SENATE BILL 221 (LRB -0788)

An Act to amend 48.67, 49.155 (1d) (a) and 49.45 (44) (intro.); and to create 20.435 (3) (e), 46.515 (4) (b) 3., 121.02 (1) (L) 6. and 253.15 of the statutes; relating to: the provision of information regarding shaken baby syndrome and impacted babies to the parents of newborn infants, training regarding shaken baby syndrome and impacted babies for day care providers, and instruction regarding shaken baby syndrome and impacted babies for middle school and high school pupils; and granting rule-making authority. (FE)

2005

06-23.	S.	Introduced by Senators **Lassa, Olsen, Roessler, Plale, Breske, Erpenbach, Kanavas, Brown, Robson, Coggs, Hansen, Darling, Wirch** and **Miller**; cosponsored by Representatives **Kerkman, Berceau, Sheridan, Jensen, Sinicki, Hines, Lehman, Turner, Petrowski, Hahn, Bies, Seidel, Shilling, Albers, Grigsby, Krusick, Ott, Fields, Cullen, McCormick, M. Williams** and **Davis**.	
05-27.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	234
06-09.	S.	Senator Carpenter added as a coauthor	250
06-14.	S.	Public hearing held.	
06-14.	S.	Fiscal estimate received.	
06-14.	S.	Fiscal estimate received.	
06-14.	S.	Representative Molepske added as a cosponsor	253
06-14.	S.	Executive action taken.	
06-16.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0 **(LRB a0749)**	264
06-16.	S.	Report introduction and adoption of Senate Amendment 2 recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0 **(LRB a0738)**	264
06-16.	S.	Report passage as amended recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0	264
06-16.	S.	Available for scheduling.	
06-21.	S.	Senate substitute amendment 1 offered by Senator Lassa **(LRB s0143)**	269
06-21.	S.	Fiscal estimate received.	
06-21.	S.	Fiscal estimate received.	
06-23.	S.	Fiscal estimate received.	
07-25.	S.	Pursuant to Senate Rule 46 (2)(c), withdrawn from committee on Senate Organization and rereferred to joint committee on Finance	308
10-17.	S.	Senate substitute amendment 2 offered by Senator Lassa **(LRB s0234)**	395
10-26.	S.	Executive action taken.	
10-27.	S.	Report introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 2 recommended by joint committee on Finance, Ayes 16, Noes 0 **(LRB a1255)**	412
10-27.	S.	Report adoption of Senate Substitute Amendment 2 recommended by joint committee on Finance, Ayes 16, Noes 0	412
10-27.	S.	Report passage as amended recommended by joint committee on Finance, Ayes 16, Noes 0	412
10-27.	S.	Available for scheduling.	
10-27.	S.	Placed on calendar 11-1-2005 by committee on Senate Organization.	
11-01.	S.	Read a second time	423
11-01.	S.	Senate amendment 1 to Senate substitute amendment 2 **adopted**	423
11-01.	S.	Senate substitute amendment 2 **adopted**	423
11-01.	S.	Ordered to a third reading	423
11-01.	S.	Rules suspended	423
11-01.	S.	Read a third time and **passed**, Ayes 33, Noes 0	423
11-01.	S.	Senator A. Lasee added as a coauthor	420
11-01.	S.	Ordered immediately messaged	427
11-14.	A.	Received from Senate	618
11-14.	A.	Read first time and referred to committee on Children and Families	619
11-17.	A.	Public hearing held.	
12-08.	A.	Executive action taken.	
12-09.	A.	Report concurrence recommended by committee on Children and Families, Ayes 6, Noes 0	661
12-09.	A.	Referred to committee on Rules	661

2006

02-28.	A.	Made a special order of business at 10:32 A.M. on 3-2-2006 pursuant to Assembly Resolution 49	863
03-02.	A.	Read a second time.	
03-02.	A.	Ordered to a third reading.	
03-02.	A.	Rules suspended.	
03-02.	A.	Read a third time and **concurred in**.	
03-02.	A.	Ordered immediately messaged.	

9MB

03-03. S. Received from Assembly concurred in.

