



January 12, 2022

SENATE BILL No. 185

DIGEST OF SB 185 (Updated January 10, 2022 12:48 pm - DI 148)

Citations Affected: IC 31-34.

Synopsis: Newborn safety device. Modifies the newborn safety device requirements that apply to a fire department. Makes conforming changes to the immunity provisions applicable to the places at which a newborn safety device may be located.

Effective: July 1, 2022.

Holdman, Ford J.D.

January 6, 2022, read first time and referred to Committee on Family and Children Services.
January 11, 2022, reported favorably — Do Pass.

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January 12, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 185

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.137-2021,
2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. (a) An emergency medical services provider (as
4 defined in IC 16-41-10-1) shall, without a court order, take custody of
5 a child who is, or who appears to be, not more than thirty (30) days of
6 age if except as provided in subsection (g), the child is voluntarily left:
7 (1) with the provider by the child's parent;
8 (2) in a newborn safety device that:
9 (A) has been approved by a hospital licensed under IC 16-21;
10 (B) is physically located inside a hospital that is staffed
11 continuously on a twenty-four (24) hour basis every day to
12 provide care to patients in an emergency; and
13 (C) is located in an area that is conspicuous and visible to
14 hospital staff;
15 (3) in a newborn safety device that was installed on or before
16 January 1, 2017, and is located at a site that is staffed by a
17 emergency medical services provider (as defined in

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- 1 IC 16-41-10-1);
 2 (4) in a newborn safety device that:
 3 (A) is located at a facility, **fire department**, or emergency
 4 medical services station that is staffed by an emergency
 5 medical services provider (as defined in IC 16-41-10-1) on a
 6 twenty-four (24) hour seven (7) day a week basis;
 7 (B) is located in an area that is conspicuous and visible to
 8 staff; and
 9 (C) includes an adequate dual alarm system connected to the
 10 site that is tested at least one (1) time per month to ensure the
 11 alarm system is in working order;
 12 (5) in a newborn safety device that:
 13 (A) is located at a ~~fire department, including a~~ volunteer fire
 14 department that:
 15 (i) meets the minimum response time established by the
 16 county, not to exceed four (4) minutes; and
 17 (ii) is located within one (1) mile of a hospital, police
 18 station, or emergency medical services station that is staffed
 19 on a twenty-four (24) hour per day, seven (7) day a week
 20 basis with full-time personnel who hold a valid
 21 cardiopulmonary resuscitation certification and that meets
 22 the minimum response time established by the county, not
 23 to exceed four (4) minutes;
 24 (B) is equipped with an alert system:
 25 (i) that, when the newborn safety device is opened,
 26 automatically connects to the 911 system and transmits a
 27 request for immediate dispatch of an emergency medical
 28 services provider (as defined in IC 16-41-10-1) to the
 29 location of the newborn safety device; and
 30 (ii) that is tested at least one (1) time per month to ensure
 31 the alert system is in working order; and
 32 (C) is equipped with a video surveillance system that allows
 33 members of a fire department to monitor the inside of the
 34 newborn safety device twenty-four (24) hours a day and that:
 35 (i) has at least two (2) firefighters who are responsible for
 36 monitoring the inside of the newborn safety device
 37 twenty-four (24) hours a day; and
 38 (ii) is an independent surveillance system from the alert
 39 system described in clause (B); or
 40 (6) with medical staff after delivery in a hospital or other medical
 41 facility when the child's parent notifies the medical staff that the
 42 parent is voluntarily relinquishing the child;



- 1 and the parent does not express an intent to return for the child.
- 2 (b) An emergency medical services provider who takes custody of
- 3 a child under this section shall perform any act necessary to protect the
- 4 child's physical health or safety.
- 5 (c) Any person who in good faith voluntarily leaves a child:
- 6 (1) with an emergency medical services provider;
- 7 (2) in a newborn safety device described in this section; or
- 8 (3) with medical staff as described in subsection (a)(6);
- 9 is not obligated to disclose the parent's name or the person's name.
- 10 (d) A hospital that approves the operation of a newborn safety
- 11 device that meets the requirements set forth in subsection (a)(2) is
- 12 immune from civil liability for an act or omission relating to the
- 13 operation of the newborn safety device unless the act or omission
- 14 constitutes gross negligence or willful or wanton misconduct.
- 15 (e) A newborn safety device described in subsection (a)(3) may
- 16 continue to operate without meeting the conditions set forth in
- 17 subsection (a)(2).
- 18 (f) A:
- 19 (1) facility, **fire department, or emergency medical services**
- 20 **station** that meets the requirements set forth in subsection (a)(4);
- 21 or
- 22 (2) ~~fire department, including a volunteer fire department and an~~
- 23 ~~emergency medical services station~~ that meets the requirements
- 24 set forth in subsection (a)(5);
- 25 is immune from civil liability for an act or omission relating to the
- 26 operation of the newborn safety device unless the act or omission
- 27 constitutes gross negligence or willful or wanton misconduct.
- 28 (g) Due to extenuating circumstances, if a child's parent or a person
- 29 is unable to give up custody of the child as described in subsection (a),
- 30 the child's parent or the person may request that an emergency medical
- 31 services provider (as defined in IC 16-41-10-1) take custody of the
- 32 child by:
- 33 (1) dialing the 911 emergency call number; and
- 34 (2) staying with the child until an emergency medical services
- 35 provider (as defined in IC 16-41-10-1) arrives to take custody of
- 36 the child.
- 37 The emergency medical dispatch agency (as defined in IC 16-31-3.5-1)
- 38 or the emergency medical services provider (as defined in
- 39 IC 16-41-10-1) shall inform the child's parent or the person described
- 40 in this subsection of the ability to remain anonymous as described in
- 41 subsection (c).



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 185 as introduced.)

ROGERS, Chairperson

Committee Vote: Yeas 8, Nays 0

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