEP**
19 **ENVIRONMENTS; AND**

20 **(III) DOCUMENT THAT THE EDUCATIONAL RESOURCES**
21 **DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION AND THE INFORMATION**
22 **DESCRIBED UNDER ITEM (II) OF THIS PARAGRAPH WERE PROVIDED TO THE PARENT**
23 **OR LEGAL GUARDIAN.**

24 **(2) THE HOSPITAL SHALL PROVIDE A LIST OF RESOURCES AVAILABLE**
25 **FOR THE PARENT OR LEGAL GUARDIAN TO OBTAIN THE ITEMS NECESSARY TO**
26 **PROVIDE A SAFE SLEEP ENVIRONMENT FOR THE INFANT.**

27 **(D) ON OR BEFORE JANUARY 1, 2025, EACH HOSPITAL SHALL ESTABLISH A**
28 **PROCESS FOR:**

29 **(1) PROVIDING EACH PARENT OR LEGAL GUARDIAN WITH:**

30 **(I) ORAL AND WRITTEN EDUCATIONAL RESOURCES AS**
31 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; AND**

1 (II) THE INFORMATION DESCRIBED UNDER SUBSECTION
 2 (C)(1)(II) OF THIS SECTION;

3 (2) A PARENT OR LEGAL GUARDIAN TO CONFIRM THE RECEIPT OF
 4 THE EDUCATIONAL RESOURCES PROVIDED UNDER SUBSECTION (B) OF THIS
 5 SECTION; AND

6 (3) MAINTAINING RECORDS OF CONFIRMATIONS MADE UNDER ITEM
 7 (2) OF THIS SUBSECTION.

8 (E) (1) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT, IN
 9 CONSULTATION WITH LOCAL HEALTH OFFICERS, SHALL DEVELOP FOR
 10 DISTRIBUTION TO BIRTHING PARENTS AND LEGAL GUARDIANS A LIST OF
 11 RESOURCES AVAILABLE BY COUNTY TO OBTAIN THE ITEMS NECESSARY TO PROVIDE
 12 A SAFE SLEEP ENVIRONMENT FOR AN INFANT.

13 (2) EACH LOCAL HEALTH DEPARTMENT SHALL PROVIDE AN UPDATED
 14 LIST OF RESOURCES TO THE DEPARTMENT EACH YEAR TO ASSIST THE DEPARTMENT
 15 IN DEVELOPING THE LIST OF RESOURCES REQUIRED UNDER PARAGRAPH (1) OF
 16 THIS SUBSECTION.

17 ~~SUBTITLE 24. SAFE SLEEP FOR INFANTS PUBLIC AWARENESS.~~

18 ~~20-2401.~~

19 ~~(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC~~
 20 ~~AWARENESS CAMPAIGN TO PROMOTE EDUCATION REGARDING SAFE SLEEP FOR~~
 21 ~~INFANTS.~~

22 ~~(B) TO IMPLEMENT THE PUBLIC AWARENESS CAMPAIGN, THE~~
 23 ~~DEPARTMENT SHALL:~~

24 ~~(1) REACH OUT TO THE GENERAL PUBLIC AND SPECIFIC~~
 25 ~~POPULATIONS DETERMINED TO BE AT HIGH RISK FOR SUDDEN UNEXPECTED INFANT~~
 26 ~~DEATH OR SUDDEN INFANT DEATH SYNDROME AND MOST IN NEED OF EDUCATION~~
 27 ~~REGARDING SAFE SLEEP FOR INFANTS;~~

28 ~~(2) DISSEMINATE PLAIN LANGUAGE MESSAGING THROUGH VARIOUS~~
 29 ~~MEDIA AND MODES OF COMMUNICATION;~~

30 ~~(3) COLLABORATE WITH THE DEPARTMENT OF HUMAN SERVICES TO~~
 31 ~~PROMOTE BEST PRACTICES AND EDUCATION FOR PARENTS, GUARDIANS, AND~~
 32 ~~OTHER CAREGIVERS OF INFANTS;~~

~~(4) PLACE EDUCATIONAL MATERIALS IN RELEVANT HEALTH CARE FACILITIES, INCLUDING LABOR AND DELIVERY UNITS IN HOSPITALS AND BIRTHING CENTERS; AND~~

~~(5) PARTNER WITH LOCAL HEALTH DEPARTMENTS, HEALTH CARE PROVIDERS, INSTITUTIONS OF HIGHER EDUCATION, NONPROFIT ORGANIZATIONS, AND OTHER RELEVANT ENTITIES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Education~~

~~9.5 — 401.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(e) (1) “Child care center” means an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.~~

~~(2) “Child care center” shall include a nonpublic nursery school in which an instructional program is offered or provided for children who are under the age of 5 years.~~

~~(3) “Child care center” does not include:~~

~~(i) A nonpublic kindergarten in which an instructional program is offered or provided for children who are at least 5 years old;~~

~~(ii) A nonpublic elementary school in which an instructional program is offered or provided for children who are in grades 1 through 8;~~

~~(iii) A child care home, a child care institution, or other child care facility that offers or provides a residential placement for a child and is established, licensed, or registered under this title, Title 9 of the Human Services Article, or Title 10 of the Health — General Article; or~~

~~(iv) A family child care home or large family child care home that is required to be registered or is registered under this title.~~

~~9.5 — 405.~~

~~(G) (1) A CHILD CARE CENTER SHALL BE CERTIFIED BY THE MARYLAND SAFE SLEEP CERTIFICATION PROGRAM.~~

~~(2) A CHILD CARE CENTER CERTIFIED BY THE MARYLAND SAFE SLEEP CERTIFICATION PROGRAM SHALL SUBMIT PROOF OF THE CERTIFICATION TO THE PROGRAM AND THE DEPARTMENT.~~

