

House Bill 881 (COMMITTEE SUBSTITUTE)

By: Representatives Cooper of the 43<sup>rd</sup>, Silcox of the 52<sup>nd</sup>, Rich of the 97<sup>th</sup>, Jackson of the 128<sup>th</sup>, and Rutledge of the 109<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,  
2 so as to revise provisions relating to safe places for newborns; to authorize a newborn child  
3 to be left with an ambulance provider; to provide for definitions; to provide for limited  
4 liability; to provide for posting of signs on ambulance service vehicles; to provide for a  
5 committee to study the use of newborn safety incubators; to provide for automatic repeal; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
10 amended by revising Chapter 10A, relating to safe place for newborns, as follows:

11 "CHAPTER 10A

12 19-10A-1.

13 This chapter shall be known and may be cited as the 'Safe Place for Newborns Act of 2002.'

14 19-10A-2.

15 As used in this chapter, the term:

16 (1) 'Ambulance provider' means an agency or company providing ambulance services,  
17 which is operating under a valid license from the Emergency Health Section of the  
18 Department of Public Health and which is not actively engaged in providing ambulance  
19 services to a person other than a mother who has just given birth or her newborn child.

20 (2) 'Ambulance service' shall have the same meaning as provided in Code Section  
21 31-11-2.

22 ~~(1)~~(3) 'Fire station' means a facility of any fire department which is authorized to  
 23 exercise the general and emergency powers enumerated in Code Sections 25-3-1 and  
 24 25-3-2.

25 ~~(2)~~(4) 'Medical facility' means any licensed general or specialized hospital, institutional  
 26 infirmary, health center operated by a county board of health, or facility where human  
 27 births occur on a regular and ongoing basis which is classified by the Department of  
 28 Community Health as a birthing center, but shall not mean physicians' or dentists' private  
 29 offices.

30 ~~(3)~~(5) 'Police station' means a facility of any sheriff's office, municipal police  
 31 department, or county police department.

32 19-10A-3.

33 It is the express purpose and intent of the General Assembly in enacting this chapter to  
 34 prevent injuries to and deaths of newborn children that are caused by a mother who  
 35 abandons the newborn.

36 19-10A-4.

37 A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or 19-10-1  
 38 because of the act of leaving her newborn child in the physical custody of an employee,  
 39 agent, or member of the staff of a medical facility, fire station, ~~or~~ police station, or  
 40 ambulance provider who is on duty, whether there in a paid or volunteer position, provided  
 41 that the newborn child is no more than 30 days old and the mother shows proof of her  
 42 identity, if willing, to the person with whom the newborn is left and provides her name and  
 43 address, if willing.

44 19-10A-5.

45 The Department of Human Services shall investigate and report to the General Assembly  
 46 as to children left with a medical facility, fire station, ~~or~~ police station, or ambulance  
 47 provider pursuant to Code Section 19-10A-4, including in such report the desirability and  
 48 cost effectiveness of a dedicated toll-free telephone line for providing information to and  
 49 answering questions from the public and employees and staff members of medical  
 50 facilities, fire stations, ~~and~~ police stations, and ambulance providers concerning the acts  
 51 and consequences thereof contemplated in Code Section 19-10A-4.

52 19-10A-6.

53 A medical facility which accepts for inpatient admission, ~~or~~ a fire station, ~~or~~ police station,  
 54 or ambulance provider which accepts a child left pursuant to Code Section 19-10A-4 shall

55 be reimbursed by the Department of Human Services for all reasonable medical and other  
 56 reasonable costs associated with the child prior to the child being placed in the care of the  
 57 department. A medical facility, fire station, ~~or police station,~~ or ambulance provider shall  
 58 notify the Department of Human Services at such time as the child is left and at the time  
 59 the child is medically ready for discharge. Upon notification that the child is medically  
 60 ready for discharge, the Department of Human Services shall take physical custody of the  
 61 child within six hours. The Department of Human Services upon taking physical custody  
 62 shall promptly bring the child before the juvenile court as required by Code Section  
 63 15-11-145.

64 19-10A-7.

65 Medical facilities, fire stations, ~~and police stations,~~ and ambulance providers and their  
 66 employees, agents, and staff members shall not be liable for civil damages or subject to  
 67 criminal prosecution for failure to discharge the duties provided for in this chapter. The  
 68 immunity provided in this chapter shall in no way be construed as providing immunity for  
 69 any acts of negligent treatment of the child taken into custody.