2005
ENROLLED BILL

05en S B- 221

ADOPTED DOCUMENTS:

☐ Orig ☐ Engr S SubAmdt 2 05s 0234/1

Amendments to above (if none, write "NONE"): SA1 - a 1255/1

Corrections – show date (if none, write "NONE"): ~~[illegible]~~ ~~CCC~~

CCC in enrolling (3-9-2006)

Topic Shaken baby syndrome provision of information and training; granting rule-making authority.

3/6/06 S R Miller

Date **Enrolling Drafter**

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SENATE SUBSTITUTE AMENDMENT 2,

TO 2005 SENATE BILL 221

October 17, 2005 – Offered by Senator LASSA.

1 AN ACT ***to amend*** 48.67, 49.155 (1d) (a) and 49.45 (44) (intro.); and ***to create***
2 20.433 (1) (e), 46.515 (4) (b) 3., 121.02 (1) (L) 6. and 253.15 of the statutes;
3 **relating to:** the provision of information regarding shaken baby syndrome and
4 impacted babies to the parents of newborn infants, training regarding shaken
5 baby syndrome and impacted babies for day care providers, and instruction
6 regarding shaken baby syndrome and impacted babies for middle school and
7 high school pupils; the identification of, and documentation of certain
8 information concerning, shaken and impacted babies; granting rule–making
9 authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one

year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to receive reimbursement under the Wisconsin Works (W–2) program and for the employees and volunteers of those providers. In addition, the Child Abuse and Neglect Prevention Board (CANPB) awards grants and administers statewide projects for the prevention of child abuse and neglect.

This substitute amendment creates similar requirements relating to shaken baby syndrome, which is defined in the substitute amendment as a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull and requirements relating to impacted babies, which is defined as babies that suffer death or great bodily harm as a result of being thrown against a surface, hard or soft. Specifically, the substitute amendment requires the CANPB to purchase or prepare, or to arrange with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby (nonprofit organization) to prepare, printed and audiovisual materials relating to shaken baby syndrome and impacted babies that include: information regarding the identification and prevention of shaken baby syndrome and impacted babies; the grave effects of shaking or throwing an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child.

The substitute amendment requires the parents of a newborn infant to be provided with a copy of those written materials as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse–midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home. That person is also required to inform the parents of the availability of those audiovisual materials and to make those audiovisual materials available for the parents to view.

2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse–midwife, or a trained, designated birth attendant within seven days after the birth of the infant. That person is also required to inform the parents of the availability of those audiovisual materials.

The substitute amendment also requires the person who provides those written materials to provide those parents with a form that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.

2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child.

3. A statement that the parent will share that information with all persons who provide care for the infant.

In addition, under the substitute amendment:

1. Before an individual may obtain a license to operate a day care center for children under five years of age or enter into a contract with a school board to provide a day care program for children under five years of age, the individual must receive training relating to shaken baby syndrome and impacted babies that is approved or provided by DHFS or that is provided by a nonprofit organization contracted by DHFS to provide that training.

2. Before an individual may be certified as a day care provider for children under five years of age under the W–2 program, the individual must receive training relating to shaken baby syndrome and impacted babies that is approved or provided by a county department of human services or social services (county department) or that is provided by a nonprofit organization contracted by that county department to provide the training.

3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children under five years of age, the employee or volunteer must receive training relating to shaken baby syndrome and impacted babies that is approved or provided by DHFS or the certifying county department or that is provided by a nonprofit organization contracted by DHFS or county department to provide that training.

The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by two years after the effective date of the substitute amendment, whichever is sooner, for an individual who on the day before the initial applicability date of the substitute amendment: 1) already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care program under a contract with a school board; or 4) is already an employee or volunteer of such a licensee, provider, or program.

In addition, the substitute amendment requires each school board to provide or arrange with a nonprofit organization or health care provider to provide age–appropriate instruction relating to shaken baby syndrome and impacted babies for pupils in one of grades 5 to 8 and in one of grades 10 to 12. The substitute amendment permits the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials purchased or prepared by the CANPB or prepared by the nonprofit organization, a presentation of the audiovisual materials purchased or prepared by the CANPB or prepared by the nonprofit organization, and an oral explanation of those written and audiovisual materials.

