

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

1 AN ACT

2 To amend and reenact Children's Code Articles 1151 and 1152(A), (F)(introductory
3 paragraph), (G), and (H), relative to laws providing for safe and anonymous
4 relinquishment of an infant to the state known as the Safe Haven Law; to authorize
5 the installation of newborn safety devices at places for infant relinquishment known
6 as designated emergency care facilities; to provide that a parent may relinquish an
7 infant into a newborn safety device; to provide requirements and specifications for
8 newborn safety devices; to provide for responsibilities of designated emergency care
9 facilities with respect to the installation and maintenance of newborn safety devices;
10 to make technical corrections; and to provide for related matters.

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

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

1 (2) 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 (3) The device is located in an area that is conspicuous and visible to the
4 employees of the designated emergency care facility.

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

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

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

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

21 (2)(a) A designated emergency care facility that is staffed twenty-four hours
22 per day by a provider of medical services may install on its premises, in an area that
23 is conspicuous and visible to the employees of the facility, a newborn safety device.

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

27 (c) Each designated emergency care facility that installs a newborn safety
28 device as authorized by this Paragraph shall install an adequate dual alarm system

1 connected to the physical location of the newborn safety device. The facility shall
2 ensure all of the following with respect to the alarm system:

3 (i) The alarm system is tested at least one time per week to ensure that it is
4 in working order.

5 (ii) The alarm system is visually checked at least two times per day to ensure
6 that it is in working order.

7 * * *

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

11 * * *

12 G. In the event that an infant is relinquished to a designated emergency care
13 facility other than a hospital, or to an emergency medical service provider, ~~fireman~~
14 firefighter, or law enforcement officer, the staff of the facility, the provider, the
15 ~~fireman~~ firefighter, or the law enforcement officer shall immediately transfer ~~him~~ the
16 infant to a hospital.

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

19 * * *

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 108 Original

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 located in an area that is conspicuous and visible to the employees of the designated emergency care facility.

Proposed law authorizes designated emergency care facilities that are staffed 24 hours per day by a provider of medical services to install on their premises, in areas that are conspicuous and visible to the employees of the facility, newborn safety devices. 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 the facility to ensure all of the following with respect to the alarm system on the newborn safety device:

- (1) It is tested at least one time per week to ensure that it is in working order.
- (2) It is visually checked at least two times per day to ensure that it is in working order.

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