

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 251

Senator Lehner

A BILL

To amend section 5104.042 and to enact section 1
5104.0113 of the Revised Code to require child 2
care providers to complete an annual infant safe 3
sleep education program established by the 4
Department of Job and Family Services and to 5
make an appropriation. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5104.042 be amended and section 7
5104.0113 of the Revised Code be enacted to read as follows: 8

Sec. 5104.0113. (A) As used in this section, "sudden 9
unexpected infant death" has the same meaning as in section 10
3701.66 of the Revised Code. 11

(B) The director of job and family services shall develop 12
and implement a safe sleep education program that presents 13
information about safe sleeping practices for infants and 14
possible causes of sudden unexpected infant death. The director 15
may model the program after the safe sleep education program 16
established by the department of health under section 3701.66 of 17
the Revised Code. 18

(C) (1) A person described in division (C) (3) of this 19

section who provides child care to an infant who is less than 20
twelve months of age shall do both of the following: 21

(a) Complete annually the safe sleep education program 22
established under this section; 23

(b) Ensure that all employees who provide care for an 24
infant who is less than twelve months of age follow the safe 25
sleeping practices specified in the program. 26

(2) A person who has successfully completed the safe sleep 27
education program established by the department of health under 28
section 3701.66 of the Revised Code satisfies the requirement of 29
division (C) (1) (a) of this section for that year. 30

(3) Division (C) (1) of this section applies to all of the 31
following who provide child care to an infant who is less than 32
twelve months of age: 33

(a) A child day-care center licensee, or the licensee's 34
owner, administrator, or authorized representative; 35

(b) A type A family day-care home licensee, or the 36
licensee's owner, administrator, or authorized representative; 37

(c) A type B family day-care home licensee; 38

(d) An in-home aide. 39

(D) No licensee or in-home aide shall violate this 40
section. In addition to any disciplinary action otherwise 41
permitted under this chapter, for each inspection during which a 42
violation of this section is discovered, the director may do the 43
following: 44

(1) For the first offense, issue a written warning to the 45
licensee or in-home aide specifying the violation and the 46

department's intent to take action for any future violations; 47

(2) For the second offense, impose a civil penalty of 48
fifty dollars for each violation; 49

(3) For the third offense, impose a civil penalty of 50
seventy-five dollars for each violation; 51

(4) For the fourth offense, suspend the licensee's license 52
or in-home aide's certification for a period not to exceed six 53
months and impose a civil penalty of one hundred dollars for 54
each violation; 55

(5) For the fifth offense, suspend the licensee's license 56
or in-home aide's certification for a period of twelve months 57
and impose a civil penalty of two hundred fifty dollars for 58
each. 59

(E) All civil penalties assessed under division (D) of 60
this section shall be deposited into the safe sleep training 61
fund in the state treasury. 62

(F) If a licensee or in-home aide fails to pay a civil 63
penalty assessed under division (D) of this section, the 64
director may suspend the licensee's license or in-home aide's 65
certification for a period not to exceed two years. 66

(G) Before taking action under divisions (D) (2) to (5) of 67
this section, the director shall send to the licensee or in-home 68
aide written notice specifying the violation, the amount of any 69
civil penalty that will be assessed, and that failure to pay the 70
civil penalty may result in suspension of the licensee's license 71
or in-home aide's certification for a period not to exceed two 72
years. 73

Sec. 5104.042. (A) The department of job and family 74

services may suspend, without a prior hearing, the license of a 75
child day-care center, type A family day-care home, or licensed 76
type B family day-care home if any of the following occur: 77

(1) A child dies or suffers a serious injury while 78
receiving child care in the center, type A home, or licensed 79
type B home. 80

(2) A public children services agency receives a report 81
pursuant to section 2151.421 of the Revised Code, and the person 82
alleged to have inflicted abuse or neglect on the child who is 83
the subject of the report is any of the following: 84

(a) The owner, licensee, or administrator of the center, 85
type A home, or licensed type B home; 86

(b) An employee of the center, type A home, or licensed 87
type B home; 88

(c) Any person who resides in the type A home or licensed 89
type B home. 90

(3) An owner, licensee, administrator, or employee of the 91
center, type A home, or licensed type B home, or a resident of 92
the type A home or licensed type B home is charged by an 93
indictment, information, or complaint with an offense relating 94
to the abuse or neglect of a child. 95

(4) The department or a county department of job and 96
family services determines that the center, type A home, or 97
licensed type B home created a serious risk to the health or 98
safety of a child receiving child care in the center, type A 99
home, or licensed type B home that resulted in or could have 100
resulted in a child's death or injury. 101

(5) The owner, licensee, or administrator of the center, 102

type A home, or licensed type B home is charged by indictment, 103
information, or complaint with fraud. 104

(6) The licensee, owner, or administrator of the center, 105
type A home, or licensed type B home has violated section 106
5104.0113 of the Revised Code. 107

(B) The department shall issue a written order of 108
suspension and furnish a copy to the licensee. ~~The~~ Except for a 109
suspension issued pursuant to division (A)(6) of this section, 110
the licensee may appeal the suspension in accordance with 111
section 119.12 of the Revised Code. 112

(C) Except as provided in division (D) of this section and 113
in section 5104.0113 of the Revised Code, any summary suspension 114
imposed under this section shall remain in effect, unless 115
reversed on appeal, until any of the following occurs: 116

(1) The public children services agency completes its 117
investigation of the report pursuant to section 2151.421 of the 118
Revised Code. 119

(2) All criminal charges are disposed of through 120
dismissal, a finding of not guilty, conviction, or a plea of 121
guilty. 122

(3) A final order is issued by the department pursuant to 123
Chapter 119. of the Revised Code becomes effective. 124

(D) If the department initiates the revocation of a 125
license that has been suspended pursuant to this section, the 126
suspension shall continue until the revocation process is 127
completed. 128

(E) The center, type A home, or licensed type B home shall 129
not provide child care while the summary suspension remains in 130

effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(F) If division (A) (6) of this section applies, the license may be suspended in accordance with the procedures established in section 5104.0113 of the Revised Code.

(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

Section 2. That existing section 5104.042 of the Revised Code is hereby repealed.

Section 3. This act shall be known as "Addison's Law."

Section 4. The Safe Sleep Training Fund (Fund 5VM0) is hereby established in the state treasury, which shall consist of penalties assessed by the Director of Job and Family Services pursuant to section 5104.0113 of the Revised Code.

Section 5. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

SAFE SLEEP TRAINING

Appropriation item 600690, Safe Sleep Training, shall be used by the Director of Job and Family Services to provide safe sleep awareness and training to child day-care centers, type A family day-care homes, and type B family day-care homes. Any

revenues deposited into the Safe Sleep Training Fund (Fund 5VM0) 159
during fiscal year 2020 and fiscal year 2021 are hereby 160
appropriated for this purpose. 161

Section 6. Within the limits set forth in this act, the 162
Director of Budget and Management shall establish accounts 163
indicating the source and amount of funds for each appropriation 164
made in this act, and shall determine the form and manner in 165
which appropriation accounts shall be maintained. Expenditures 166
from appropriations contained in this act shall be accounted for 167
as though made in the main operating appropriations act of the 168
133rd General Assembly. 169

The appropriations made in this act are subject to all 170
provisions of the main operating appropriations act of the 133rd 171
General Assembly that are generally applicable to such 172
appropriations. 173