

2021 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE HUVAL

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

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

1 (b) 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 (c) The device is installed in a location that ensures the anonymity of the
4 relinquishing parent and has a climate-controlled environment.

5 (d) The device is installed by a licensed contractor.

6 (e) The access door to the device locks automatically upon closure when a
7 newborn is in the device.

8 (f) The supporting frame of the device is anchored so as to align the bed
9 portion of the device directly beneath the access door and prevent movement of the
10 unit as a whole.

11 (g) The device features a safe sleep environment which includes a firm, flat
12 bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free
13 of pillows, bumpers, blankets, and other bedding.

14 (2) Each designated emergency care facility that installs a newborn safety
15 device shall post department-approved signage at the site of the device that clearly
16 identifies the device and provides both written and pictorial instruction to the
17 relinquishing parent to open the access door, place the infant inside the device, and
18 close the access door to engage the lock. The signage shall also clearly indicate the
19 maximum age of an infant who may be relinquished in accordance with this Chapter
20 and that by placing an infant in the newborn safety device, a parent is foregoing all
21 parental responsibilities with respect to the infant and is giving consent for the state
22 to take custody of the infant.

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

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

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

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

10 (2)(a) A designated emergency care facility that is staffed twenty-four hours
11 per day by a provider of medical services may install on its premises a newborn
12 safety device in accordance with the requirements and specifications of Article
13 1151(A).

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

17 (c) Each designated emergency care facility that installs a newborn safety
18 device as authorized by this Paragraph shall install an adequate dual alarm system
19 connected to the physical location of the newborn safety device. The facility shall
20 ensure all of the following with respect to the alarm system:

21 (i) The system generates an audible alarm at a central location within the
22 facility sixty seconds after the opening of the access door to the newborn safety
23 device.

24 (ii) The system generates an automatic call to 911 if the alarm is activated
25 and not turned off from within the facility less than sixty seconds after the
26 commencement of the initial alarm.

27 (iii) The alarm system is tested at least one time per week to ensure that it
28 is in working order.

29 (iv) The alarm system is visually checked at least two times per day to
30 ensure that it is in working order.

1 (d) Each designated emergency care facility that installs a newborn safety
 2 device as authorized by this Paragraph shall ensure that the device is checked at least
 3 daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at
 4 least weekly and after any newborn relinquishment into the device.

5 (e) Each designated emergency care facility that installs a newborn safety
 6 device as authorized by this Paragraph shall maintain documentation of the testing
 7 of the alarm system required by Subparagraph (c) of this Paragraph and the cleaning
 8 and sanitation of the device required by Subparagraph (d) of this Paragraph.

9 (f) Each designated emergency care facility that installs a newborn safety
 10 device as authorized by this Paragraph shall install adjacent to the device a card
 11 holder and shall keep the card holder stocked with Safe Haven informational cards
 12 supplied by the department pursuant to Article 1152(D).

13 (g) Each designated emergency care facility that installs a newborn safety
 14 device as authorized by this Paragraph shall adopt written policies for receiving, in
 15 accordance with the applicable requirements of this Chapter, a newborn who has
 16 been relinquished into the newborn safety device.

17 * * *

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

21 * * *

22 G. In the event that an infant is relinquished to a designated emergency care
 23 facility other than a hospital, or to an emergency medical service provider, ~~fireman~~
 24 ~~firefighter~~, or law enforcement officer, the staff of the facility, the provider, the
 25 ~~fireman~~ ~~firefighter~~, or the law enforcement officer shall immediately transfer ~~him~~ the
 26 infant to a hospital.

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

29 * * *

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 218 Original

2021 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))