

LEGISLATIVE BILL 60

Approved by the Governor March 12, 2019

Introduced by Cavanaugh, 6; Howard, 9; Blood, 3.

A BILL FOR AN ACT relating to infants; to amend sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to training requirements and shaken baby syndrome; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 43-2606, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-2606 (1) The Department of Health and Human Services shall adopt and promulgate rules and regulations for mandatory training requirements for providers of child care and school-age-care programs. Such requirements shall include preservice orientation and at least four hours of annual inservice training. All child care programs required to be licensed under section 71-1911 shall show completion of a preservice orientation approved or delivered by the department prior to receiving a provisional license.

(2) The department shall initiate a system of documenting the training levels of staff in specific child care settings to assist parents in selecting optimal care settings.

(3) The training requirements shall be designed to meet the health, safety, and developmental needs of children and shall be tailored to the needs of licensed providers of child care programs. Preservice orientation and the training requirements for providers of child care programs shall include, but not be limited to, information on sudden unexpected infant death syndrome, abusive head trauma in infants and children, crying plans ~~shaken baby syndrome,~~ and child abuse.

(4) The department shall provide or arrange for training opportunities throughout the state and shall provide information regarding training opportunities to all providers of child care programs at the time of registration or licensure, when renewing a registration, or on a yearly basis following licensure.

(5) Each provider of child care and school-age-care programs receiving orientation or training shall provide his or her social security number to the department.

(6) The department shall review and provide recommendations to the Governor for updating rules and regulations adopted and promulgated under this section at least every five years.

Sec. 2. Section 71-2102, Reissue Revised Statutes of Nebraska, is amended to read:

71-2102 ~~The Legislature finds that shaken baby syndrome is the medical term used to describe the violent shaking of an infant or child and the injuries or other results sustained by the infant or child. The Legislature further finds that abusive head trauma shaken baby syndrome may occur when an infant or child is violently shaken as part of a pattern of abuse or because an adult has momentarily succumbed to the frustration of responding to a crying infant or child. The Legislature further finds that the these injuries sustained by the infant or child can include brain swelling and damage, subdural hemorrhage, intellectual disability, or death. The Legislature further finds and declares that there is a present and growing need to provide programs aimed at reducing the number of cases of abusive head trauma in infants and children shaken baby syndrome in Nebraska.~~

Sec. 3. Section 71-2103, Reissue Revised Statutes of Nebraska, is amended to read:

71-2103 Every hospital, birth center, or other medical facility that discharges a newborn child shall request that each maternity patient and father of a newborn child, if available, view a video presentation and read printed materials, approved by the Department of Health and Human Services, on the dangers of shaking infants and children, the symptoms of abusive head trauma in infants and children ~~shaken baby syndrome~~, the dangers associated with rough handling or the striking of an infant, safety measures which can be taken to prevent sudden infant death and abusive head trauma in infants and children, including crying plans, and the dangers associated with infants sleeping on the same surface in the same bed with other children or adults. After viewing the presentation and reading the materials or upon a refusal to do so, the hospital, birth center, or other medical facility shall request that the mother and father, if available, sign a form stating that he or she has viewed and read or refused to view and read the presentation and materials. Such presentation, materials, and forms may be provided by the department.

Sec. 4. Section 71-2104, Reissue Revised Statutes of Nebraska, is amended to read:

71-2104 The Department of Health and Human Services shall conduct public awareness activities designed to promote the prevention of sudden infant death syndrome and abusive head trauma in infants and children ~~shaken baby syndrome.~~

The public awareness activities may include, but not be limited to, public service announcements, information kits and brochures, and the promotion of preventive telephone hotlines.

Sec. 5. Section 79-1902, Reissue Revised Statutes of Nebraska, is amended to read:

79-1902 (1) The State Department of Education, in cooperation with the Department of Health and Human Services, shall develop a packet entitled "Learning Begins at Birth" to be given to the parents of each child born in this state on and after January 1, 2003.

(2) The packet shall contain information about child development, child care, how children learn, children's health including, on and after July 14, 2006, information on decreasing the risk prevention of sudden unexplained infant death syndrome and abusive head trauma in infants and children shaken baby syndrome, services available to children and parents, and any other information deemed relevant by the Department of Health and Human Services or the State Department of Education. The State Department of Education shall indicate which information in the packet is appropriate for the parents of infants, for the parents of toddlers, and for the parents of preschoolers.

(3) The State Department of Education shall develop a variety of types of the packet, based on the needs of parents. The information in the packets may be in the form of printed material or in the form of video tapes, audio cassettes, or other appropriate media.

Sec. 6. Original sections 71-2102, 71-2103, 71-2104, and 79-1902, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Cumulative Supplement, 2018, are repealed.