

SENATE BILL NO. 172—SENATOR PARKS (BY REQUEST)

FEBRUARY 17, 2011

Referred to Committee on Health and Human Services

SUMMARY—Establishes the Statewide Program for Public Education and the Prevention of Sudden Infant Death Syndrome. (BDR 40-826)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; creating the Statewide Program for Public Education and the Prevention of Sudden Infant Death Syndrome; requiring the Health Division of the Department of Health and Human Services to develop and implement the Program; requiring certain providers of health care and certain medical facilities to distribute information concerning sudden infant death syndrome and sudden unexpected infant death to certain persons; requiring the Advisory Board on Maternal and Child Health to assist the Health Division in developing the Program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 9** of this bill creates the Statewide Program for Public Education and  
2 the Prevention of Sudden Infant Death Syndrome, which is modeled after the  
3 program of public education to increase public awareness about the dangers of fetal  
4 alcohol syndrome. (NRS 442.385-442.425) **Section 9** also requires the Health  
5 Division of the Department of Health and Human Services to develop and  
6 implement the Program. The Program must perform various functions, including,  
7 without limitation, providing educational messages, materials and information to  
8 parents of infants, providers of health care, medical facilities and the public.  
9 **Section 9** further authorizes the Health Division to coordinate with government  
10 agencies and other persons to carry out the Program.

11 **Section 10** of this bill requires providers of health care and medical facilities to  
12 distribute educational materials and information concerning sudden infant death  
13 syndrome and sudden unexpected infant death to the parents and legal guardians of  
14 certain infants. **Section 10** also requires the provider of health care or medical



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15 facility to obtain and keep on file a statement signed by the parent or legal guardian  
16 of the infant acknowledging that the parent or guardian has received and  
17 understands the educational materials.

18 **Section 11** of this bill requires the Health Division to adopt regulations to carry  
19 out the Program, and **section 12** of this bill authorizes the Health Division to accept  
20 gifts, grants and contributions from any source to carry out the Program.

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1 WHEREAS, Each year approximately 4,600 infants in the United  
2 States die suddenly of no immediately obvious cause; and

3 WHEREAS, Nearly one-half of these sudden unexpected infant  
4 deaths are attributed to sudden infant death syndrome; and

5 WHEREAS, Sudden infant death syndrome is the leading cause of  
6 death among infants who are 1 to 12 months of age; and

7 WHEREAS, In 1994, the American Academy of Pediatrics, in  
8 conjunction with other major health organizations in the United  
9 States, launched the national "Back to Sleep" campaign, which  
10 endorsed and promoted the placement of infants on their backs for  
11 napping and sleeping; and

12 WHEREAS, The incidence of sudden infant death syndrome in  
13 the United States decreased by more than 50 percent after the  
14 inception of the "Back to Sleep" campaign; and

15 WHEREAS, In 2005, the American Academy of Pediatrics issued  
16 a new recommendation that defines and promotes the use of a safe  
17 sleeping environment for infants to further reduce the risk of sudden  
18 infant death syndrome; and

19 WHEREAS, There is currently no known way to prevent sudden  
20 infant death syndrome, but the risk of sudden infant death syndrome  
21 appears to be minimized by educating parents about risk factors  
22 associated with sudden infant death syndrome or sudden unexpected  
23 infant death; now, therefore,

24

25 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
26 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
27

28

29 **Section 1.** Chapter 442 of NRS is hereby amended by adding  
30 thereto the provisions set forth as sections 2 to 12, inclusive, of this  
31 act.

