

2008 Summary of Accomplishments
Child Fatality Task Force Recommended Bills and Appropriations

1. **SB 1860 Amend Child Abuse/Child Fatality Task Force** (primary sponsor: Allran; co-sponsors: Atwater, P. Berger, Brown, Dorsett, Forrester, Hartsell, Hunt, Jacumin, Nesbitt, Purcell, Rand, Snow) An act to increase the criminal penalty for misdemeanor child abuse and to amend the criminal offense of felony child abuse.
 - **GS 14-318.2** Child abuse a Class 1 misdemeanor. Increases the current child abuse misdemeanor charge from a Class 1 to a Class A1, bringing child abuse in line with other assault charges such as assault on a female.
 - **GS 14-318.4 (a4)**. Child Abuse a felony. Creates a new charge: a Class E felony charge for "willful acts or grossly negligent omissions" that result in serious bodily injury to a child.
 - **GS 14-318.4 (a5)**. Child Abuse a felony. Creates a new charge: a Class H felony charge for "willful acts or grossly negligent omissions" that result in serious physical injury to a child.
 - Definitions:
 - "serious bodily injury—bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization."
 - "serious physical injury—physical injury that causes great pain and suffering. The term includes serious mental injury."
 - "gross negligence" is a civil term that will have to be litigated in criminal court before it is clearly defined by case law. Some civil definitions of "gross negligence" include:
 - an intentional failure to perform a manifest duty
 - highly unreasonable conduct, more than a mere mistake
 - a conscious/voluntary act or omission likely to result in grave injury
 - Effective December 1, 2008.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S1860v5.html>
2. **HB 2338 Hospital Report Child Injuries** (primary sponsors: Weiss, Clary, and Earle; co-sponsors: Alexander, Brisson, Coleman, Faison, Glazier, Harrison, Insko, Pierce and Wainwright) An act to require hospitals and physicians to report serious, non-accidental trauma injuries in children to law enforcement officials.
 - Creates a new section of GS 90-21.20. Reporting by physicians and hospitals of wounds, injuries and illnesses.
 - **GS 90-21.20 (c1)** Clarifies that hospitals/physicians should report cases of recurrent illness or serious physical injury to a child less than 18 years of age to law enforcement in the city/county where the hospital is located, when injury or illness appears to be the result of non-accidental trauma.
 - Allows physicians to use their professional judgment in deciding to make the report, and because the report is made in good faith, he/she is immune from any liability; civil or criminal (see 90-21.21(d) for details).
 - Effective December 1, 2008.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H2338v2.html>
3. Provide a recurring appropriation of \$100,000 for continued efforts to provide minority and low-income women at risk for delivering a premature infant with a preventative treatment to reduce the risk of a recurring preterm birth.
 - \$97,000 non-recurring funds appropriated to continue the work of the UNC Center for Maternal and Infant Health "17P Project" which provides information and medication (17 hydroxy progesterone) which can reduce a woman's risk of recurring preterm birth by about 33%.
<http://www.mombaby.org/index.php?c=4&s=45>

4. Provide a recurring appropriation of \$250,000 for a Safe Sleep Campaign to reduce infant deaths due to Sudden Infant Death Syndrome (SIDS) and accidental suffocation/strangulation.
 - \$150,000 non-recurring funds appropriated to continue the work of the Healthy Start Foundation's safe sleep awareness campaign—a statewide effort to prevent SIDS and accidental suffocation/strangulation due to the sleep environment by raising awareness about the risks of secondhand smoke, the importance of creating a safe crib environment (nothing in the crib except the baby and lightweight blanket), the protective nature of breastfeeding, and the risks of co-sleeping. <http://www.nchealthystart.org>

