

HOUSE BILL 177

J3
HB 989/20 – HGO

(PRE-FILED)

4lr0996

By: ~~Delegate R. Lewis~~ Delegates R. Lewis, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Lopez, Martinez, M. Morgan, Rosenberg, Taveras, White Holland, and Woods

Requested: October 17, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2024

CHAPTER _____

1 AN ACT concerning

2 **Hospitals – Care of Infants After Discharge**
3 **(Safe Sleep Act of 2024)**

4 FOR the purpose of requiring a hospital to take certain actions relating to the care of infants
5 as soon as practicable before the hospital discharges an infant after the birth of the
6 infant, including providing oral and written instructions educational resources to the
7 parent or legal guardian on how to provide a safe sleep environment and providing,
8 ~~under certain circumstances,~~ a list of resources available for an infant's parent or
9 legal guardian; requiring a hospital, on or before a certain date each year, to
10 establish a process for providing certain educational resources and confirming
11 receipt of the resources; requiring the Maryland Department of Health to develop a
12 list of resources available for an infant's parent or legal guardian; and generally
13 relating to the care of infants after discharge from a hospital.

14 BY adding to
15 Article – Health – General
16 Section 19–308.10
17 Annotated Code of Maryland
18 (2023 Replacement Volume)

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 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 ~~ALL~~ SLEEP-RELATED INFANT DEATHS, INCLUDING THROUGH:

(1) THE USE OF SUPINE POSITIONING;

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

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

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

(5) THE AVOIDANCE OF EXPOSURE TO SMOKE.

(B) (1) ~~BEFORE~~ AS SOON AS PRACTICABLE BEFORE A HOSPITAL DISCHARGES AN INFANT ~~INTO THE CARE OF A PARENT OR LEGAL GUARDIAN AFTER~~ THE BIRTH OF THE INFANT, THE HOSPITAL SHALL PROVIDE ORAL AND WRITTEN ~~INSTRUCTIONS~~ EDUCATIONAL RESOURCES TO THE PARENT OR LEGAL GUARDIAN ON HOW TO:

~~(I) PROVIDE~~ PROVIDE A SAFE SLEEP ENVIRONMENT;

~~(II) AVOID SHAKEN BABY SYNDROME, AS DESCRIBED IN AMERICAN ACADEMY OF PEDIATRICS POLICY STATEMENTS; AND~~

~~(III) COPE WITH CRYING INFANTS AND THE STRESS, FRUSTRATION, AND FATIGUE CREATED BY CARING FOR INFANTS.~~

(2) ~~THE INSTRUCTIONS~~ ORAL AND WRITTEN EDUCATIONAL RESOURCES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SUPPLEMENTED BY AN ~~INSTRUCTIONAL~~ EDUCATIONAL VIDEO.

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

~~(I) INQUIRE AS TO WHETHER THE INFANT’S PARENT OR LEGAL GUARDIAN IS ABLE TO PROVIDE THE INFANT WITH:~~

1 ~~1. A SAFE SLEEP ENVIRONMENT; AND~~

2 ~~2. A BASSINET, CRIB, OR PORTABLE CRIB~~ ASK THE
3 INFANT'S PARENT OR LEGAL GUARDIAN TO DESCRIBE THE SLEEP ENVIRONMENT
4 THAT THE PARENT OR LEGAL GUARDIAN WILL PROVIDE AT HOME;

5 (II) INFORM THE PARENT OR LEGAL GUARDIAN OF THE
6 IMPORTANCE OF ENSURING THAT THE INFANT HAS A SAFE SLEEP ENVIRONMENT
7 AND THE RISKS OF SUFFOCATION AND SUDDEN INFANT DEATH IN UNSAFE SLEEP
8 ENVIRONMENTS; AND

9 (III) ~~PROVIDE EACH PARENT OR LEGAL GUARDIAN WITH A~~
10 ~~STANDARDIZED FORM, IN CLEAR AND SIMPLE LANGUAGE, TO BE SIGNED BY THE~~
11 ~~PARENT OR LEGAL GUARDIAN, THAT CONFIRMS THE PARENT OR LEGAL GUARDIAN~~
12 ~~UNDERSTANDS THE INSTRUCTIONS PROVIDED~~ DOCUMENT THAT THE EDUCATIONAL
13 RESOURCES DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION AND THE
14 INFORMATION DESCRIBED UNDER ITEM (II) OF THIS PARAGRAPH WERE PROVIDED
15 TO THE PARENT OR LEGAL GUARDIAN.

16 (2) ~~IF THE INFANT'S PARENT OR LEGAL GUARDIAN CANNOT PROVIDE~~
17 ~~A SAFE SLEEP ENVIRONMENT, OR A BASSINET, CRIB, OR PORTABLE CRIB, THE~~ THE
18 HOSPITAL SHALL PROVIDE A LIST OF RESOURCES AVAILABLE FOR THE PARENT OR
19 LEGAL GUARDIAN TO OBTAIN THE ITEMS NECESSARY TO PROVIDE A SAFE SLEEP
20 ENVIRONMENT FOR THE INFANT.

21 (D) ON OR BEFORE JANUARY 1, 2025, EACH HOSPITAL SHALL ESTABLISH A
22 PROCESS FOR:

23 (1) PROVIDING EACH PARENT OR LEGAL GUARDIAN WITH:

24 (i) ORAL AND WRITTEN EDUCATIONAL RESOURCES AS
25 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; AND

26 (ii) THE INFORMATION DESCRIBED UNDER SUBSECTION
27 (C)(1)(II) OF THIS SECTION;

28 (2) A PARENT OR LEGAL GUARDIAN TO CONFIRM THE RECEIPT OF
29 THE EDUCATIONAL RESOURCES PROVIDED UNDER SUBSECTION (B) OF THIS
30 SECTION; AND

31 (3) MAINTAINING RECORDS OF CONFIRMATIONS MADE UNDER ITEM
32 (2) OF THIS SUBSECTION.

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

6 **(2) EACH LOCAL HEALTH DEPARTMENT SHALL PROVIDE AN UPDATED**
 7 **LIST OF RESOURCES TO THE DEPARTMENT EACH YEAR TO ASSIST THE DEPARTMENT**
 8 **IN DEVELOPING THE LIST OF RESOURCES REQUIRED UNDER PARAGRAPH (1) OF**
 9 **THIS SUBSECTION.**

10 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2025,~~
 11 ~~the Maryland Department of Health, in consultation with local health officers, hospitals,~~
 12 ~~the Maryland Chapter of the American Academy of Pediatrics, and other stakeholders,~~
 13 ~~shall develop for distribution to parents and legal guardians a list of resources available for~~
 14 ~~the applicable geographic area of each health care facility, as defined in § 20-1801 of the~~
 15 ~~Health General Article, to obtain the items necessary to provide a safe sleep environment~~
 16 ~~for an infant, as described under Section 1 of this Act.~~

17 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.