Moreover, the substitute amendment requires a county department or an Indian tribe that is providing home visitation services under DHFS's Child Abuse and Neglect Prevention Program or that is a provider of prenatal, postpartum, and young child care coordination services in Milwaukee County under the Medical Assistance program to provide to a recipient of those services, without cost, a copy

of the written materials relating to shaken baby syndrome and impacted babies purchased or prepared by the CANPB or prepared by the nonprofit organization and an oral explanation of those materials.

Finally, the substitute amendment requires DHFS to identify all infants and young children who have shaken baby syndrome or who are impacted babies and all infants and young children who have died as a result of being shaken or thrown by using the statewide automated child welfare information system (commonly referred to as "WISACWIS") and child fatality information compiled by the Department of Justice. For each infant or young child so identified, DHFS must document the age, sex, and other characteristics of the child that are relevant to the prevention of shaken baby syndrome and impacted babies and, if known, the age, sex, employment status, and residence of the person who shook or threw the infant or young child, the relationship of that person to the child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome and impacted babies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

			2005–06	2006–07
20.433 Child abuse and neglect prevention board				
(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
(e) Shaken baby syndrome and impacted babies prevention	GPR	A	68,200	68,200

SECTION 2. 20.433 (1) (e) of the statutes is created to read:

20.433 **(1)** (e) *Shaken baby syndrome and impacted babies prevention.* The amounts in the schedule for shaken baby syndrome and impacted babies prevention activities under s. 253.15.

SECTION 3. 46.515 (4) (b) 3. of the statutes is created to read:

46.515 **(4)** (b) 3. A county or Indian tribe that is providing home visitation program services under subd. 1. or 2. shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

SECTION 4. 48.67 of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. ~~These~~ Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce ~~and~~, the department of public instruction, and the child abuse and neglect prevention board before promulgating ~~these~~ those rules. In establishing the minimum requirements for the issuance of licenses to day care centers ~~that provide care and supervision for children under one year of age~~, the department shall include a requirement that all licensees who are individuals and all employees and volunteers of a licensee who provide care and supervision for children receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome, if the licensee, employee, or volunteer provides care and supervision for children under one year of age, and the training relating to shaken baby syndrome and impacted babies

1 required under s. 253.15 (4), if the licensee, employee, or volunteer provides care and
2 supervision for children under 5 years of age. INSERT 2 ✓
3 **SECTION 5.** 49.155 (1d) (a) of the statutes is amended to read:
4 49.155 **(1d)** (a) The department shall promulgate rules establishing standards
5 for the certification of child care providers under s. 48.651. The department shall
6 consult with the child abuse and neglect prevention board before promulgating those
7 rules. In establishing the requirements for certification under this paragraph of a
8 child care provider ~~who provides care and supervision for children under one year~~
9 ~~of age~~, the department shall include a requirement that all providers and all
10 employees and volunteers of a provider who provide care and supervision for children
11 receive, before the date on which the provider is certified or the employment or
12 volunteer work commences, whichever is applicable, training in the most current
13 medically accepted methods of preventing sudden infant death syndrome, if the
14 provider, employee, or volunteer provides care and supervision for children under
15 one year of age, and the training relating to shaken baby syndrome and impacted
16 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides
17 care and supervision for children under 5 years of age. In establishing the
18 requirements for certification as a Level II certified family day care provider, the
19 department may not include any other requirement for training for providers.
20 **SECTION 6.** 49.45 (44) (intro.) of the statutes is amended to read:
21 49.45 **(44)** PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. (intro.)
22 Providers in Milwaukee County that are certified to provide care coordination
23 services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance
24 recipients prenatal and postpartum care coordination services and care coordination
25 services for children who have not attained the age of 7. A provider of those care

coordination services shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6). The department shall provide reimbursement for ~~these~~ those care coordination services only if at least one of the following conditions is met:

SECTION 7. 121.02 (1) (L) 6. of the statutes is created to read:

121.02 **(1)** (L) 6. In one of grades 5 to 8 and in one of grades 10 to 12, provide pupils with the instruction on shaken baby syndrome and impacted babies described in s. 253.15 (5).

