

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2196 Session of  
2001

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DECEMBER 3, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 7, 2002

## AN ACT

1 Providing for education for parents on what constitutes shaken  
2 baby syndrome and the physical impairments that can result  
3 from shaken baby syndrome; establishing the Shaken Baby  
4 Syndrome Education and Prevention Program ~~and the Shaken Baby~~ <—  
5 ~~Syndrome Education and Prevention Fund~~; and providing for an  
6 appropriation.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Shaken Baby  
11 Syndrome Education Act.

12 Section 2. Legislative findings.

13 The General Assembly hereby finds as follows:

14 (1) Shaken baby syndrome occurs frequently when a  
15 frustrated caregiver loses control because of an inconsolable

1 crying baby.

2 (2) A baby's head is large and heavy in proportion to  
3 the baby's body. There is space between the brain and skull  
4 to allow for growth and development. The baby's neck muscles  
5 are not yet developed.

6 (3) When an infant or young toddler, usually under two  
7 years of age, is shaken, the brain rebounds against the skull  
8 causing bruising of the brain, swelling, pressure and  
9 bleeding (intracerebral hemorrhage). This can easily lead to  
10 permanent, severe brain damage or death. Shaking an infant or  
11 small child may also cause injuries to the neck and spine.  
12 Retinal hemorrhages may result in loss of vision.

13 (4) More than 1,000,000 children are severely abused  
14 annually, and shaken baby syndrome is a leading cause of  
15 morbidity and mortality in infants.

16 (5) In the United States, the annual incidence rate of  
17 shaken baby syndrome is between 750 and 3,750.

18 (6) One-third of the victims of shaken baby syndrome  
19 survive with few or no consequences, one-third of the victims  
20 suffer permanent injury and one-third of the victims die.

21 (7) Approximately 20% of cases are fatal in the first  
22 few days after injury. Survivors may suffer handicaps ranging  
23 from mild, including learning disorders, mental retardation,  
24 seizure disorders, developmental delays and behavioral  
25 changes, to moderate and severe, including profound mental  
26 and developmental retardation, paralysis, blindness,  
27 inability to eat or permanent vegetative state.

28 (8) Parental behaviors, environmental factors and child  
29 characteristics all may contribute to a shaking event.

30 (9) Merely telling caregivers not to shake their babies

1 does not go far enough. A plan of action or other  
2 recommendations to help caregivers deal with a potentially  
3 volatile situation must be offered.

4 (10) Parents and other caregivers need assurance that  
5 allowing a baby to cry is acceptable if all of the child's  
6 needs have been met. The caregiver should address his or her  
7 stress level and attempt to engage in stress management  
8 techniques.

9 (11) Shaken baby syndrome is preventable. Parents should  
10 share the message of the dangers of shaking with all who care  
11 for their infant or child, including spouses, their own  
12 parents, siblings, day-care providers and others. Parents  
13 need to inform those who are caring for their child that it  
14 is appropriate to call for help when they feel out of  
15 control.

### 16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 "Birth center." A facility not part of a hospital which  
21 provides maternity care to childbearing families not requiring  
22 hospitalization. A birth center provides a homelike atmosphere  
23 for maternity care, including prenatal, labor, delivery and  
24 postpartum care related to medically uncomplicated pregnancies.

25 "Commitment statement." A form which may be voluntarily  
26 signed by the parent or parents acknowledging that the parent or  
27 parents have received, read and have an understanding of the  
28 educational and instructional materials provided on shaken baby  
29 syndrome.

30 "Department." The Department of Health of the Commonwealth.

~~"Fund."~~ ~~The Shaken Baby Syndrome Education and Prevention~~ <—

~~Fund.~~

~~"Health care facility."~~ "HOSPITAL." Any hospital providing <—

clinically related health services for obstetrical and newborn care or birth center, both profit and nonprofit and including those operated by the State or local government or an agency.

The term shall not include an office used primarily for private or group practice by health care practitioners where no reviewable clinically related health services are offered.

"Infant." A child 30 days of age up to 24 months of age.

"Newborn." A child up to and including 29 days of age.

"Parent." A natural parent, stepparent, adoptive parent, legal guardian or legal custodian of a child.

"Program." The Shaken Baby Syndrome Education and Prevention Program.

"Secretary." The Secretary of Health of the Commonwealth.

"Shaken baby syndrome." The vigorous shaking of an infant or a young child that may result in bleeding inside the head and may cause one or more of the following conditions:

(1) Irreversible brain damage.

