HLS 18RS-584 ENGROSSED

2018 Regular Session

1

HOUSE BILL NO. 527

BY REPRESENTATIVE STAGNI

CHILDRENS CODE: Revises certain provisions of the Safe Haven Law

2	To amend and reenact Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A),
3	(B), (D), (E), (F)(introductory paragraph), and (G) through (I), and to enact
4	Children's Code Article 1150(5), relative to safe haven relinquishments; to provide
5	for emergency care facility responsibilities; to provide for definitions; and to provide
6	for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B),
9	(D), (E), (F)(introductory paragraph), and (G) through (I) are hereby amended and reenacted
10	and Children's Code Article 1150(5) is hereby enacted to read as follows:
11	Art. 1150. Definitions
12	As used in this Chapter:
13	* * *
14	(2) "Designated emergency care facility" means any of the following:
15	any hospital licensed in the state of Louisiana, any public health unit, any emergency
16	medical service provider, any medical clinic, any fire station, any police station, any
17	crisis pregnancy center, or any child advocacy center.
18	(a) Any hospital licensed in the state of Louisiana.

AN ACT

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 dentist 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, or 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 An employer or volunteer of a designated
16	emergency care facility or an emergency medical service provider, or its employees
17	or volunteers a fireman, or a law enforcement officer shall not be held liable for any
18	civil penalty for failure to comply with the provisions of this Subsection.
19	* * *
20	D. The department shall create a card that will be supplied to designated
21	emergency care facilities, emergency medical service providers, firemen, or law
22	enforcement officer which shall be provided to the individual relinquishing an infant
23	into the care of a designated emergency care facility. The card shall contain a toll
24	free number to the department and a section on the card for the designated
25	emergency care facility, emergency medical service providers, firemen, or law
26	enforcement officer to provide their address and contact information.
27	E. In the event that the relinquishing parent makes contact with the
28	department, or the <u>a</u> designated emergency care facility, <u>emergency medical service</u>
29	providers, firemen, or law enforcement officer; the relinquishing parent shall be

1 asked to voluntarily provide information about any prenatal care and the name of the 2 other parent. 3 F. The representative, provider, fireman, or law enforcement officer shall 4 provide to the parent written information about: 5 6 G. In the event that an infant is relinquished to a designated emergency care 7 facility other than a hospital, or to an emergency medical service provider, firemen, or law enforcement officer; the staff of the facility, the provider, the fireman, or the 8 9 law enforcement officer shall immediately transfer him to a hospital. 10 H. The representative, provider, fireman, or law enforcement officer shall 11 immediately notify the department of the relinquishment. 12 I. Absent evidence of willful or intentional misconduct or gross negligence in carrying out these responsibilities, the representative and other staff of the 13 14 designated emergency facility, emergency medical service provider, the fireman, or 15 the law enforcement officer shall be immune from civil and criminal liability in any legal action arising from the examination, testing, care, and treatment of the infant. 16

## **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)]

HB 527 Engrossed

2018 Regular Session

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**Abstract:** Revises provisions of the Safe Haven Law pertaining to designated emergency care facilities.

<u>Present law</u> comprising 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.

<u>Present law</u> designates as an "emergency care facility" any state-licensed hospital, 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.

<u>Proposed law</u> revises <u>present law</u> to designate as an emergency care facility all of the following:

(1) Any state-licensed hospital.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

- (2) Any of the following medical clinics during normal and customary hours of operation:
  - (a) Local or parish public health units.
  - (b) Licensed rural health clinics.
  - (c) Licensed ambulatory surgical centers.
  - (d) Federally qualified health centers.
- (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.

<u>Proposed law</u> defines "emergency medical service provider", for purposes of the Safe Haven Law, as a licensed emergency medical service provider, when dispatched as a result of a "911" call from a parent who wishes to relinquish his infant.

<u>Proposed law</u> adds firemen to the list of persons who may be dispatched in the event a parent communicates via a "911" call that he or she wishes to relinquish an infant but does not have transportation.

<u>Present law</u> lists responsibilities of designated emergency care facilities relative to infant relinquishments. <u>Proposed law</u> applies such responsibilities to emergency medical service providers, fire stations, and law enforcement stations.

(Amends Ch. C. Arts. 1150(2)-(4), 1151(A), and 1152(A), (B), (D), (E), (F)(intro. para.), and (G)-(I); Adds Ch. C. Art. 1150(5))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the original bill:

1. Make technical changes.