SECTION 8. 253.15 of the statutes is created to read:

253.15 Shaken baby syndrome and impacted babies. (1) DEFINITIONS. In this section:

(a) "Board" means the child abuse and neglect prevention board.

(b) "County department" means a county department of human services or social services under s. 46.215, 46.22, or 46.23.

(c) "Health care provider" means any person who is licensed, registered, permitted, or certified by the department of health and family services or the department of regulation and licensing to provide health care services in this state.

(d) "Impacted baby" means an infant or young child who suffers death or great bodily harm as a result of being thrown against a surface, hard or soft.

(e) "Nonprofit organization" means an organization described in section 501 (c) (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby.

1 (f) "Shaken baby syndrome" means a severe form of brain injury that occurs
2 when an infant or young child is shaken forcibly enough to cause the brain to rebound
3 against his or her skull.

4 **(2)** INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange
5 with a nonprofit organization to prepare printed and audiovisual materials relating
6 to shaken baby syndrome and impacted babies. The materials shall include
7 information regarding the identification and prevention of shaken baby syndrome
8 and impacted babies, the grave effects of shaking or throwing on an infant or young
9 child, appropriate ways to manage crying, fussing, or other causes that can lead a
10 person to shake or throw an infant or young child, and a discussion of ways to reduce
11 the risks that can lead a person to shake or throw an infant or young child. The
12 materials shall be prepared in English, Spanish, and other languages spoken by a
13 significant number of state residents, as determined by the board. The board shall
14 make those written and audiovisual materials available to all hospitals, maternity
15 homes, and nurse–midwives licensed under s. 441.15 that are required to provide or
16 make available materials to parents under sub. (3) (a) 1., to the department and to
17 all county departments and nonprofit organizations that are required to provide the
18 materials to day care providers under sub. (4), and to all school boards and nonprofit
19 organizations that are permitted to provide the materials to pupils in one of grades
20 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
21 written materials available to all county departments and Indian tribes that are
22 providing home visitation services under s. 46.515 (4) (b) 1. or 2. and to all providers
23 of prenatal, postpartum, and young child care coordination services under s. 49.45
24 (44). The board may make available the materials required under this subsection

1 to be made available by making those materials available at no charge on the board's
2 Internet site.

3 **(3)** INFORMATION TO PARENTS. (a) 1. Before an infant who is born at or on route
4 to a hospital or maternity home is discharged from the hospital or maternity home,
5 the attending physician, the attending nurse midwife, or another trained,
6 designated staff member of the hospital or maternity home shall provide to the
7 parents of the infant, without cost to those parents, a copy of the written materials
8 purchased or prepared under sub. (2), shall inform those parents of the availability
9 of the audiovisual materials purchased or prepared under sub. (2), and shall make
10 those audiovisual materials available for those parents to view.

11 2. Within 7 days after the birth of an infant who is born elsewhere than at or
12 on route to a hospital or maternity home, the attending physician, the attending
13 nurse–midwife, or a trained, designated birth attendant who attended the birth of
14 the child shall provide to the parents of the infant, without cost to those parents, a
15 copy of the written materials purchased or prepared under sub. (2) and shall inform
16 those parents of the availability of the audiovisual materials purchased or prepared
17 under sub. (2).

18 (b) At the same time that the written materials and explanation are provided
19 under par. (a) 1., or 2., the person who provides the written materials and
20 explanation shall also provide the parent with a form prepared by the board in
21 English, Spanish, and other languages spoken by a significant number of state
22 residents, as determined by the board, that includes all of the following:

23 1. A statement that the parent has been advised as to the grave effects of
24 shaking or throwing on an infant or young child and of appropriate ways to manage

