

## 2019 Regular Session

HOUSE BILL NO. 108

BY REPRESENTATIVE PYLANT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

**CHILDREN/NEWBORNS:** Authorizes the installation and use of newborn safety devices at infant relinquishment sites designated in the Safe Haven Law

11 Be it enacted by the Legislature of Louisiana:

## 12 Section 1. Children's Code Articles 1151 and 1152(A), (F)(introductory paragraph),

13 (G), and (H) are hereby amended and reenacted to read as follows:

14 Art. 1151. Relinquishment of infants; defense to prosecution

15           A.(1) If a parent wishes to relinquish his infant, he may leave the infant in  
16           the care of any employee of a designated emergency care facility: or in a newborn  
17           safety device at the designated emergency care facility that meets all of the following  
18           specifications:

19                             (a) The device has been voluntarily installed by the designated emergency  
20                             care facility.

1           (b) The device is physically located inside of a designated emergency care  
2           facility that is staffed twenty-four hours per day by a provider of medical services.

3           (c) The device is installed in a location that ensures the anonymity of the  
4           relinquishing parent and has a climate-controlled environment.

5           (d) The device is installed by a licensed contractor.

6           (e) The access door to the device locks automatically upon closure when a  
7           newborn is in the device.

8           (f) The supporting frame of the device is anchored so as to align the bed  
9           portion of the device directly beneath the access door and prevent movement of the  
10          unit as a whole.

11          (g) The device features a safe sleep environment which includes a firm, flat  
12          bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free  
13          from any bedding including pillows, bumpers, and blankets.

14          (2) Each designated emergency care facility that installs a newborn safety  
15          device shall post department-approved signage at the site of the device that clearly  
16          identifies the device and provides both written and pictorial instruction to the  
17          relinquishing parent to open the access door, place the infant inside the device, and  
18          close the access door to engage the lock. The signage shall also clearly indicate the  
19          maximum age of an infant who may be relinquished in accordance with this Chapter  
20          and that by placing an infant in the newborn safety device, a parent is foregoing all  
21          parental responsibilities with respect to the infant and is giving consent for the state  
22          to take custody of the infant.

23          B. If the parent is unable to travel to such a designated emergency care  
24          facility, he may call "911", and a fireman firefighter, a law enforcement officer, or  
25          an emergency medical service provider shall immediately be dispatched to meet the  
26          parent and transport the child to a hospital, and to ensure that all requirements listed  
27          in Article 1152(D) through (I) have been met.

28          B. C. Relinquishment of an infant in accordance with this Chapter is not a  
29          criminal act of neglect, abandonment, cruelty, or a crime against the child.

1           Art. 1152. Designated emergency care facility, emergency medical service provider,  
2           ~~fireman firefighter~~, and law enforcement officer responsibilities; newborn  
3           safety devices authorized

4           A.(1) Every designated emergency care facility shall appoint as its  
5           representative one or more employees on duty during regular business hours who is  
6           knowledgeable about the requirements of this Chapter. In addition, at other times  
7           each facility shall designate a representative who can be reached by emergency  
8           telephone service or post instructions to contact "911" for a safe haven  
9           relinquishment if outside of normal operating hours.

10           (2)(a) A designated emergency care facility that is staffed twenty-four hours  
11           per day by a provider of medical services may install on its premises a newborn  
12           safety device in accordance with the requirements and specifications of Article 1151.

13           (b) A designated emergency care facility that installs a newborn safety  
14           device as authorized by this Paragraph shall be responsible for the cost of the  
15           installation.

16           (c) Each designated emergency care facility that installs a newborn safety  
17           device as authorized by this Paragraph shall install an adequate dual alarm system  
18           connected to the physical location of the newborn safety device. The facility shall  
19           ensure all of the following with respect to the alarm system:

20           (i) The system generates an audible alarm at a central location within the  
21           facility sixty seconds after the opening of the access door to the newborn safety  
22           device.

