

---

## 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 172 Original

2020 Regular Session

Huval

**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 installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.
- (4) The device has been installed by a licensed contractor.
- (5) The access door to the device locks automatically upon closure when a newborn is in the device.
- (6) 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.
- (7) 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.

Proposed law requires each designated emergency care facility that installs a newborn safety device pursuant to proposed 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 the maximum age of an infant who may be relinquished in accordance with present law (60 days of age) and 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.

Proposed law 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 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.

Proposed law requires each designated emergency care facility that installs a newborn safety device pursuant to proposed 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 proposed law.
- (3) Install adjacent to the device a card holder and keep the card holder stocked with Safe Haven informational cards supplied to the facility by DCFS in accordance with present law.
- (4) Adopt written policies for receiving, in accordance with the applicable requirements of present law, a newborn who has been relinquished into the newborn safety device.

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