32 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act,*  
33 *unless the context otherwise requires, the words and terms defined*  
34 *in sections 3 to 8, inclusive, of this act have the meanings ascribed*  
35 *to them in those sections.*

36 **Sec. 3.** *"Infant" means a child who is under 1 year of age.*

37 **Sec. 4.** *"Medical facility" means:*

**1.** *A hospital, as that term is defined in NRS 449.012;*



1       2. *An obstetric center, as that term is defined in*  
2 *NRS 449.0155;*

3       3. *A surgical center for ambulatory patients, as that term is*  
4 *defined in NRS 449.019;*

5       4. *An independent center for emergency medical care, as that*  
6 *term is defined in NRS 449.013;*

7       5. *A rural clinic, as that term is defined in NRS 449.0175;*

8       6. *A nursing pool, as that term is defined in NRS 449.0153;*  
9 *or*

10      7. *A mobile unit, as that term is defined in NRS 449.01515.*

11      **Sec. 5.** *“Program” means the Statewide Program for Public*  
12 *Education and the Prevention of Sudden Infant Death Syndrome*  
13 *created by section 9 of this act.*

14      **Sec. 6.** *“Provider of health care” means:*

15      1. *A physician or a physician assistant who is licensed*  
16 *pursuant to chapter 630 or 633 of NRS;*

17      2. *A licensed nurse; or*

18      3. *A midwife.*

19      **Sec. 7.** *“Sudden infant death syndrome” means the sudden*  
20 *death of an apparently healthy infant which remains unexplained*  
21 *after a thorough investigation of the death of the infant, including,*  
22 *without limitation, an autopsy of the infant, an examination of the*  
23 *scene of death and a review of the medical history of the infant.*

24      **Sec. 8.** *“Sudden unexpected infant death” means the sudden*  
25 *and unexpected death of an apparently healthy infant in which the*  
26 *manner and cause of death of the infant are not immediately*  
27 *obvious before a thorough investigation of the death of the infant.*

28      **Sec. 9.** 1. *There is hereby created within the Health*  
29 *Division the Statewide Program for Public Education and the*  
30 *Prevention of Sudden Infant Death Syndrome.*

31      2. *The Health Division shall develop and implement the*  
32 *Program.*

33      3. *The Program must, without limitation:*

34      (a) *Be designed to increase public knowledge and awareness*  
35 *relating to sudden infant death syndrome and sudden unexpected*  
36 *infant death;*

37      (b) *Be designed to educate parents and legal guardians of*  
38 *infants, providers of health care, medical facilities and the public*  
39 *about the risk factors of sudden infant death syndrome and*  
40 *sudden unexpected infant death;*

41      (c) *Provide educational messages that are directed toward the*  
42 *general public and the parents and legal guardians of infants,*  
43 *including, without limitation:*

44      (1) *Identification of risk factors, including, without*  
45 *limitation, the sleeping position of an infant, exposure of an infant*



1 *to smoke, overheating of an infant, inappropriate bedding for an*  
2 *infant or allowing an infant to share the bed with another person;*  
3 *and*

4 (2) *Suggestions for reducing the risk of sudden infant death*  
5 *syndrome and sudden unexpected infant death;*

6 (d) *Provide educational materials and information to providers*  
7 *of health care and medical facilities for distribution to the parent*  
8 *or legal guardian of an infant pursuant to section 10 of this act,*  
9 *including, without limitation, materials and information*  
10 *concerning the risk factors associated with sudden infant death*  
11 *syndrome and sudden unexpected infant death and suggestions for*  
12 *reducing the risk of sudden infant death syndrome and sudden*  
13 *unexpected infant death; and*

14 (e) *Identify and use educational materials, information and*  
15 *resources developed by organizations with appropriate expertise*  
16 *and knowledge about sudden infant death syndrome and sudden*  
17 *unexpected infant death.*

18 **4. The Health Division shall:**

19 (a) *Coordinate with programs and services provided by public*  
20 *health agencies of federal, state and local governments to reduce*  
21 *the incidence of sudden infant death syndrome and sudden*  
22 *unexpected infant death; and*

23 (b) *Cooperate with nonprofit and community-based*  
24 *organizations, providers of health care and medical facilities to*  
25 *maximize the use of resources in the efforts toward educating the*  
26 *public about sudden infant death syndrome and sudden*  
27 *unexpected infant death.*

28 **5. The Health Division may enter into contracts with**  
29 *government agencies and other persons for services necessary to*  
30 *carry out the Program.*

