



February 22, 2022

ENGROSSED
SENATE BILL No. 185

DIGEST OF SB 185 (Updated February 22, 2022 8:56 am - DI 116)

Citations Affected: IC 31-34; IC 34-30.

Synopsis: Newborn safety device. Modifies the newborn safety device requirements that apply to a fire department. Modifies the immunity provisions applicable to certain individuals and entities that take custody of a child or operate a newborn safety device. Makes conforming changes.

Effective: Upon passage.

Holdman, Ford Jon, Houchin,
Ford J.D., Qaddoura, Crane, Kruse,
Bohacek, Pol Jr.

(HOUSE SPONSORS — CARBAUGH, LEHMAN, JUDY, HEINE)

January 6, 2022, read first time and referred to Committee on Family and Children Services.

January 11, 2022, reported favorably — Do Pass.

January 18, 2022, read second time, amended, ordered engrossed.

January 19, 2022, engrossed.

January 20, 2022, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

January 31, 2022, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 22, 2022, amended, reported — Do Pass.

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February 22, 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.

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

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



1 parent is voluntarily relinquishing the child;
 2 and the parent does not express an intent to return for the child.

3 (b) An emergency medical services provider who takes custody of
 4 a child under this section shall perform any act necessary to protect the
 5 child's physical health or safety.

6 (c) Any person who in good faith voluntarily leaves a child:

7 (1) with an emergency medical services provider;

8 (2) in a newborn safety device described in this section; or

9 (3) with medical staff as described in subsection (a)(6);

10 is not obligated to disclose the parent's name or the person's name.

11 **(d) The following are immune from civil liability, unless the act**
 12 **or omission constitutes gross negligence or willful or wanton**
 13 **misconduct:**

14 **(1) An:**

15 **(A) emergency medical services provider; or**

16 **(B) employee of an emergency medical service provider;**

17 **for an act or omission relating to taking custody of a child**
 18 **under subsection (a).**

19 **(2) A:**

20 **(A) medical staff person; or**

21 **(B) hospital or other medical facility;**

22 **for an act or omission relating to taking custody of a child**
 23 **under subsection (a)(6).**

24 ~~(d)~~ **(e)** A hospital that approves the operation of a newborn safety
 25 device that meets the requirements set forth in subsection (a)(2) is
 26 immune from civil liability for an act or omission relating to the
 27 operation of the newborn safety device unless the act or omission
 28 constitutes gross negligence or willful or wanton misconduct.

29 ~~(e)~~ **(f)** A newborn safety device described in subsection (a)(3) may
 30 continue to operate without meeting the conditions set forth in
 31 subsection (a)(2).

32 ~~(f)~~ **(g) A:**

33 (1) facility, **fire department, or emergency medical services**
 34 **station or an employee of a facility, fire department, or**
 35 **emergency medical services station** that meets the requirements
 36 set forth in subsection (a)(4); or

37 (2) ~~fire department, including a volunteer fire department and an~~
 38 ~~emergency medical services station or a member of a volunteer~~
 39 **fire department** that meets the requirements set forth in
 40 subsection (a)(5);

41 is immune from civil liability for an act or omission relating to the
 42 operation of the newborn safety device unless the act or omission



1 constitutes gross negligence or willful or wanton misconduct.

2 ~~(g)~~ **(h)** Due to extenuating circumstances, if a child's parent or a
 3 person is unable to give up custody of the child as described in
 4 subsection (a), the child's parent or the person may request that an
 5 emergency medical services provider (as defined in IC 16-41-10-1)
 6 take custody of the child by:

7 (1) dialing the 911 emergency call number; and

8 (2) staying with the child until an emergency medical services
 9 provider (as defined in IC 16-41-10-1) arrives to take custody of
 10 the child.

11 The emergency medical dispatch agency (as defined in IC 16-31-3.5-1)
 12 or the emergency medical services provider (as defined in
 13 IC 16-41-10-1) shall inform the child's parent or the person described
 14 in this subsection of the ability to remain anonymous as described in
 15 subsection (c).

16 SECTION 2. IC 34-30-2-134.5, AS AMENDED BY P.L.137-2021,
 17 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 134.5. IC 31-34-2.5-1 (Concerning ~~a hospital;~~
 19 ~~fire department; other facility; or emergency medical services station~~
 20 ~~operating certain individuals and entities that take custody of a~~
 21 ~~child, operate a newborn safety device, or approve a newborn safety~~
 22 ~~device).~~

23 SECTION 3. **An emergency is declared for this act.**



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

 SENATE MOTION

Madam President: I move that Senate Bill 185 be amended to read as follows:

Page 1, line 6, after "subsection" strike "(g)," and insert "**(h)**".

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"(d) The following are immune from civil liability, unless the act or omission constitutes gross negligence or willful or wanton misconduct:

(1) An:

(A) emergency medical services provider; or

(B) employee of an emergency medical service provider; for an act or omission relating to taking custody of a child under subsection (a).

(2) A:

(A) medical staff person; or

(B) hospital or other medical facility; for an act or omission relating to taking custody of a child under subsection (a)(6)."

Page 3, line 10, strike "(d)" and insert "**(e)**".

Page 3, line 15, strike "(e)" and insert "**(f)**".

Page 3, line 18, strike "(f)" and insert "**(g)**".

Page 3, line 20, after "station" insert "**or an employee of a facility, fire department, or emergency medical services station**".

Page 3, line 23, after "station" insert "**or a member of a volunteer fire department**".

Page 3, line 28, strike "(g)" and insert "**(h)**".

Page 3, after line 41, begin a new paragraph and insert:

"SECTION 2. IC 34-30-2-134.5, AS AMENDED BY P.L.137-2021,

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SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 134.5. IC 31-34-2.5-1 (Concerning ~~a hospital, fire department, other facility, or emergency medical services station operating certain individuals and entities that take custody of a child, operate a newborn safety device, or approve a newborn safety device~~).

(Reference is to SB 185 as printed January 12, 2022.)

HOLDMAN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 4, after line 22, begin a new paragraph and insert:
"SECTION 3. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 185 as reprinted January 19, 2022.)

FRYE R

Committee Vote: yeas 11, nays 0.

