

2018 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE STAGNI

CHILDRENS CODE: Revises certain provisions of the Safe Haven Law

1 AN ACT

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 the Safe Haven Law; to provide for  
5 emergency care facility responsibilities; to provide for responsibilities of other  
6 persons with respect to the Safe Haven Law; to provide for definitions; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

12 Art. 1150. Definitions

13 As used in this Chapter:

14 \* \* \*

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

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

19 (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 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, 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.

1           E. In the event that the relinquishing parent makes contact with the  
2           department, ~~or the a designated emergency care facility,~~ emergency medical service  
3           provider, firefighter, or law enforcement officer; the relinquishing parent shall be  
4           asked to voluntarily provide information about any prenatal care and the name of the  
5           other parent.

6           F. The representative, emergency medical service provider, fireman, or law  
7           enforcement officer shall provide to the parent written information about:

8   \*       \*       \*

9           G. In the event that an infant is relinquished to a designated emergency care  
10          facility other than a hospital, or to an emergency medical service provider, firemen,  
11          or law enforcement officer; the staff of the facility, the provider, the fireman, or the  
12          law enforcement officer shall immediately transfer him to a hospital.

13          H. The representative, provider, fireman, or law enforcement officer shall  
14          immediately notify the department of the relinquishment.

15          I. Absent evidence of willful or intentional misconduct or gross negligence  
16          in carrying out these responsibilities, the representative and other staff of the  
17          designated emergency care facility or emergency medical service provider, the  
18          firefighter, or the law enforcement officer shall be immune from civil and criminal  
19          liability in any legal action arising from the examination, testing, care, and treatment  
20          of the infant.

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 Reengrossed

2018 Regular Session

Stagni

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

Present law 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.

Present law 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.

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

- (1) Any state-licensed hospital.
- (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.

Proposed law 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.

Proposed law adds firefighter 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.

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

Present law provides immunity from civil and criminal liability for representatives and staff of designated emergency care facilities.

Proposed law provides immunity from civil and criminal liability to employees and volunteers of a designated emergency care facility or emergency medical service provider, firefighters, and law enforcement officers.

Proposed law makes technical changes.

(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 House Committee on Health and Welfare to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.