5. **HB 2341 Child Passenger Safety Technician Liability** (primary sponsors: Weiss, Martin, Earle and Pierce; co-sponsors: Alexander, Folwell, Glazier, Harrison, Insko, Lucas, Neumann, Ross, Wainwright, Warren) An act to limit liability for the acts of certified child passenger safety technicians and sponsoring organizations of child safety seat educational and checking programs when technicians and sponsoring organizations are acting in good faith and child safety seat inspections, installation, adjustment or education programs are provided without fee or charge.
 - **GS 20-137.5**
 - Limits the liability of certified (those who have completed training that meets national standards) child passenger safety technicians as long as:
 - Training is provided without fee or charge other than reimbursement for expenses, and
 - The child passenger safety technician or sponsoring organization acts in good faith and within the scope of training for which the technician is currently certified
 - Exceptions:
 - The act or omission of the certified child passenger safety technician or sponsoring organization constitutes willful or wanton misconduct or gross negligence
 - The service provided is in conjunction with the for-profit sale of a child safety seat.
 - Effective October 1, 2008, and applies to any cause of action arising on or after that date.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H2341v5.html>

6. **SB 1924 Require Carbon Monoxide Detectors** (primary sponsor: Purcell) An act to authorize the North Carolina Building Code Council to adopt provisions in the Building Code pertaining to the installation of carbon monoxide detectors in certain single-family or multifamily dwellings; to require the installation of operational carbon monoxide detectors in certain residential rental property and to provide for mutual obligations between landlords and tenants regarding the installation and upkeep of carbon monoxide detectors.
 - **GS 143-138(b)**
 - Authorizes the Building Code Council to study and adopt provisions regarding the installation of CO detectors in certain homes.
 - Requires the installation of CO detectors in rental properties that have a fossil-fuel burning heater or appliance, fireplace, or an attached garage. One CO detector is required per rental unit per level.
 - Requires that those CO detectors meet standards outlined in GS 143-138(b). Detectors may be battery operated or electrical. If the detector is a combination smoke/CO detector, the alarm should clearly differentiate between detecting the presence of CO and detecting the presence of smoke.
 - Establishes obligations between landlords and tenants regarding the installation and upkeep of CO detectors
 - Sections 2, 3, and 4 of this act (installation of new detectors in rental properties) become effective January 1, 2010, and apply to residential rental agreements in effect on and after that date. The remainder of this act is effective when it becomes law.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S1924v5.html>

7. **HB 2340 Transporting Children in Open Bed of Vehicle** (primary sponsors: Weiss, Pierce, Earle and Glazier; co-sponsors: Alexander, Faison, Fisher, Insko, Parmon, Wainwright, Womble) An act to increase the protection of children who ride in the back of pickup trucks or open beds of vehicles by raising the minimum age and removing the exemption that made allowances for small counties and adults riding with children.
- **20-135.2B**
 - Raises the age of children allowed to ride unaccompanied in the back of a pickup to 16 years of age
 - Clarifies that the law does not apply if the vehicle is being operated in a parade
 - Clarifies that the law does not apply if the vehicle is being operated in an agricultural enterprise, including transportation to and from the principal place of the agricultural enterprise
 - Clarifies that the law applies to all 100 counties in North Carolina
 - Clarifies that the \$25 infraction applies even if more than one child is riding in the open bed/open cargo area of the vehicle.
 - Clarifies that a violation of this law does not "constitute negligence per se."
 - Effective October 1, 2008, and applies to offenses committed on or after that date.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H2340v8.html>
8. **HB 2487 Change Format of Drivers Licenses/Under 21** (primary sponsors: Folwell, Pierce, McElraft, Faison) An act to change the format of a drivers license or special identification card being issued to a person less than twenty-one years of age from a horizontal format to a vertical format to make recognition of underage persons more easy for clerks dealing in restricted age sales of products such as alcoholic beverages and tobacco products.
- **GS 20-7(n)**
 - Applicants under the age of 21 will be issued drivers licenses and special identification cards that are printed in a vertical format
 - Vertical licenses will remain valid after the individual turns 21, but he/she may choose to get a duplicate license in a horizontal format for \$10 (i.e. does not require the individual to get a new license upon turning 21—he/she will have to show the clerk his/her birth date on the license in order to purchase alcohol)
 - Keeps the current "red, yellow, green" border coding system
 - Red = under 18, cannot purchase tobacco or alcohol
 - Yellow = under 21, can purchase tobacco, cannot purchase alcohol
 - Green = over 21, can purchase both tobacco and alcohol
 - Effective October 1, 2008, and applies to driver's licenses and special identification cards issued or renewed on or after that date.
 - <http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H2487v5.html>