

CHAPTER 45**(HB 442)**

AN ACT relating to newborn safety devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

→Section 1. KRS 405.075 is amended to read as follows:

- (1) As used in this section:
 - (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old;
 - (b) "Newborn safety device" means a device:
 1. Designed to permit a parent to anonymously place a newborn infant in the device with the intent to leave the newborn and for an emergency medical services provider to remove the newborn from the device and take custody of the newborn infant;
 2. Installed with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall be:
 - a. Tested at least one (1) time per month to ensure the alarm system is in working order; and
 - b. Visually checked at least two (2) times per day to ensure the alarm system is in working order;
 3. Approved by and physically located inside a participating staffed *Class I, Class II, Class III, or Class IV ground ambulance provider, staffed* police station, staffed fire station, or staffed hospital that:
 - a. Is licensed or otherwise legally operating in this state; and
 - b. Is staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical services provider; and
 4. Located in an area that is conspicuous and visible to *Class I, Class II, Class III, or Class IV ground ambulance provider*, police station, fire station, or hospital staff; and
 - (c) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.
- (2) A parent shall have the right to remain anonymous, shall not be pursued, and shall not be considered to have abandoned or endangered a newborn infant under KRS Chapters 508 and 530 if the parent:
 - (a) Places a newborn infant:
 1. With an emergency medical services provider;
 2. At a staffed police station, fire station, or hospital;
 3. At a participating place of worship; or
 4. Inside a newborn safety device that meets the requirements of subsection (1) of this section; and
 - (b) Expresses no intent to return for the newborn infant.
- (3)
 - (a) Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of subsection (1) of this section, in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
 - (b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643,

or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.

- (4) By placing a newborn infant in the manner described in this section, the parent:
 - (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
- (5) A staffed police station, fire station, hospital, emergency medical facility, or participating place of worship may post a sign easily seen by the public stating that: "This facility is a safe and legal place to surrender a newborn infant who is less than 30 days old. A parent who places a newborn infant at this facility and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered their newborn infant under KRS Chapters 508 and 530."
- (6) Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.
- (7) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (8) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

Signed by Governor March 29, 2022.