

## RÉSUMÉ DIGEST

ACT 421 (HB 218)

2021 Regular Session

Huval

Existing 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. Existing 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 existing 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.

Existing 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.

New 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 that meets the specifications provided in new law and is physically located inside of a facility which is licensed as a hospital in accordance with existing law, R.S. 40:2100 et seq., and has an emergency department that is staffed 24 hours per day.

New law requires that each newborn safety device meet all of the following specifications:

- (1) The device has been voluntarily installed by the designated emergency care facility.
- (2) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.
- (3) The device has been installed by a licensed contractor.
- (4) The access door to the device locks automatically upon closure when a newborn is in the device.
- (5) 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.
- (6) 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 of pillows, bumpers, blankets, and other bedding.

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

- (1) The maximum age of an infant who may be relinquished in accordance with existing law (60 days of age).

- (2) That the child must not have been previously subjected to abuse or neglect.
- (3) 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.

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

New 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.

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

- (1) 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.
- (2) Maintain documentation of the testing of the alarm system and the cleaning and sanitation of the device required by new law.
- (3) Install adjacent to the device a card holder and keep the card holder stocked with Safe Haven informational materials supplied by DCFS.
- (4) Adopt written policies for receiving, in accordance with the requirements of existing law and applicable licensing rules, a newborn who has been relinquished into the newborn safety device.

New law authorizes the La. Department of Health to promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Provides that such rules shall require compliance with the provisions of existing law and new law.

Effective August 1, 2021.

(Amends Ch.C. Arts. 1151 and 1152(A), (C)(1), (F)(intro. para.), (G), and (H))