

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CHILD AND FAMILY SECURITY
FINAL ANALYSIS**

BILL #: CS/SB 1766

RELATING TO: Shaken Baby Syndrome

SPONSOR(S): Senator Sullivan

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGING & LONG-TERM CARE YEAS 9 NAYS 0
 - (2) APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES W/D
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

CS/SB 1766 requires hospitals, birthing facilities and providers of home birth services that have maternity and newborn services to give new parents informational brochures concerning the dangers of shaking babies and young children before they take the newborn home. The bill requires the Department of Health to prepare the brochures and prescribes the contents of the brochures. Hospitals, birthing facilities and providers of home birth services may provide this information as an addendum to other required information provided to the parents. The bill provides that a cause of action against the state or any hospital does not accrue as a result of failure to provide the information.

The bill provides that individuals involved in a child abuse, abandonment or neglect case cooperate with law enforcement as well as the department notwithstanding privileged communications provisions in law. In addition, it gives law enforcement access to examine records relevant to a protective investigation.

The Department of Health estimates that this bill would cost \$36,600 in FY 2002/2003 and \$35,200 in FY 2003/2004.

If enacted, the bill would take effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Shaken Baby Syndrome is a term used to describe the constellation of signs and symptoms resulting from violent shaking or shaking and impacting of the head of an infant or small child. The degree of brain damage depends on the amount and duration of the shaking and the forces involved in impact of the head. Often Shaken Baby Syndrome is caused when a frustrated parent or caretaker becomes angry and loses control because they are unable to stop the crying of an infant. Crying becomes particularly problematic during the 6-week to 4-month age bracket, an age period that coincides with the peak incidence of Shaken Baby Syndrome.

Behavioral indications and symptoms of Shaken Baby Syndrome range on a spectrum of neurological alterations from minor (irritability, lethargy, tremors, vomiting) to major (seizures, coma, stupor, death). These neurological changes are due to destruction of brain cells secondary to trauma, lack of oxygen to the brain cells, and swelling of the brain. Often, there are no obvious outward signs of injury to a baby or young child's body, but there is injury inside, particularly in the head or behind the eyes. These injuries can result in:

- Brain damage;
- Mental retardation;
- Developmental delays;
- Cerebral palsy;
- Blindness;
- Hearing loss;
- Paralysis;
- Speech and learning difficulties; and
- Death.

Nationwide there are approximately 50,000 reported cases of Shaken Baby Syndrome a year. The Department of Children and Families reported that between 1998 and 2000, 22 children died of Shaken Baby Syndrome in Florida.

According to the Department of Health and other sources, a large portion of the general public is not aware of the dangers of shaking a baby. Studies conducted in this area have shown that 25-50 percent of teenagers and adults did not know that shaking a baby could be dangerous.

Several efforts are currently underway to provide information to the public about the dangers of shaking an infant or young child. "Don't Shake the Baby" is a national public awareness campaign, organized in all 50 states, the District of Columbia, and Puerto Rico. This campaign is focused on decreasing the incidence of Shaken Baby Syndrome and thereby decreasing disability and death caused by child maltreatment. The campaign is funded by the U.S. Department of Health and Human Services - Administration for Children and Families. The Family Source of Florida and its affiliates is the agency promoting this campaign in Florida. The Florida Commission on Fatherhood has also done work in this area. Florida's Healthy Start and Healthy Families programs provide some information on Shaken Baby Syndrome. Florida's Healthy Start and Healthy Families programs concentrate their efforts on families at risk of poor child health and child developmental outcomes. There is no reliable information regarding to what extent Florida hospitals provide information to new parents on the dangers of shaking an infant or young child.

Census data indicates that in the year 2000 there were 204,152 births in Florida.

C. EFFECT OF PROPOSED CHANGES:

New parents would receive information concerning the dangers of shaking babies and young children and potentially avoid the terrible consequences associated with this act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1.

Provides that the act may be cited as the "Kimberlin West Act of 2002.

Section 2.

Requires hospitals that have maternity and newborn services give new parents informational brochures concerning the dangers of shaking babies and young children before they take the newborn home. The bill requires the Department of Health to prepare the brochures and prescribes the contents of the brochures. Hospitals may provide this information as an addendum to other required information provided to the parents. The proposed bill provides that a cause of action against the state or any hospital does not accrue as a result of failure to provide the information.

Section 3.

Amends s. 39.204, F.S. Provides that individuals involved in a child abuse, abandonment or neglect case cooperate with law enforcement as well as the department notwithstanding privileged communications provisions in law.

Section 4.

Amends s. 415.1045, F.S.

Subsection (3). Provides that individuals involved in a child abuse, abandonment or neglect case cooperate with law enforcement as well as the department notwithstanding privileged communications provisions in law.

Subsection (5). Adds law enforcement as a party that shall have access to examine records relevant to a protective investigation.

Section 5.

Provides that the bill shall take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

The Department of Health estimates that this bill would cost \$36,600 in FY 2002/2003 and \$35,200 in FY 2003/2004. This is the cost of developing, printing and shipping of 225,000 English brochures, 64,000 Spanish brochures and 17,000 Creole brochures per year.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill will not reduce the authority of municipalities and counties to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill will not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON CHILD & FAMILY SECURITY:

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