23           (ii) The system generates an automatic call to 911 if the alarm is activated  
24           and not turned off from within the facility less than sixty seconds after the  
25           commencement of the initial alarm.

26           (iii) The alarm system is tested at least one time per week to ensure that it  
27           is in working order.

28           (iv) The alarm system is visually checked at least two times per day to  
29           ensure that it is in working order.

1                   (d) Each designated emergency care facility that installs a newborn safety  
2 device as authorized by this Paragraph shall install adjacent to the device a card  
3 holder and shall keep the card holder stocked with Safe Haven informational cards  
4 supplied by the department pursuant to Article 1152(D).

5                   (e) Each designated emergency care facility that installs a newborn safety  
6 device as authorized by this Paragraph shall ensure that the device is checked at least  
7 daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at  
8 least weekly and after any newborn relinquishment into the device.

9                             (f) Each designated emergency care facility that installs a newborn safety  
10 device as authorized by this Paragraph shall maintain documentation of the testing  
11 of the alarm system required by Subparagraph (c) of this Paragraph and the cleaning  
12 and sanitation of the device required by Subparagraph (d) of this Paragraph.

13                             (g) Each designated emergency care facility that installs a newborn safety  
14 device as authorized by this Paragraph shall adopt written policies for receiving, in  
15 accordance with the applicable requirements of this Chapter, a newborn who has  
16 been relinquished into the newborn safety device.

17 \* \* \*

18                   F. The representative, emergency medical service provider, ~~fireman~~  
19                   firefighter, or law enforcement officer shall provide to the parent written information  
20                   about:

\* \* \*

22                   G. In the event that an infant is relinquished to a designated emergency care  
23                   facility other than a hospital, or to an emergency medical service provider, ~~fireman~~  
24                   ~~firefighter~~, or law enforcement officer, the staff of the facility, the provider, the  
25                   ~~fireman firefighter~~, or the law enforcement officer shall immediately transfer him ~~the~~  
26                   infant to a hospital.

27                   H. The representative, provider, ~~fireman~~ firefighter, or law enforcement  
28 officer shall immediately notify the department of the relinquishment.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 108 Reengrossed

2019 Regular Session

Pylant

**Abstract:** Authorizes the installation and use of newborn safety devices at infant relinquishment sites designated in the Safe Haven Law and provides requirements and specifications relative to such devices.

Present law known as the "Safe Haven Law", Ch.C. Art. 1149 et seq., provides a mechanism whereby any parent may relinquish the care of an infant who is not more than 60 days old to the state at a designated emergency care facility in safety and anonymity and without fear of prosecution. Defines "designated emergency care facility" as any of the following:

- (1) Any state-licensed hospital.
- (2) Any of the following medical clinics during normal and customary hours of operation: local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and Federally Qualified Health Centers. Present law stipulates that offices, clinics, or other types of treatment facilities and offices of physicians and dentists not listed in this paragraph are not designated emergency care facilities within the meaning of present law.
- (3) Any manned fire station.
- (4) Any manned law enforcement station.
- (5) Any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operation.

Present law provides that if a parent wishes to relinquish his infant, he may leave the infant in the care of any employee of a designated emergency care facility.

Proposed law retains present law.

Proposed law provides that in addition to leaving an infant in the care of an employee of a designated emergency care facility, a parent who wishes to relinquish his infant may do so using a newborn safety device at such a facility, provided that the device meets all of the following specifications:

- (1) The device has been voluntarily installed by the designated emergency care facility.
- (2) The device is physically located inside of a designated emergency care facility that is staffed 24 hours per day by a provider of medical services.
- (3) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.
- (4) The device has been installed by a licensed contractor.
- (5) The access door to the device locks automatically upon closure when a newborn is in the device.

- (6) The supporting frame of the device is anchored so as to align the bed portion of the device directly beneath the access door and prevent movement of the unit as a whole.
- (7) The device features a safe sleep environment which includes a firm, flat bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free from any bedding including pillows, bumpers, and blankets.

