

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 152
Committee Substitute Favorable 4/9/03
Third Edition Engrossed 4/21/03
Senate Health & Human Resources Committee Substitute Adopted 6/5/03

Short Title: Prevent SIDS/Child Care/Investigations.

(Public)

Sponsors:

Referred to:

March 3, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-91 is amended by adding a new subdivision to read:

"§ 110-91. **Mandatory standards for a license.**

All child care facilities shall comply with all State laws and federal laws and local ordinances that pertain to child health, safety, and welfare. Except as otherwise provided in this Article, the standards in this section shall be complied with by all child care facilities. However, none of the standards in this section apply to the school-age children of the operator of a child care facility but do apply to the preschool-age children of the operator. Children 13 years of age or older may receive child care on a voluntary basis provided all applicable required standards are met. The standards in this section, along with any other applicable State laws and federal laws or local ordinances, shall be the required standards for the issuance of a license by the Secretary under the policies and procedures of the Commission except that the Commission may, in its discretion, adopt less stringent standards for the licensing of facilities which provide care on a temporary, part-time, drop-in, seasonal, after-school or other than a full-time basis.

...

(15) Safe Sleep Policy. – Operators of child care facilities that care for children ages 12 months or younger shall develop and maintain a

1 written safe sleep policy, in accordance with rules adopted by the
2 Commission. The safe sleep policy shall address maintaining a safe
3 sleep environment and shall include the following requirements:

4 a. A caregiver in a child care facility shall place a child age 12
5 months or younger on the child's back for sleeping, unless the
6 operator of the child care facility obtains a written waiver of
7 this requirement from a health care provider as defined in G.S.
8 58-50-61(a)(8).

9 b. The operator of the child care facility shall discuss the safe
10 sleep policy with the child's parent or guardian before the child
11 is enrolled in the child care facility. The child's parent or
12 guardian shall sign a statement attesting that the parent or
13 guardian received a copy of the safe sleep policy and that the
14 policy was discussed with the parent or guardian before the
15 child's enrollment.

16 c. Any caregiver responsible for the care of children ages 12
17 months or younger shall receive training in safe sleep
18 practices."

19 **SECTION 2.** G.S. 110-105.2(a) reads as rewritten:

20 "(a) For purposes of this Article, child abuse and neglect, as defined in G.S.
21 7B-101 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in child care facilities, are
22 violations of the licensure standards and of the licensure law. The Department, local
23 departments of social services, and local law enforcement personnel shall cooperate
24 with the medical community to ensure that reports of child abuse or neglect in child care
25 facilities are properly investigated."

26 **SECTION 3.** This act becomes effective December 1, 2003.