



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 221

**Senate Substitute
Amendment 2 as Amended by
Senate Amendment 1**

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This memorandum compares the provisions of 2005 Senate Bill 221, relating to shaken baby syndrome and impacted babies prevention activities, with the provisions of Senate Substitute Amendment 2, as amended by Senate Amendment 1 to the Substitute Amendment.

APPROPRIATIONS

Senate Bill 221

Senate Bill 221 (“the bill”) provides \$68,200 general purpose revenue (GPR) in 2005-2006 and 2006-2007 for shaken baby syndrome and impacted babies (hereafter, “shaken baby syndrome”) prevention activities. The bill provides for one full-time equivalent (FTE) nursing position in the Department of Health and Family Services (DHFS) for administering these prevention activities.

Substitute Amendment

Senate Substitute Amendment 2 (the “Substitute Amendment”) provides \$68,200 segregated revenues (SEG) in each of 2005-2006 and 2006-2007 to fund one position in the Child Abuse and Neglect Prevention Board (“the Board”) for administering the bill’s prevention activities. These funds come from the child abuse and neglect prevention board appropriation for donations.

PREPARATION OF MATERIALS RELATING TO SHAKEN BABY SYNDROME

Senate Bill 221

The bill requires DHFS to prepare, or to contract with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome to prepare, printed and audiovisual materials relating to shaken baby syndrome.

Substitute Amendment

The Substitute Amendment requires the Board, rather than the DHFS, to purchase or prepare, or arrange with a nonprofit organization to prepare, printed and audiovisual materials relating to shaken baby syndrome.

DISSEMINATION OF MATERIALS

Senate Bill 221

The bill requires the parents of a newborn infant to be provided with a copy of those written materials, and to be requested to view a presentation of those audiovisual materials. The bill specifies who must make the presentation and when it must take place.

The bill requires the DHFS to make the materials available to: hospitals, maternity homes and nurse-midwives; county departments and nonprofit organizations that provide the materials to day care providers; school boards and nonprofit organizations that provide the materials to students; tribes and county departments that provide home visitation services; and to all providers of care coordination services.

The bill also requires the person who provides those written materials to provide those parents with a form that includes a statement that the parent has been advised of the grave effects of shaking or throwing an infant or young child, and ways to manage causes that lead a person to shake or throw an infant or young child, a telephone number that the parent may call to obtain assistance on how to care for an infant or young child, and a statement that the parent will share that information with all persons who provide care for the infant.

Substitute Amendment

The Substitute Amendment requires the Board, rather than the DHFS, to make the materials available to the specified entities. The Substitute Amendment also permits the board to make the materials available at no charge on their Internet site.

The Substitute Amendment removes the requirement that the parents be requested to view the information. Rather, the parents are informed of the availability of the materials, and the materials are made available for the parents to view. The Substitute Amendment retains the provisions regarding the form provide to parents.

TRAINING

Senate Bill 221

The bill requires shaken baby syndrome training be provided before an individual may obtain a license to operate a day care center, or enter into a contract with a school board to provide a day care program. The DHFS or a nonprofit organization must provide the training.

The bill also requires this training be provided before an individual may be certified as a day care provider under the W-2 program. The training must be provided by a county department or a nonprofit organization contracted by that county department.

Finally, the bill requires this training be provided before an employee or volunteer of a day care center, day care provider, or day care program may provide care and supervision for children. The training must be provided by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or the county department.

Substitute Amendment

Under the Substitute Amendment, the requirement that day care center operators, providers, employees, and volunteers receive training on shaken baby syndrome applies to centers and programs that provide for the care and supervision of children under five years of age.

Under the Substitute Amendment, the DHFS or certifying county department approves or provides the training, or arranges with a nonprofit organization to provide the training.

SCHOOL INSTRUCTION

Senate Bill 221

The bill requires each school board to provide or contract with a nonprofit organization to provide instruction relating to shaken baby syndrome for pupils in grade 11 and one of grades five to eight.

Substitute Amendment

The Substitute Amendment requires the school board to provide or *arrange* with a nonprofit organization or health care provider to provide *age-appropriate* instruction relating to shaken baby syndrome in one of grades five to eight and in *one of grades 10 to 12*.

OTHER OUTREACH

Senate Bill 221

The bill requires a county department of 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 to provide to a recipient of those services, without cost, a copy of the written materials relating to shaken baby syndrome prepared by DHFS or the nonprofit organization, and an oral explanation of those materials.

Substitute Amendment

The Substitute Amendment contains substantially the same provisions regarding provision of materials to home visitation or care coordination services recipients.

IMMUNITY FROM LIABILITY

Senate Bill 221

The bill provides that DHFS or a nonprofit organization it contracts with is immune from liability for any damages resulting from a good faith act or omission in preparing and distributing, or in failing to prepare and distribute, the materials relating to shaken baby syndrome. This same immunity applies to the other entities in the bill that are responsible for providing training and materials.

Substitute Amendment

Because the Substitute Amendment allows for the purchase of materials for use in training, the immunity under the bill extends to the person from whom the materials are purchased.

IDENTIFICATION OF VICTIMS OF SHAKEN BABY SYNDROME

Senate Bill 221

The bill requires DHFS to identify all infants and young children who have shaken baby syndrome and all infants and young children who have died as a result of being shaken or thrown. DHFS must document the age, sex, and other characteristics of the child that are relevant to the prevention of shaken baby syndrome and, if known, the age, sex, employment status, and residence of the person who shook or threw the infants 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.

Substitute Amendment

The Substitute Amendment contains the same provisions as the bill relating to identification of victims and perpetrators of shaken baby syndrome.

Legislative History

On October 27, 2005, the Joint Committee on Finance adopted Senate Substitute Amendment 2, as amended by Senate Amendment 1 to Senate Substitute Amendment 2, by a vote of Ayes, 16; Noes, 0, and recommended passage of the bill, as amended, by a vote of Ayes, 16; Noes, 0. On November 1, 2005, the Senate adopted Senate Substitute Amendment 2, as amended by Senate Amendment 1, on a voice vote and passed the bill, as amended, by a vote of Ayes, 33; Noes, 0.

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