

## Testimony on House Bill 2304

### Senate Public Health and Welfare

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Senator Schmidt and members of the Committee, thank you for this opportunity to submit written testimony on House Bill (HB) 2304. The comments from the Kansas Department of Health and Environment (KDHE) focus on aspects of the bill as they relate to existing child care statutes and regulations.

HB 2304 amends K.S.A. 65-508 of the Child Care Act to include additional requirements related to safe sleep practices in child care facilities. The amended version of the bill specifies that child care facilities must ensure that all of following requirements be met for children under 12 months of age:

1. A child shall only be placed to sleep on a surface and in an area that has been approved for use by the Secretary;
2. the sleep surface shall be free from soft or loose bedding, including blankets, bumpers, and pillows; and
3. the sleep surface shall be free from toys including mobiles and other types of play equipment or devices.

For children over 12 months of age, facilities must ensure that each child is placed to sleep on a surface and in an area that has been approved for use by the Secretary. The proposed bill, as amended, permits the Secretary the discretion to grant an exception to the requirements when a special health need exists.

KDHE believes the current regulations are consistent with the intent of the proposed bill. Since 2012 licensing regulations for day care homes (K.A.R. 28-4-116a) and child care centers [K.A.R. 28-4-440(h)] have addressed the prohibited practices in HB 2304. Caregivers are required to complete training and follow safe sleep practices including: placing an infant on their back to nap; requiring the use of a crib/playpen; requiring that the crib/playpen be free of soft objects including pillows, quilts, heavy blankets, bumpers, and toys; and prohibiting the use of wedges or infant positioners. Cribs/playpens must be safely constructed; in good repair; appropriate to the age, height, or weight of the infant; and equipped with a firm tight-fitting mattress and a fitted sheet. In addition, regulations prohibit the use of cribs purchased before June 28, 2011, as older cribs do not meet the federal requirements under Section 104(b) of the Consumer Product Safety Improvement Act of 2008.

K.S.A. 65-508 authorizes KDHE to develop and adopt rules and regulations for operation and maintenance of child care facilities. As safe sleep guidelines continue to evolve and as recommendations change over time, it will be necessary to periodically review and update the regulations. We are fully committed to maintaining effective and contemporary regulations that reflect current research-based safe sleep standards.

Although current regulations address requirements of the bill, embedding the same in statute reinforces KDHE's commitment to healthy and safe out of home child care for Kansas children.

Thank you for the opportunity to submit written testimony.