

ACT No. 134

2018 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE STAGNI

AN ACT

To amend and reenact Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B), (D), (E), (F)(introductory paragraph), and (G) through (I), and to enact Children's Code Article 1150(5), relative to the Safe Haven Law; to provide for emergency care facility responsibilities; to provide for responsibilities of other persons with respect to the Safe Haven Law; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B), (D), (E), (F)(introductory paragraph), and (G) through (I) are hereby amended and reenacted and Children's Code Article 1150(5) is hereby enacted to read as follows:

Art. 1150. Definitions

As used in this Chapter:

* * *

(2) "Designated emergency care facility" means any of the following:

~~any hospital licensed in the state of Louisiana, any public health unit, any emergency medical service provider, any medical clinic, any fire station, any police station, any crisis pregnancy center, or any child advocacy center.~~

(a) Any hospital licensed in the state of Louisiana.

1 (b) Any of the following medical clinics during normal and customary hours
 2 of operation: local or parish public health units, licensed rural health clinics, licensed
 3 ambulatory surgical centers, and Federally Qualified Health Centers. Offices,
 4 clinics, or other types of treatment facilities, private physicians, or dentists not listed
 5 above are not designated emergency care facilities within the meaning of this
 6 Subparagraph.

7 (c) Any manned fire station.

8 (d) Any manned law enforcement station.

9 (e) Any Child Advocacy Center accredited by the National Children's
 10 Alliance, during normal and customary hours of operation.

11 ~~(3) "Infant" means a child not previously subjected to abuse or neglect, who~~
 12 ~~is not more than sixty days old as determined within a reasonable degree of medical~~
 13 ~~certainty by an examining physician. "Emergency medical service provider" means~~
 14 ~~a licensed emergency medical service provider, when dispatched as a result of a~~
 15 ~~"911" call from a parent who wishes to relinquish his infant under this Chapter.~~

16 ~~(4) "Relinquish" or "relinquishment" of an infant means to give over~~
 17 ~~possession or control of him by a parent to another in compliance with this Chapter,~~
 18 ~~with the settled intent to forego all parental responsibilities. "Infant" means a child~~
 19 ~~not previously subjected to abuse or neglect, who is not more than sixty days old as~~
 20 ~~determined within a reasonable degree of medical certainty by an examining~~
 21 ~~physician.~~

22 (5) "Relinquish" or "relinquishment" of an infant means to give over
 23 possession or control of him by a parent to another in compliance with this Chapter,
 24 with the settled intent to forego all parental responsibilities.

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

26 A. If a parent wishes to relinquish his infant, he may leave the infant in the
 27 care of any employee of a designated emergency care facility. If the parent is unable
 28 to travel to such a facility, he may call "911", and a fireman, a law enforcement
 29 officer, or an emergency medical service provider shall immediately be dispatched

1 to meet the parent and transport the child to a hospital, and to ensure all requirements
2 listed in Article 1152 (D) through (I) have been met.

3 * * *

4 Art. 1152. Designated emergency care facility, emergency medical service provider,
5 fireman, and law enforcement officer responsibilities

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

12 B. Every designated emergency care facility, emergency medical service
13 provider, fire station, and law enforcement station shall provide, on a periodic basis,
14 instruction regarding safe haven relinquishment procedures to all employees who
15 work in the facility or at the station. ~~A designated emergency care facility or its~~
16 ~~employees or volunteers shall not~~ No employee or volunteer of a designated
17 emergency care facility or emergency medical service provider, and no firefighter
18 or law enforcement officer shall be held liable for any civil penalty for failure to
19 comply with the provisions of this Subsection.

20 * * *

21 D. The department shall create a card that will be supplied to designated
22 emergency care facilities, emergency medical service providers, firefighters, and law
23 enforcement officers which shall be provided to the individual relinquishing an
24 infant into the care of a designated emergency care facility. The card shall ~~contain~~
25 ~~a toll-free~~ feature a toll-free number to the department and a section on the card for
26 the designated emergency care facility, emergency medical service provider,
27 firefighter, or law enforcement officer to provide their address and contact
28 information.

29 E. In the event that the relinquishing parent makes contact with the
30 department, ~~or the~~ a designated emergency care facility, emergency medical service

