

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 152  
Committee Substitute Favorable 4/9/03  
Third Edition Engrossed 4/21/03**

Short Title: Unauthorized Meds./Prevent SIDS/Child Care.

(Public)

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Sponsors:

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Referred to:

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March 3, 2003

A BILL TO BE ENTITLED

1 AN ACT REQUIRING CHILD CARE FACILITIES TO PLACE CHILDREN IN A  
2 SLEEPING POSITION THAT REDUCES THE RISK OF SUDDEN INFANT  
3 DEATH SYNDROME (SIDS), PROHIBITING THE ADMINISTRATION OF  
4 MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE  
5 FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S  
6 PARENT OR GUARDIAN, AND REQUIRING CERTAIN AGENCIES AND THE  
7 MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS  
8 OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.  
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 110-91 is amended by adding a new subdivision to read:

12 **"§ 110-91. Mandatory standards for a license.**

13 All child care facilities shall comply with all State laws and federal laws and local  
14 ordinances that pertain to child health, safety, and welfare. Except as otherwise  
15 provided in this Article, the standards in this section shall be complied with by all child  
16 care facilities. However, none of the standards in this section apply to the school-age  
17 children of the operator of a child care facility but do apply to the preschool-age  
18 children of the operator. Children 13 years of age or older may receive child care on a  
19 voluntary basis provided all applicable required standards are met. The standards in this  
20 section, along with any other applicable State laws and federal laws or local ordinances,  
21 shall be the required standards for the issuance of a license by the Secretary under the  
22 policies and procedures of the Commission except that the Commission may, in its  
23 discretion, adopt less stringent standards for the licensing of facilities which provide  
24 care on a temporary, part-time, drop-in, seasonal, after-school or other than a full-time  
25 basis.

26 ...

27 (15) Proper Placement of Sleeping Child. – A caregiver in a child care  
28 facility shall place a child age 12 months or younger on the child's

1           back for sleeping to reduce the risks associated with Sudden Infant  
2           Death Syndrome (SIDS) unless the caregiver receives a written waiver  
3           from a health care provider as defined in G.S. 58-50-61, a parent, or a  
4           legal guardian instructing otherwise. Operators of child care facilities  
5           that care for children ages 12 months or younger shall develop a  
6           written safe sleep policy, in accordance with rules adopted by the  
7           North Carolina Child Care Commission, and shall discuss the policy  
8           with a child's parent or guardian before the child is enrolled in the  
9           child care facility. The child's parent or guardian shall sign a statement  
10           attesting that he or she received a copy of the safe sleep policy and that  
11           the policy was discussed with him or her before the child's enrollment.  
12           Any caregiver responsible for the care of children ages 12 months or  
13           younger shall receive training in safe sleep practices."

14           **SECTION 2.** Chapter 110 of the General Statutes is amended by adding a  
15 new section to read:

16           "§ 110-102.1A. Unauthorized administration of medication; investigations.

17           (a) It is unlawful for an employee, owner, household member, substitute,  
18           volunteer, or operator of a licensed or unlicensed child care facility to do either of the  
19           following:

20                   (1)   Administer any type of drug or medication to a child attending the  
21                   child care facility if the person administering the drug or medication  
22                   knew or should have known that written authorization was not  
23                   obtained from the child's parent or guardian in accordance with rules  
24                   adopted by the North Carolina Child Care Commission.

25                   (2)   Direct another to administer any type of drug or medication to a child  
26                   attending the child care facility if the person directing another to  
27                   administer the drug or medication knew or should have known that  
28                   written authorization was not obtained from the child's parent or  
29                   guardian in accordance with rules adopted by the North Carolina Child  
30                   Care Commission.

31           Any person who violates this subsection is guilty of a Class A1 misdemeanor.

32           (b) The Division of Child Development, local departments of social services, and  
33           local law enforcement personnel shall cooperate with the medical community to ensure  
34           that reports of child abuse or neglect in child care facilities are properly investigated."

35           **SECTION 3.** G.S. 110-103A(a), as enacted by Section 2 of this act, becomes  
36 effective December 1, 2003, and applies to offenses committed on or after that date. The  
37 remainder of this act becomes effective December 1, 2003.