1 crying, fussing, or other causes that can lead a person to shake or throw an infant
2 or young child.
3 2. A telephone number that the parent may call to obtain assistance on how to
4 care for an infant or young child, which may be the telephone number of the infant's
5 physician, the hospital or maternity home at or on route to which the infant was born,
6 the nurse–midwife that attended the birth of the infant, if born elsewhere than at
7 or on route to a hospital or maternity home, or a help line established by the hospital,
8 maternity home, or nurse–midwife.
9 3. A statement that the parent will share the information specified in subds.
10 1. and 2. with all persons who provide care for the infant.
11 (c) In preparing the form under par. (b), the board may not include in the form
12 a signature line for the parent to sign or any other requirement that the parent sign
13 the form.
14 (d) The person who provides the written materials and explanation under par.
15 (a) 1. or 2. and the form under par. (b) shall include in the records of the hospital,
16 maternity home, or nurse–midwife relating to the infant a statement that the
17 written materials, explanation, and form have been provided as required under pars.
18 (a) 1. or 2. and (b) and that the audiovisual materials have been made available as
19 required under par. (a) 1. or that the parents have been informed of their availability
20 as required under par. (a) 2., whichever is applicable.
21 **(4)** TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license
22 to operate a day care center under s. 48.65 for the care and supervision of children
23 under 5 years of age or enter into a contract to provide a day care program under s.
24 120.13 (14) for the care and supervision of children under 5 years of age, the
25 individual shall receive training relating to shaken baby syndrome and impacted

1 babies that is approved or provided by the department or that is provided by a
2 nonprofit organization arranged by the department to provide that training. Before
3 an individual may be certified under s. 48.651 as a day care provider of children
4 under 5 years of age, the individual shall receive training relating to shaken baby
5 syndrome and impacted babies that is approved or provided by the certifying county
6 department or that is provided by a nonprofit organization arranged by that county
7 department to provide that training. Before an employee or volunteer of a day care
8 center licensed under s. 48.65, a day care provider certified under s. 48.651, or a day
9 care program established under s. 120.13 (14) may provide care and supervision for
10 children under 5 years of age, the employee or volunteer shall receive training
11 relating to shaken baby syndrome and impacted babies that is approved or provided
12 by the department or the certifying county department or that is provided by a
13 nonprofit organization arranged by the department or county department to provide
14 that training. The person conducting the training shall provide to the individual
15 receiving the training, without cost to the individual, a copy of the written materials
16 purchased or prepared under sub. (2), a presentation of the audiovisual materials
17 purchased or prepared under sub. (2), and an oral explanation of those written and
18 audiovisual materials.

19 **(5)** INSTRUCTION FOR PUPILS. Each school board shall provide or arrange with
20 a nonprofit organization or health care provider to provide age–appropriate
21 instruction relating to shaken baby syndrome and impacted babies for pupils in one
22 of grades 5 to 8 and in one of grades 10 to 12. The person providing the instruction
23 may provide to each pupil receiving the instruction a copy of the written materials
24 purchased or prepared under sub. (2), a presentation of the audiovisual materials

1 purchased or prepared under sub. (2), and an oral explanation of those written and
2 audiovisual materials.

3 **(6)** INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS.
4 A county department or Indian tribe that is providing home visitation services under
5 s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care
6 coordination services under s. 49.45 (44) shall provide to a recipient of those services,
7 without cost, a copy of the written materials purchased or prepared under sub. (2)
8 and an oral explanation of those materials.

9 **(7)** IMMUNITY FROM LIABILITY. (a) The board, a nonprofit organization specified
10 under sub. (2), or a person from whom the board purchases the materials specified
11 in sub. (2) is immune from liability for any damages resulting from any good faith
12 act or omission in preparing and distributing, or in failing to prepare and distribute,
13 the materials specified in sub. (2).

14 (b) A hospital, maternity home, physician, nurse–midwife, other staff member
15 of a hospital or maternity home, or other birth attendant attending the birth of an
16 infant is immune from liability for any damages resulting from any good faith act or
17 omission in providing or failing to provide the written and audiovisual materials
18 specified in sub. (3) (a) or the form specified in sub. (3) (b).

