SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2179

(SENATE AUTHORS: MARTY)

DATE	D-PG	OFFICIAL STATUS
03/07/2019	706	Introduction and first reading
		Referred to Family Care and Aging

1.1   A bill for an act

1.2   relating to human services; modifying child care licensing safe sleep requirements;
1.3   amending Minnesota Statutes 2018, section 245A.1435.

1.4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5   Section 1. Minnesota Statutes 2018, section 245A.1435, is amended to read:

1.6   **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**

1.7   **IN LICENSED PROGRAMS.**

1.8   (a) When a license holder is placing an infant to sleep, the license holder must place the

1.9   infant on the infant's back, unless the license holder has documentation from the infant's

1.10   physician directing an alternative sleeping position for the infant. The physician directive

1.11   must be on a form approved by the commissioner and must remain on file at the licensed

1.12   location. An infant who independently rolls onto its stomach after being placed to sleep on

1.13   its back may be allowed to remain sleeping on its stomach if the infant is at least six months

1.14   of age or the license holder has a signed statement from the parent indicating that the infant

1.15   regularly rolls over at home.

1.16   (b) The license holder must place the infant in a crib directly on a firm mattress with a

1.17   fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and

1.18   overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of

1.19   the sheet with reasonable effort. The license holder must not place anything in the crib with

1.20   the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title

1.21   16, part 1511. The requirements of this section apply to license holders serving infants

1.22   younger than one year of age. Licensed child care providers must meet the crib requirements

1.23   under section 245A.146. A correction order shall not be issued under this paragraph unless

Section 1.   1

2.1   there is evidence that a violation occurred when an infant was present in the license holder's

2.2   care.

2.3   (c) If an infant falls asleep before being placed in a crib, the license holder must move

2.4   the infant to a crib as soon as practicable, and must keep the infant within sight of the license

2.5   holder until the infant is placed in a crib. When an infant falls asleep while being held, the

2.6   license holder must consider the supervision needs of other children in care when determining

2.7   how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant

2.8   must not be in a position where the airway may be blocked or with anything covering the

2.9   infant's face.

2.10   (d) Placing a swaddled infant down to sleep in a licensed setting is not recommended

2.11   for an infant of any age and is prohibited for any infant who has begun to roll over

2.12   independently. However, with the written consent of a parent or guardian according to this

2.13   paragraph, a license holder may place the infant who has not yet begun to roll over on its

2.14   own down to sleep in a one-piece sleeper equipped with an attached system that fastens

2.15   securely only across the upper torso, with no constriction of the hips or legs, to create a

2.16   swaddle. The use of sleepwear or a sleep system that has a hood or any other attachment is

2.17   prohibited. The commissioner of human services shall provide photographs or a list of

2.18   disallowed sleepwear and sleep systems and the component parts on the Department of

2.19   Human Services website. Prior to any use of swaddling for sleep by a provider licensed

2.20   under this chapter, the license holder must obtain informed written consent for the use of

2.21   swaddling from the parent or guardian of the infant on a form provided by the commissioner

2.22   ~~and prepared in partnership with the Minnesota Sudden Infant Death Center~~.