

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4309

(SENATE AUTHORS: MARTY)

DATE
03/12/2020

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act

1.2 relating to human services; modifying provisions for reducing risk of sudden

1.3 unexpected infant death in licensed programs; amending Minnesota Statutes 2018,

1.4 sections 245A.1435; 245A.146, subdivision 3.

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

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

1.7 **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**

1.8 **IN LICENSED PROGRAMS.**

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

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

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

1.12 must be on a form ~~approved~~ developed by the commissioner and must remain on file at the

1.13 licensed location. An infant who independently rolls onto its stomach after being placed to

1.14 sleep on its back may be allowed to remain sleeping on its stomach if the infant is at least

1.15 six months of age or the license holder has a signed statement from the parent indicating

1.16 that the infant regularly rolls over at home.

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

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

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

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

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

1.22 16, part 1511. The pacifier must be free from any sort of attachment. The requirements of

1.23 this section apply to license holders serving infants younger than one year of age. Licensed

child care providers must meet the crib requirements under section 245A.146. A correction order shall not be issued under this paragraph unless there is evidence that a violation occurred when an infant was present in the license holder's care.

(c) If an infant falls asleep before being placed in a crib, the license holder must move the infant to a crib as soon as practicable, and must keep the infant within sight of the license holder until the infant is placed in a crib. When an infant falls asleep while being held, the license holder must consider the supervision needs of other children in care when determining how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant must not be in a position where the airway may be blocked or with anything covering the infant's face.

(d) When a license holder places an infant under one year of age to sleep, the infant's clothing or sleepwear must not have weighted materials, a hood, or a bib.

(e) A license holder may place an infant under one year of age wearing a helmet to sleep if the license holder has signed documentation by a physician, advance practice registered nurse, licensed occupational therapist, or licensed physical therapist on a form developed by the commissioner.

~~(d)~~ (f) Placing a swaddled infant down to sleep in a licensed setting is not recommended for an infant of any age and is prohibited for any infant who has begun to roll over independently. However, with the written consent of a parent or guardian according to this paragraph, a license holder may place the infant who has not yet begun to roll over on its own down to sleep in a one-piece sleeper equipped with an attached system that fastens securely only across the upper torso, with no constriction of the hips or legs, to create a swaddle. A swaddle is defined as one-piece sleepwear that wraps over the infant's arms, fastens securely only across the upper torso, and does not constrict the infant's hips or legs. If a license holder uses a swaddle, the license holder must ensure that it meets the requirements of paragraph (d) and is not so tight that it restricts the infant's ability to breathe or so loose that the fabric could cover the infant's nose and mouth. Prior to any use of swaddling for sleep by a provider licensed under this chapter, the license holder must obtain informed written consent for the use of swaddling from the parent or guardian of the infant on a form provided developed by the commissioner and prepared in partnership with the Minnesota Sudden Infant Death Center.

EFFECTIVE DATE. This section is effective September 30, 2020.

3.1 Sec. 2. Minnesota Statutes 2018, section 245A.146, subdivision 3, is amended to read:

3.2 Subd. 3. **License holder documentation of cribs.** (a) Annually, from the date printed
3.3 on the license, all license holders shall check all their cribs' brand names and model numbers
3.4 against the United States Consumer Product Safety Commission website listing of unsafe
3.5 cribs.

3.6 (b) The license holder shall maintain written documentation to be reviewed on site for
3.7 each crib showing that the review required in paragraph (a) has been completed, and which
3.8 of the following conditions applies:

3.9 (1) the crib was not identified as unsafe on the United States Consumer Product Safety
3.10 Commission website;

3.11 (2) the crib was identified as unsafe on the United States Consumer Product Safety
3.12 Commission website, but the license holder has taken the action directed by the United
3.13 States Consumer Product Safety Commission to make the crib safe; or

3.14 (3) the crib was identified as unsafe on the United States Consumer Product Safety
3.15 Commission website, and the license holder has removed the crib so that it is no longer
3.16 used by or accessible to children in care.

3.17 (c) Documentation of the review completed under this subdivision shall be maintained
3.18 by the license holder on site and made available to parents or guardians of children in care
3.19 and the commissioner.

3.20 (d) Notwithstanding Minnesota Rules, part 9502.0425, a family child care provider that
3.21 complies with this section may use a mesh-sided or fabric-sided play yard, pack and play,
3.22 or playpen or crib that has not been identified as unsafe on the United States Consumer
3.23 Product Safety Commission website for the care or sleeping of infants.

3.24 (e) On at least a monthly basis, the family child care license holder shall perform safety
3.25 inspections of every mesh-sided or fabric-sided play yard, pack and play, or playpen used
3.26 by or that is accessible to any child in care, and must document the following:

3.27 (1) there are no tears, holes, or loose or unraveling threads in mesh or fabric sides of
3.28 crib;

3.29 (2) the weave of the mesh on the crib is no larger than one-fourth of an inch;

3.30 (3) no mesh fabric is unsecure or unattached to top rail and floor plate of crib;

3.31 (4) no tears or holes to top rail of crib;

3.32 (5) the mattress floor board is not soft and does not exceed one inch thick;

- 4.1 (6) the mattress floor board has no rips or tears in covering;
- 4.2 (7) the mattress floor board in use is ~~a water-proof~~ an original mattress or replacement
- 4.3 mattress provided by the manufacturer of the crib;
- 4.4 (8) there are no protruding or loose rivets, metal nuts, or bolts on the crib;
- 4.5 (9) there are no knobs or wing nuts on outside crib legs;
- 4.6 (10) there are no missing, loose, or exposed staples; and
- 4.7 (11) the latches on top and side rails used to collapse crib are secure, they lock properly,
- 4.8 and are not loose.
- 4.9 **EFFECTIVE DATE.** This section is effective September 30, 2020.