19 (c) The department, a county department, a nonprofit organization specified
20 under sub. (4), or any other person that provides the training, the written and
21 audiovisual materials, and the oral explanation specified in sub. (4) is immune from
22 liability for any damages resulting from any good faith act or omission in approving,
23 providing, or failing to approve or provide that training, those materials, and that
24 explanation. A school board is immune from liability for any damages resulting from
25 any good faith act or omission in connection with the provision of or the failure to

1 provide, the training, written and audiovisual materials, and oral explanation
2 specified in sub. (4).
3 (d) A school board, nonprofit organization, or health care provider specified
4 under sub. (5) is immune from liability for any damages resulting from any good faith
5 act or omission in providing or failing to provide the instruction and the written and
6 audiovisual materials and oral explanation specified in sub. (5).
7 (e) A county department or Indian tribe that is providing home visitation
8 services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and
9 young child care coordination services under s. 49.45 (44) is immune from liability
10 for any damages resulting from any good faith act or omission in providing or failing
11 to provide the written materials and oral explanation specified in sub. (6).
12 **(8)** IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of health and
13 family services shall identify all infants and young children who have shaken baby
14 syndrome or who are impacted babies and all infants and young children who have
15 died as a result of being shaken or thrown by using the statewide automated child
16 welfare information system established under s. 46.03 (7) (g) and child fatality
17 information compiled by the department of justice. For each infant or young child
18 so identified, the department of health and family services shall document the age,
19 sex, and other characteristics of the infant or young child that are relevant to the
20 prevention of shaken baby syndrome and impacted babies and, if known, the age,
21 sex, employment status, and residence of the person who shook or threw the infant
22 or young child, the relationship of that person to the infant or young child, and any
23 other characteristics of that person that are relevant to the prevention of shaken
24 baby syndrome and impacted babies.
25 **SECTION 9. Nonstatutory provisions.**

1 (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;
2 TRAINING; RULES; POSITIONS.

3 (a) *Availability of informational materials.* By the first day of the 12th month
4 beginning after the effective date of this subsection, the child abuse and neglect
5 prevention board shall make the informational materials specified in section 253.15
6 (2) of the statutes, as created by this act, available as required under section 253.15
7 (2) of the statutes, as created by this act.

8 (b) *Training for day care providers.*

9 1. Notwithstanding section 253.15 (4) of the statutes, as created by this act, the
10 department of health and family services shall ensure that the training required
11 under section 253.15 (4) of the statutes, as created by this act, is provided to all
12 individuals who on the day before the first day of the 12th month beginning after the
13 effective date of this subdivision, hold or have applied for a license under section
14 48.65 of the statutes to operate a day care center or are providing a day care program
15 under a contract under section 120.13 (14) of the statutes, and to all employees and
16 volunteers of that day care center or day care program who on that day are providing
17 care and supervision for children, by no later than the continuation date of the
18 license or the renewal date of the contract, whichever is applicable, or by 2 years after
19 the effective date of this subdivision, whichever is sooner.

20 2. Notwithstanding section 253.15 (4) of the statutes, as created by this act, a
21 county department, as defined in section 253.15 (1) (b) of the statutes, as created by
22 this act, shall ensure that the training required under section 253.15 (4) of the
23 statutes, as created by this act, is provided to all individuals who on the day before
24 the first day of the 12th month beginning after the effective date of this subdivision,
25 are certified by that county department as day care providers under section 48.651

of the statutes or have applied for that certification, and to all employees and volunteers of that day care provider who on that day are providing care and supervision for children, by no later than 18 months after the effective date of this subdivision.

(c) *Rules.*

1. The department of health and family services shall submit in proposed form the rules required under section 48.67 of the statutes, as affected by this act, to the legislature under section 227.19 of the statutes no later than the first day of the 12th month beginning after the effective date of this subdivision. Before the date on which the rules are finally promulgated, the department of health and family services shall administer section 253.15 (4) of the statutes, as created by this act, according to policies and procedures established by that department, but not promulgated as rules, notwithstanding the absence of rules to administer that provision.

2. The department of workforce development shall submit in proposed form the rules required under section 49.155 (1d) (a) of the statutes, as affected by this act, to the legislature under section 227.19 of the statutes no later than the first day of the 12th month beginning after the effective date of this subdivision. Notwithstanding section 227.137 (2) of the statutes, the secretary of administration may not require the department of workforce development to prepare an economic impact report for the rules required under section 49.155 (1d) (a) of the statutes, as affected by this act. Before the date on which the rules are finally promulgated, the department of workforce development shall administer section 253.15 (4) of the statutes, as created by this act, according to policies and procedures established by that department, but not promulgated as rules, notwithstanding the absence of rules to administer that provision.