31 **Sec. 10. 1. A provider of health care attending to or**  
32 *assisting, and a medical facility in which medical care is provided*  
33 *to, the mother of an infant at childbirth or an infant at any time*  
34 *within 1 year after childbirth shall distribute to the parent or legal*  
35 *guardian of the infant the educational materials and information*  
36 *provided by the Program concerning sudden infant death*  
37 *syndrome and sudden unexpected infant death.*

38 **2. After distributing to the parent or legal guardian of an**  
39 *infant the educational materials and information described in*  
40 *subsection 1, the provider of health care or medical facility shall*  
41 *obtain a signed statement from the parent or legal guardian*  
42 *acknowledging that the parent or legal guardian has received and*  
43 *understands the educational materials and information. The*  
44 *provider of health care or medical facility shall keep a copy of the*



1 *signed statement in the health care record of the infant*  
2 *maintained by the provider of health care or medical facility.*

3 *3. Providers of health care and medical facilities are only*  
4 *required to distribute the educational materials and information*  
5 *and obtain the signed statement required by subsection 2 once for*  
6 *each infant.*

7 *4. The Health Division may prescribe the content and form of*  
8 *the signed statement required by subsection 2.*

9 **Sec. 11.** *The Health Division shall adopt regulations*  
10 *necessary to carry out the Program and the provisions of sections*  
11 *2 to 12, inclusive, of this act.*

12 **Sec. 12.** *1. The Health Division may apply for and accept*  
13 *gifts, grants and contributions from any public or private source to*  
14 *carry out the Program and the duties of the Health Division*  
15 *pursuant to the provisions of sections 2 to 12, inclusive, of this act.*

16 *2. The Health Division shall account separately for the*  
17 *money received from the gifts, grants or contributions. The*  
18 *Administrator of the Health Division shall administer the account,*  
19 *and all claims against the account must be approved by the*  
20 *Administrator before they are paid.*

21 *3. The money in the account must be used only to carry out*  
22 *the Program and the provisions of sections 2 to 12, inclusive, of*  
23 *this act.*

24 **Sec. 13.** NRS 442.137 is hereby amended to read as follows:

25 442.137 The purpose of the Advisory Board is to advise the  
26 Administrator of the Health Division concerning perinatal care to  
27 enhance the survivability and health of infants and mothers, and  
28 concerning programs to improve the health of preschool children, to  
29 achieve the following objectives:

30 1. Ensuring the availability and accessibility of primary care  
31 health services;

32 2. Reducing the rate of infant mortality;

33 3. Reducing the incidence of preventable diseases and  
34 handicapping conditions among children;

35 4. Identifying the most effective methods of preventing fetal  
36 alcohol syndrome and collecting information relating to the  
37 incidence of fetal alcohol syndrome in this state;

38 5. Preventing the consumption of alcohol by women during  
39 pregnancy;

40 6. Reducing the need for inpatient and long-term care services;

41 7. Increasing the number of children who are appropriately  
42 immunized against disease;

43 8. Increasing the number of children from low-income families  
44 who are receiving assessments of their health;



1 9. Ensuring that services to follow up the assessments are  
2 available, accessible and affordable to children identified as in need  
3 of those services;

4 10. Assisting the Health Division in developing a program of  
5 public education that it is required to develop pursuant to NRS  
6 442.385, including, without limitation, preparing and obtaining  
7 information relating to fetal alcohol syndrome;

8 11. *Assisting the Health Division in developing the Statewide  
9 Program for Public Education and the Prevention of Sudden  
10 Infant Death Syndrome pursuant to section 9 of this act,  
11 including, without limitation, preparing and obtaining  
12 information relating to sudden infant death syndrome and sudden  
13 unexpected infant death;*

14 12. Assisting the University of Nevada School of Medicine in  
15 reviewing, amending and distributing the guidelines it is required to  
16 develop pursuant to NRS 442.390; and

17 ~~12.~~ 13. Promoting the health of infants and mothers by  
18 ensuring the availability and accessibility of affordable perinatal  
19 services.

