

# HOUSE BILL REPORT

## HB 2695

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to safe sleep practices in child care settings.

**Brief Description:** Concerning safe sleep practices in child care settings.

**Sponsors:** Representatives Kagi, Walsh, Freeman, Senn, Roberts, Pettigrew, Farrell, Ryu, Jinkins and Bergquist.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/3/14, 2/5/14 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Department of Early Learning (DEL) to provide information on safe sleep practices as outlined by the American Academy of Pediatrics to applicants for child care licensure.
- Directs the DEL licensor to assess for safe sleep practices during all monitoring visits.
- Specifies that on the first safe sleep practice rule infraction the licensor must complete a compliance agreement with the child care provider.
- Requires the DEL to revoke the child care providers license the second time a child care provider is found in violation of safe sleep practices.
- Adds the Graham Hazzard Act as the short title.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Freeman, Vice Chair; Goodman, Ortiz-Self, Roberts, Sawyer and Senn.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 6 members: Representatives Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Fagan, MacEwen, Young and Zeiger.

**Staff:** Lindsay Lanham (786-7120).

**Background:**

The Center for Disease Control and Prevention defines Sudden Unexpected Infant Death (SUID) as deaths in infants less than one year of age that occur suddenly, and whose cause of death are not immediately obvious prior to investigation. The leading cause of SUID is Sudden Infant Death Syndrome (SIDS). The Center for Disease Control and Prevention defines SIDS as the sudden death of an infant less than one year of age that cannot be explained after professionals complete an investigation. Sudden Infant Death Syndrome is the leading cause of child fatalities for children one to 12 months of age.

In an effort to prevent sleep-related child fatalities, the American Academy of Pediatrics (AAP), establishes guidelines on safe sleep environments. Safe sleep practice guidelines are reviewed and modified periodically. Some examples of safe sleep practices include but are not limited to the following: (1) place a baby on the back to sleep or nap; (2) place a baby on a firm sleep surface; and (3) keep soft objects and loose bedding out of the crib.

The Department of Early Learning (DEL) licenses child care family homes and child care centers. Licensing activities include trainings, first aid and CPR training, criminal background checks, and health and safety checks. During initial trainings all licensees receive information on safe sleep practices. Additionally, in rules the DEL establishes requirements for providers relating to sleep and nap practices. The DEL rules pertaining to safe sleep practices are informed by the guidelines set forth by the AAP.

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**Summary of Substitute Bill:**

The DEL is required to provide information on safe sleep practices as outlined by the AAP to applicants for child care licensure. When disseminating safe sleep practice information, the DEL is directed to take into account the linguistic needs of licensees.

The DEL's licensor is also required to access for safe sleep practices during all monitoring visits. The first time a child care is found in violation of safe sleep practices, the DEL's licensor must complete a compliance agreement with the child care provider and advise the provider that failure to comply with safe sleep practices will lead to license revocation. The DEL is required to revoke the child care providers license the second time a child care provider is found in violation of safe sleep practices.

**Substitute Bill Compared to Original Bill:**

The substitute bill: Adds the Graham Hazzard Act as the short title.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The specifics of the cases where Eve Uphold and Graham Hazzard died were both related to failure to follow safe sleep practices by one provider. It is important to be very clear about the imperative of following safe sleep practices.

(In support with concerns) The guidelines outlined by the AAP are widely regarded as the best practices for sleep. The two strikes rule is problematic. This is the first case in the United States where an automatic revocation rule would be implemented. There are a range of violations that could occur in a child care setting. For example, a violation for safe sleep practices could be having a bumper pad or pillow in the crib. However, an incident involving a baby kicking off a sock may also be interpreted as a violation of safe sleep practices. Additionally, there is no specified time frame so a provider could have two minor violations in an eight-or-10-year timeframe and still experience a revocation.

(Neutral) Currently the Washington Administrative Code (WAC) outlines minimum licensing requirements for child care centers and licensed family homes. The WAC provides guidance as to what sleep equipment is required for infants and toddlers and what sleeping arrangements are needed in order to reduce the risk of sudden infant death syndrome. These requirements are not complicated and non-negotiable. These practices must be followed in order to keep children safe. The WAC does not have enforcement guidance for the DEL if a child care provider violates a WAC. When a parent drops a child off at a child care center or family home provider, parents expect that providers will understand the importance of safe sleep practices and to implement those practices.

(Opposed) None.

**Persons Testifying:** (In support) Representative Kagi, prime sponsor.

(In support with concerns) David Foster, Knowledge Universe.

(Neutral) Erin McConn, Office of Family and Childrens Ombuds.

**Persons Signed In To Testify But Not Testifying:** None.