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S.B. 251
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Lehner

Lisa Musielewicz, Attorney

SUMMARY

- Requires the Director of Job and Family Services to develop and implement an infant safe sleep education program, and generally requires all regulated child care providers to complete it annually.
- Permits the program to be modeled on an existing program established by the Department of Health.
- Specifies disciplinary and civil penalties for violation of the bill's infant safe sleep education program requirements.
- Makes an appropriation.
- Designates the act as "Addison's Law."

DETAILED ANALYSIS

Infant safe sleep education program for child care providers

Development and implementation

The bill requires the Director of Job and Family Services to develop and implement an infant safe sleep education program for regulated child care providers. The program must present information about safe sleep practices for infants and possible causes of sudden unexpected infant death. The Director is permitted to model the program on the Safe Sleep Education Program established by the Department of Health under existing law. Under that program, the Department of Health must provide annual training classes at no cost to

individuals who provide safe sleep education to parents and infant caregivers who reside in the urban and rural communities with the highest infant mortality rates in the state.¹

A “sudden unexpected infant death” is the death of an infant that occurs suddenly and unexpectedly, the cause of which is not immediately obvious prior to investigation.²

Participation requirement

Generally, all of the following persons must complete the safe sleep education program required by the bill annually and ensure that all employees who provide care for an infant who is less than 12 months of age follow the safe sleep practices taught by the program:³

- A child day-care center licensee, or the licensee’s owner, administrator, or authorized representative;
- A type A family day-care home licensee, or the licensee’s owner, administrator, or authorized representative;
- A type B family day-care home licensee; and
- An in-home aide.

However, any of these persons who completed the Safe Sleep Education Program established by the Department of Health under existing law will be considered to have satisfied the bill’s requirement for the year in which the program was completed.⁴ This means that such persons will not have to duplicate training in a particular year.

The table below briefly describes each type of regulated child care provider.

Child Care Providers		
Type	Description/Number of children served	Regulatory system
Child day-care center	Any place in which child care is provided as follows: <ul style="list-style-type: none"> ▪ For 13 or more children at one time; or ▪ For 7 to 12 children at one time if the place is not the permanent residence of the licensee or administrator (which is, instead, a type A home). 	Each child day-care center must be licensed by ODJFS, regardless of whether it provides publicly funded child care.

¹ R.C. 5104.0113.

² R.C. 5104.0113(A), referring to the definition in R.C. 3701.66, not in the bill.

³ R.C. 5104.0113(C).

⁴ R.C. 5104.0113(C)(2).

Child Care Providers		
Type	Description/Number of children served	Regulatory system
Family day-care home	<p>Type A home – a permanent residence of an administrator in which child care is provided as follows:</p> <ul style="list-style-type: none"> ▪ For 7 to 12 children at one time; or ▪ For 4 to 12 children at one time if 4 or more are under age 2. 	Each type A home must be licensed by ODJFS, regardless of whether it provides publicly funded child care.
	<p>Type B home – a permanent residence of the provider in which child care is provided as follows:</p> <ul style="list-style-type: none"> ▪ For 1 to 6 children at one time; and ▪ No more than 3 children at one time under age 2. 	To be eligible to provide publicly funded child care, a type B home must be licensed by ODJFS.
In-home aide	A person who provides child care in a child's home but does not reside with the child.	To be eligible to provide publicly funded child care, an in-home aide must be certified by a county department of job and family services.

Penalties for noncompliance

A licensee or in-home aide who fails to complete the safe sleep education program required by the bill may be subject to disciplinary and civil penalties. The Director of Job and Family Services is permitted to impose the following penalties:

- For a first offense, issue a written warning to the licensee or in-home aide specifying the violation and the Department of Job and Family Services' intent to take action for future violations;
- For the second offense, impose a civil penalty of \$50 for each violation;
- For the third offense, impose a civil penalty of \$75 for each violation;
- For the fourth offense, suspend the licensee's license or in-home aide certification for a period not to exceed six months and impose a civil penalty of \$100 for each violation; and
- For the fifth offense, suspend the licensee's license or in-home aide's certification for a period of 12 months and impose a civil penalty of \$250 for each violation.

Before taking any action on the second through fifth offense, the Director must send to the licensee or in-home aide written notice specifying the violation, the amount that will be assessed, and notice that failure to pay the civil penalty may result in license or certification

suspension for not more than two years.⁵ For the fourth or fifth offense, the Director may suspend a licensee’s license without a prior hearing and the licensee is not permitted to appeal that decision.⁶

All monetary penalties must be deposited in the Safe Sleep Training Fund in the State Treasury, which the bill creates.⁷

Appropriation

The bill specifies that appropriation item 600690, Safe Sleep Training, is to be used to provide safe sleep awareness and training to licensed child care centers and homes. In addition, the bill appropriates any revenues that are deposited in the Safe Sleep Training Fund (Fund 5VM0) during fiscal years 2020 and 2021.

Name of act

The act is designated as “Addison’s Law.”⁸

HISTORY

Action	Date
Introduced	12-09-19

S0251-I-133/ts

⁵ R.C. 5104.0113(D), (F), and (G).

⁶ R.C. 5104.042(A)(6) and (B), with conforming changes in R.C. 5104.042(C) and (F).

⁷ R.C. 5104.0113(E); Section 4.

⁸ Section 3.