(2) Blindness, retinal hemorrhage or eye damage.

(3) Cerebral palsy.

(4) Hearing loss.

(5) Spinal cord injury, including paralysis.

(6) Seizures.

(7) Learning disabilities.

(8) Death.

(9) Central nervous system injury as evidenced by central nervous system hemorrhaging.

(10) Closed head injury.

1 (11) Rib fracture.

2 (12) Subdural hematoma.

3 Section 4. Establishment of Shaken Baby Syndrome Education and  
4 Prevention Program.

5 (a) Establishment.--The department shall establish a program  
6 to focus on awareness, education and prevention of shaken baby  
7 syndrome.

8 ~~(b) Implementation. The department may contract with any~~ <—  
9 ~~Statewide nonprofit organization that has experience and~~  
10 ~~knowledge in shaken baby syndrome in order to implement all or~~  
11 ~~part of the program established under subsection (a).~~

12 ~~(c)~~ (B) Public awareness.--The department shall design and <—  
13 implement strategies for raising public awareness concerning the  
14 causes and nature of shaken baby syndrome, including, but not  
15 limited to, the following:

16 (1) Factors placing parents, guardians and other  
17 caregivers at risk for shaking an infant.

18 (2) The risks associated with shaking an infant.

19 (3) Suggestions for preventing shaken baby syndrome.

20 Section 5. Materials.

21 (a) Educational and instructional materials.--The program  
22 established under this act shall include the distribution of  
23 readily understandable information and educational and  
24 instructional materials regarding shaken baby syndrome,  
25 explaining its medical effects on infants and children and  
26 emphasizing preventive measures. The educational and  
27 instructional materials and the commitment statement shall be  
28 provided to the parent or parents separate and apart from any  
29 other educational and instructional materials that are provided  
30 to the parent or parents prior to discharge from the hospital OR <—

1 BIRTH CENTER.

2 (b) Commitment statement.--The commitment statement may be  
3 signed by the parent or parents prior to discharge from the  
4 hospital OR BIRTH CENTER. The form of the commitment statement <—  
5 shall be in duplicate. One copy shall be given to the parent and  
6 one copy shall remain on file in the ~~health care facility~~ <—  
7 HOSPITAL OR BIRTH CENTER. The commitment statement shall be set <—  
8 forth in a form to be prescribed by the secretary.

9 (c) Distribution of materials.--The information and  
10 educational and instructional materials described in subsection  
11 (a) shall be provided without cost by ~~the following:~~ <—

12 ~~(1) Each birth center and health care facility licensed~~  
13 ~~in this Commonwealth to a parent or guardian of every newborn~~  
14 ~~upon discharge from the hospital.~~

15 ~~(2) Any person who operates a child day care center, a~~  
16 ~~group child day care home or a family child day care home.~~

17 ~~(3) Any person who operates a child placement agency.~~

18 EACH HOSPITAL OR BIRTH CENTER LICENSED IN THIS COMMONWEALTH TO A <—  
19 PARENT OR GUARDIAN OF EVERY NEWBORN UPON DISCHARGE FROM THE  
20 HOSPITAL OR BIRTH CENTER.

21 Section 6. Scope of act.

22 The department shall do the following:

23 (1) Work to improve the capacity of community-based  
24 services available to victims of shaken baby syndrome.

25 (2) Work with other state and local governmental  
26 agencies, community and business leaders, community  
27 organizations, health care and human service providers and  
28 national organizations to coordinate efforts and maximize  
29 State and private resources in the areas of prevention of and  
30 education about shaken baby syndrome.

1           (3) Identify and, when appropriate, replicate or use  
2       successful shaken baby syndrome programs and procure related  
3       materials and services from organizations with appropriate  
4       experience and knowledge of shaken baby syndrome.

5 ~~Section 7. Shaken Baby Syndrome Education and Prevention Fund.~~       <—

6       ~~The Shaken Baby Syndrome Education and Prevention Fund is~~  
7 ~~hereby established within the General Fund in order to carry out~~  
8 ~~the purposes of this act.~~

9 Section 8 7. Regulations.   <—

10       The secretary ~~shall~~ MAY promulgate regulations necessary to       <—  
11 implement the provisions of this act.

12 Section 9 8. Appropriation.   <—

13       The General Assembly shall make such appropriations as it  
14 deems appropriate to carry out the purposes of this act.

15 Section 10 9. Effective date.   <—

16       This act shall take effect in 90 days.