Proposed law requires each designated emergency care facility that installs a newborn safety device pursuant to proposed law to post signage approved by the Dept. of Children and Family Services (DCFS) at the site of the device. Requires that the signage clearly identify the device and provide both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock. Requires further that the signage clearly indicate the maximum age of an infant who may be relinquished in accordance with present law and that by placing an infant in the newborn safety device, a parent is foregoing all parental responsibilities with respect to the infant and is giving consent for the state to take custody of the infant.

Proposed law stipulates that a designated emergency care facility which installs a newborn safety device as authorized by proposed law shall be responsible for the cost of the installation.

Proposed law requires each designated emergency care facility that installs a newborn safety device to install, additionally, an adequate dual alarm system connected to the physical location of the newborn safety device. Requires that the facility ensure all of the following with respect to the alarm system on the newborn safety device:

- (1) It generates an audible alarm at a central location within the facility 60 seconds after the opening of the access door to the device.
- (2) It generates an automatic call to 911 if the alarm is activated and not turned off from within the facility less than 60 seconds after the commencement of the initial alarm.
- (3) It is tested at least one time per week to ensure that it is in working order.
- (4) It is visually checked at least two times per day to ensure that it is in working order.

Proposed law requires each designated emergency care facility that installs a newborn safety device pursuant to proposed law to do all of the following:

- (1) Install adjacent to the device a card holder and keep the card holder stocked with Safe Haven informational cards supplied by DCFS to the facility pursuant to present law.
- (2) Ensure that the device is checked at least daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at least weekly and after any newborn relinquishment into the device.
- (3) Maintain documentation of the testing of the alarm system and the cleaning and sanitation of the device required by proposed law.
- (4) Adopt written policies for receiving, in accordance with the applicable requirements of present law, a newborn who has been relinquished into the newborn safety device.

(Amends Ch.C. Arts. 1151 and 1152(A), (F)(intro. para.), (G), and (H))

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Require all of the following with respect to newborn safety devices installed pursuant to proposed law at designated emergency care facilities:
  - (a) That the device be installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.
  - (b) That the device be installed by a licensed contractor.
  - (c) That the access door to the device lock automatically upon closure when a newborn is in the device.
  - (d) That the supporting frame of the device be anchored so as to align the bed portion of the device directly beneath the access door and prevent movement of the unit as a whole.
  - (e) That the device feature a safe sleep environment which includes a firm, flat bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free from any bedding including pillows, bumpers, and blankets.
2. Require each designated emergency care facility that installs a newborn safety device pursuant to proposed law to post signage approved by the Dept. of Children and Family Services (DCFS) at the site of the device. Require that the signage clearly identify the device and provide both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock. Require also that the signage clearly indicate the maximum age of an infant who may be relinquished in accordance with present law and that by placing an infant in the newborn safety device, a parent is foregoing all parental responsibilities with respect to the infant and is giving consent for the state to take custody of the infant.
3. Require all of the following with respect to alarm systems on newborn safety devices installed pursuant to proposed law:
  - (a) That the system generate an audible alarm at a central location within the facility 60 seconds after the opening of the access door to the device.
  - (b) That the system generate an automatic call to 911 if the alarm is activated and not turned off from within the facility less than 60 seconds after the commencement of the initial alarm.
4. Require each designated emergency care facility that installs a newborn safety device pursuant to proposed law to do all of the following:
  - (a) Install adjacent to the device a card holder and keep the card holder stocked with Safe Haven informational cards supplied by DCFS pursuant to present law.
  - (b) Ensure that the device is checked at least daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at least weekly and after any newborn relinquishment into the device.

- (c) Maintain documentation of the testing of the alarm system and the cleaning and sanitation of the device required by proposed law.
- (d) Adopt written policies for receiving, in accordance with the applicable requirements of present law, a newborn who has been relinquished into the newborn safety device.