(d) *Positions.* The authorized FTE positions for the child abuse and neglect prevention board are increased by 1.0 ~~GPR~~ SEG position, to be funded from the appropriation under section 20.433 (1) ~~(e) of the statutes, as created by this act,~~ INS 4 for the purpose of administering the shaken baby syndrome and impacted babies prevention activities specified in section 253.15 (2) and (3) of the statutes, as created by this act. INSERT 5

SECTION 10. Initial applicability.

(1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS; TRAINING; INSTRUCTION.

(a) *Information to parents.* The treatment of section 253.15 (3) of the statutes first applies to infants born on the first day of the 12th month beginning after the effective date of this paragraph.

(b) *Training for day care providers.* The treatment of section 253.15 (4) of the statutes first applies to an individual who applies for a license to operate a day care center under section 48.65 of the statutes, who applies for certification as a day care provider under section 48.651 of the statutes, who enters into a contract to provide a day care program under section 120.13 (14) of the statutes, or who commences employment or volunteer work at a day care center, day care provider, or day care program on the first day of the 12th month beginning after the effective date of this paragraph.

(c) *Instruction for pupils.* The treatment of section 253.15 (5) of the statutes first applies to instructional programs provided in the 2007–08 school year.

(d) *Information to home visitation or care coordination services recipients.* The treatment of section 253.15 (6) of the statutes first applies to home visitation services under section 46.515 (4) (b) 1. or 2. of the statutes or prenatal, postpartum, and young

1 child care coordination services under section 49.45 (44) of the statutes provided on
2 the first day of the 12th month beginning after the effective date of this paragraph.
3 (e) *Identification of shaken or impacted babies.* The treatment of section 253.15
4 (8) of the statutes first applies to an infant or young child for whom information
5 indicating that the infant or young child has shaken baby syndrome, as defined in
6 section 253.15 (1) (f) of the statutes, as created by this act, or is an impacted baby,
7 as defined in section 253.15 (1) (d) of the statutes, as created by this act, is entered
8 into the statewide automated child welfare information system established under
9 section 46.03 (7) (g) of the statutes, and to an infant or young child for whom child
10 fatality information is compiled by the department of justice indicating that the
11 infant or young child died as a result of being shaken or thrown, on the first day of
12 the 12th month beginning after the effective date of this paragraph.
13 **(END)**

State of Wisconsin
2005–2006 LEGISLATURE

CORRECTIONS IN:

SENATE AMENDMENT 1,

TO SENATE SUBSTITUTE AMENDMENT 2,

TO 2005 SENATE BILL 221

Prepared by the Legislative Reference Bureau
(March 9, 2006)

In enrolling, the following correction was made:

1. Page 1, line 2: delete "Page 4, line 4: delete lines 4 to 12." and substitute "Page 4, line 1: delete lines 1 to 12.".

(END)

LRBa1255/1ccc–1
CJS:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.

SENATE AMENDMENT 1,

TO SENATE SUBSTITUTE AMENDMENT 2,

TO 2005 SENATE BILL 221

October 27, 2005 – Offered by JOINT COMMITTEE ON FINANCE.

CCC delete lines 1 to 12

1

At the locations indicated, amend the substitute amendment as follows:

1. Page 4, line 4: delete lines 4 to 12.

2

2. Page 6, line 2: after that line insert:

"**SECTION 4g.** 48.982 (2m) (d) of the statutes is created to read:

48.982 **(2m)** (d) Fund shaken baby syndrome and impacted babies prevention activities under s. 253.15.".

3. Page 16, line 2: delete "GPR" and substitute "SEG".

4. Page 16, line 3: delete "(e) of the statutes, as created by this act," and substitute "(q) of the statutes,".

4

5

5. Page 16, line 6: after "act." insert "Of the amounts appropriated to the child abuse and neglect prevention board under that appropriation, the child abuse and

5

1 neglect prevention board may allocate not more than $68,200 in each of fiscal years
2 2005–06 and 2006–07 for that purpose.".
3 **(END)**