~~9.5-418.~~

~~(a) Except as provided in subsection (b) of this section and subject to the provisions of subsection (d) of this section, a person who violates any provision of this subtitle or any rule or regulation adopted under this subtitle is subject to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.~~

~~(b) A person who violates § 9.5-405(a), [or] (c), OR (G) or § 9.5-416 of this subtitle and is served a civil citation under that section is subject to a civil penalty as follows:~~

~~(1) \$250 for the first violation;~~

~~(2) \$500 for the second violation; and~~

~~(3) \$1,000 for the third and each subsequent violation.~~

~~(c) Each day a violation occurs is a separate violation under this section.~~

~~(d) The total amount of civil penalties imposed in an action under this section may not exceed \$5,000.~~

~~Article Health General~~

~~SUBTITLE 52. SAFE SLEEP CERTIFICATION PROGRAM.~~

~~13-5201.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "CHILD CARE CENTER" HAS THE MEANING STATED IN § 9.5-401 OF THE EDUCATION ARTICLE.~~

~~(C) "PROGRAM" MEANS THE MARYLAND SAFE SLEEP CERTIFICATION PROGRAM.~~

~~(D) "SAFE SLEEP BEST PRACTICES" MEANS BEST PRACTICES FOR KEEPING AN INFANT SAFE AND HEALTHY WHILE THE INFANT IS SLEEPING, THOUGHT TO BE SLEEPING, OR IN A SLEEPING AREA.~~

1 ~~13-5202.~~

2 ~~(A) THERE IS A MARYLAND SAFE SLEEP CERTIFICATION PROGRAM WITHIN~~
3 ~~THE DEPARTMENT.~~

4 ~~(B) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.~~

5 ~~(C) (1) THE PROGRAM, IN COLLABORATION WITH CRIBS FOR KIDS,~~
6 ~~SHALL ESTABLISH CERTIFICATION STANDARDS FOR CHILD CARE CENTERS THAT~~
7 ~~ARE IN ACCORDANCE WITH SAFE SLEEP BEST PRACTICES.~~

8 ~~(2) THE PROGRAM SHALL:~~

9 ~~(I) CERTIFY A CHILD CARE CENTER THAT DEMONSTRATES~~
10 ~~COMPLIANCE WITH THE CERTIFICATION STANDARDS ESTABLISHED BY THE~~
11 ~~PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

12 ~~(II) RETAIN A COPY OF EACH CERTIFICATION.~~

13 ~~(D) THE PROGRAM SHALL EVALUATE CHILD CARE CENTERS FOR~~
14 ~~COMPLIANCE WITH SAFE SLEEP BEST PRACTICES.~~

15 ~~(E) THE PROGRAM SHALL PROVIDE RESOURCES TO HELP CHILD CARE~~
16 ~~CENTERS ADOPT AND MAINTAIN SAFE SLEEP BEST PRACTICES.~~

17 ~~13-5203.~~

18 ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS~~
19 ~~SUBTITLE.~~

20 ~~19-301.~~

21 ~~(a) In this subtitle the following words have the meanings indicated.~~

22 ~~(f) "Hospital" means an institution that:~~

23 ~~(1) Has a group of at least 5 physicians who are organized as a medical~~
24 ~~staff for the institution;~~

25 ~~(2) Maintains facilities to provide, under the supervision of the medical~~
26 ~~staff, diagnostic and treatment services for 2 or more unrelated individuals; and~~

27 ~~(3) Admits or retains the individuals for overnight care.~~

1 ~~19-310.4.~~

2 ~~(A) A HOSPITAL SHALL BE CERTIFIED BY THE CRIBS FOR KIDS' NATIONAL~~
 3 ~~SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM AT LEAST AT THE BRONZE~~
 4 ~~LEVEL.~~

5 ~~(B) A HOSPITAL CERTIFIED BY THE CRIBS FOR KIDS' NATIONAL SAFE~~
 6 ~~SLEEP HOSPITAL CERTIFICATION PROGRAM SHALL SUBMIT PROOF OF THE~~
 7 ~~CERTIFICATION TO THE SECRETARY.~~

8 ~~19-3B-01.~~

9 ~~(a) In this subtitle the following words have the meanings indicated.~~

10 ~~(d) (1) "Freestanding birthing center" means a facility that provides nurse~~
 11 ~~midwife services under Title 8, Subtitle 6 of the Health Occupations Article.~~

12 ~~(2) "Freestanding birthing center" does not include:~~

13 ~~(i) A hospital regulated under Subtitle 2 of this title; or~~

14 ~~(ii) The private residence of the mother.~~

15 ~~19-3B-03.1.~~

16 ~~(A) A FREESTANDING BIRTHING CENTER SHALL BE CERTIFIED BY THE~~
 17 ~~CRIBS FOR KIDS' NATIONAL SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM AT~~
 18 ~~LEAST AT THE BRONZE LEVEL.~~

19 ~~(B) A FREESTANDING BIRTHING CENTER CERTIFIED BY THE CRIBS FOR~~
 20 ~~KIDS' NATIONAL SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM SHALL SUBMIT~~
 21 ~~PROOF OF THE CERTIFICATION TO THE SECRETARY.~~

22 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take~~
 23 ~~effect October 1, 2025.~~

24 ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That, except as provided in~~
 25 ~~Section 3 of this Act, this Act shall take effect October 1, 2024.~~