70 19-10A-8.

71 The Department of Human Services shall develop standards for a sign that shall be posted  
 72 at any medical facility, fire station, or police station and on ambulance service vehicles to  
 73 inform the general public that such facility is an authorized location to leave a newborn  
 74 child as provided in this chapter. The Department of Human Services shall provide by rule  
 75 and regulation for the size and type of such sign and where such sign should be located  
 76 within or outside of such facility or on such vehicle.

77 19-10A-9.

78 (a) For the purposes of this Code section, the term 'newborn safety incubator' means an  
 79 enclosed, locked, and monitored receptacle intended to be installed at a medical facility,  
 80 fire station, or police station into which a newborn may be placed anonymously from  
 81 outside the facility or station.

82 (b) There is established a committee on newborn safety incubators which shall consist of  
 83 eight members as follows:

84 (1) The commissioner of community health, the commissioner of human services, the  
 85 commissioner of public health, and the director of the Division of Family and Children  
 86 Services of the Department of Human Services, provided that any of these individuals  
 87 may be represented by a designee; and

88 (2) One member from each of the following to be appointed by the Governor:

- 89 (A) A representative or agent of the Georgia Hospital Association;  
90 (B) A representative or agent of the Georgia Association of Chiefs of Police;  
91 (C) A representative or agent of the Georgia Sheriffs' Association; and  
92 (D) A medical doctor specializing in the field of infant or pediatric health.
- 93 (c) By December 31, 2020, the committee shall review and file a report making  
94 recommendations to the General Assembly regarding issues related to the proposed use of  
95 newborn safety incubators. Such review and recommendations shall include, but not be  
96 limited to, the following:
- 97 (1) Examination of current law, rules and regulations, and policies on the use of newborn  
98 safety incubators in both the State of Georgia and any other state which authorizes the use  
99 of the type of incubators which the committee reviews;
- 100 (2) Functional requirements for newborn safety incubators in order to ensure the safety  
101 and welfare of any newborn placed into an incubator;
- 102 (3) Operating policies, supervision, and maintenance requirements for a newborn safety  
103 incubator, including the type of facility appropriate for such an incubator, the placement  
104 of an incubator in such facility, and who must supervise the incubator and take custody  
105 of a newborn placed in it;
- 106 (4) Qualifications for person to install newborn safety incubators;
- 107 (5) Procedures for the registration of qualified newborn safety incubator installers;
- 108 (6) Procedures for registering and regulating newborn safety incubators and fees for  
109 registration;
- 110 (7) Procedures for creating and posting signs to be placed near or on newborn safety  
111 incubators to provide information about using them;
- 112 (8) Procedures for enforcement and remedies for violations for failure to comply with  
113 the requirements governing newborn safety incubators;
- 114 (9) Procedures for enforcement and remedies for the improper use of a newborn safety  
115 incubator by an individual; and
- 116 (10) Any other requirement which the committee considers necessary to ensure the  
117 safety and welfare of a newborn placed in an incubator.
- 118 (d) The committee shall elect a chairperson from among its membership. The chairperson  
119 shall be responsible for the filing of the report required by subsection (c) of this Code  
120 section. The committee may elect other such officers and establish subcommittees as it  
121 considers appropriate.
- 122 (e) The committee may call upon and hear from manufacturers, researchers, installers, or  
123 other individuals related to the use of newborn safety incubators as the committee  
124 determines necessary in order to complete the report required by subsection (c) of this  
125 Code section.

126 (f) The committee shall meet at such times as it shall determine necessary to perform its  
127 duties.

128 (g) Members shall serve without compensation, although each member of the committee  
129 shall be reimbursed from reasonable expenses incurred in performance of his or her duties  
130 from funds made available to the committee by the Department of Human Services;  
131 provided, however, that any members who are state employees shall be reimbursed for  
132 expenses incurred by them in the same manner as they are reimbursed for expenses in their  
133 capacities as state employees.

134 (h) The committee shall terminate 30 days after filing the report required by subsection (c)  
135 of this Code section.

136 (i) This Code section shall be repealed by operation of law on June 30, 2021."

137 **SECTION 2.**

138 All laws and parts of laws in conflict with this Act are repealed.