

# SENATE BILL 59

J1, J3, O4

4lr1355

(PRE-FILED)

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By: **Senator Ellis**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Safe Sleep for Infants – Awareness and Certification**

3 FOR the purpose of requiring the Maryland Department of Health to develop and  
4 implement a public awareness campaign to promote education regarding safe sleep  
5 for infants; establishing the Maryland Safe Sleep Certification Program and  
6 requiring child care centers to be certified by the Program; requiring hospitals and  
7 freestanding birthing centers to be certified by a certain safe sleep certification  
8 program; and generally relating to safe sleep for infants.

9 BY adding to

10 Article – Health – General

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

14 Annotated Code of Maryland

15 (2023 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article – Education

18 Section 9.5–401(a) and (c)

19 Annotated Code of Maryland

20 (2022 Replacement Volume and 2023 Supplement)

21 BY adding to

22 Article – Education

23 Section 9.5–405(g)

24 Annotated Code of Maryland

25 (2022 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education  
2 Section 9.5–418  
3 Annotated Code of Maryland  
4 (2022 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, without amendments,  
6 Article – Health – General  
7 Section 19–301(a) and (f) and 19–3B–01(a) and (d)  
8 Annotated Code of Maryland  
9 (2023 Replacement Volume)

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

12 **Article – Health – General**

13 **SUBTITLE 24. SAFE SLEEP FOR INFANTS PUBLIC AWARENESS.**

14 **20–2401.**

15 **(A) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PUBLIC**  
16 **AWARENESS CAMPAIGN TO PROMOTE EDUCATION REGARDING SAFE SLEEP FOR**  
17 **INFANTS.**

18 **(B) TO IMPLEMENT THE PUBLIC AWARENESS CAMPAIGN, THE**  
19 **DEPARTMENT SHALL:**

20 **(1) REACH OUT TO THE GENERAL PUBLIC AND SPECIFIC**  
21 **POPULATIONS DETERMINED TO BE AT HIGH RISK FOR SUDDEN UNEXPECTED INFANT**  
22 **DEATH OR SUDDEN INFANT DEATH SYNDROME AND MOST IN NEED OF EDUCATION**  
23 **REGARDING SAFE SLEEP FOR INFANTS;**

24 **(2) DISSEMINATE PLAIN–LANGUAGE MESSAGING THROUGH VARIOUS**  
25 **MEDIA AND MODES OF COMMUNICATION;**

26 **(3) COLLABORATE WITH THE DEPARTMENT OF HUMAN SERVICES TO**  
27 **PROMOTE BEST PRACTICES AND EDUCATION FOR PARENTS, GUARDIANS, AND**  
28 **OTHER CAREGIVERS OF INFANTS;**

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

32 **(5) PARTNER WITH LOCAL HEALTH DEPARTMENTS, HEALTH CARE**  
33 **PROVIDERS, INSTITUTIONS OF HIGHER EDUCATION, NONPROFIT ORGANIZATIONS,**

1 **AND OTHER RELEVANT ENTITIES.**

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

4 **Article – Education**

5 9.5–401.

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

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

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

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

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

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

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

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

25 9.5–405.

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

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

31 9.5–418.

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

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

7 (1) \$250 for the first violation;

8 (2) \$500 for the second violation; and

9 (3) \$1,000 for the third and each subsequent violation.

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

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

### 13 Article – Health – General

#### 14 SUBTITLE 52. SAFE SLEEP CERTIFICATION PROGRAM.

##### 15 13–5201.

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

18 (B) “CHILD CARE CENTER” HAS THE MEANING STATED IN § 9.5–401 OF THE  
19 EDUCATION ARTICLE.

20 (C) “PROGRAM” MEANS THE MARYLAND SAFE SLEEP CERTIFICATION  
21 PROGRAM.

22 (D) “SAFE SLEEP BEST PRACTICES” MEANS BEST PRACTICES FOR KEEPING  
23 AN INFANT SAFE AND HEALTHY WHILE THE INFANT IS SLEEPING, THOUGHT TO BE  
24 SLEEPING, OR IN A SLEEPING AREA.

##### 25 13–5202.

26 (A) THERE IS A MARYLAND SAFE SLEEP CERTIFICATION PROGRAM WITHIN  
27 THE DEPARTMENT.

28 (B) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

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

4 (2) THE PROGRAM SHALL:

5 (I) CERTIFY A CHILD CARE CENTER THAT DEMONSTRATES  
6 COMPLIANCE WITH THE CERTIFICATION STANDARDS ESTABLISHED BY THE  
7 PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

8 (II) RETAIN A COPY OF EACH CERTIFICATION.

9 (D) THE PROGRAM SHALL EVALUATE CHILD CARE CENTERS FOR  
10 COMPLIANCE WITH SAFE SLEEP BEST PRACTICES.

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

13 **13-5203.**

14 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
15 SUBTITLE.

16 19-301.

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

18 (f) "Hospital" means an institution that:

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

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

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

24 **19-310.4.**

25 (A) A HOSPITAL SHALL BE CERTIFIED BY THE CRIBS FOR KIDS' NATIONAL  
26 SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM AT LEAST AT THE BRONZE  
27 LEVEL.

28 (B) A HOSPITAL CERTIFIED BY THE CRIBS FOR KIDS' NATIONAL SAFE

1 **SLEEP HOSPITAL CERTIFICATION PROGRAM SHALL SUBMIT PROOF OF THE**  
2 **CERTIFICATION TO THE SECRETARY.**

3 19-3B-01.

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

5 (d) (1) “Freestanding birthing center” means a facility that provides nurse  
6 midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

7 (2) “Freestanding birthing center” does not include:

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

9 (ii) The private residence of the mother.

10 **19-3B-03.1.**

11 **(A) A FREESTANDING BIRTHING CENTER SHALL BE CERTIFIED BY THE**  
12 **CRIBS FOR KIDS’ NATIONAL SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM AT**  
13 **LEAST AT THE BRONZE LEVEL.**

14 **(B) A FREESTANDING BIRTHING CENTER CERTIFIED BY THE CRIBS FOR**  
15 **KIDS’ NATIONAL SAFE SLEEP HOSPITAL CERTIFICATION PROGRAM SHALL SUBMIT**  
16 **PROOF OF THE CERTIFICATION TO THE SECRETARY.**

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

19 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
20 3 of this Act, this Act shall take effect October 1, 2024.