

2021 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE HUVAL

1 AN ACT

2 To amend and reenact Children's Code Articles 1151 and 1152(A), (C)(1), (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 certain places for infant relinquishment
6 known as designated emergency care facilities; to provide that a parent may
7 relinquish an infant into a newborn safety device; to provide requirements and
8 specifications for newborn safety devices; to provide for responsibilities of certain
9 facilities with respect to the installation and maintenance of newborn safety devices;
10 to provide for promulgation of healthcare facility licensing rules by the Louisiana
11 Department of Health regarding newborn safety devices installed in hospitals; to
12 make technical corrections; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Children's Code Articles 1151 and 1152(A), (C)(1), (F)(introductory
15 paragraph), (G), and (H) are hereby amended and reenacted to read as follows:

16 Art. 1151. Relinquishment of infants; defense to prosecution

17 A.(1) If a parent wishes to relinquish his infant, he may leave the infant in
18 the care of any employee of a designated emergency care facility: or in a newborn
19 safety device that meets the specifications provided in Subparagraph (2) of this
20 Paragraph and is physically located inside of a facility which is licensed as a hospital
21 in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., and has an
22 emergency department that is staffed twenty-four hours per day.

23 (2) Each newborn safety device shall meet all of the following specifications:

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

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

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

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

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

14 (3) 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 all
19 of the following:

20 (a) The maximum age of an infant who may be relinquished in accordance
21 with this Chapter.

22 (b) That the child must not have been previously subjected to abuse or
23 neglect.

24 (c) That by placing an infant in the newborn safety device, a parent is
25 foregoing all parental responsibilities with respect to the infant and is giving consent
26 for the state to take custody of the infant.

27 B. If the parent is unable to travel to ~~such~~ a designated emergency care
28 facility, he may call "911", and a ~~fireman~~ firefighter, a law enforcement officer, or
29 an emergency medical service provider shall immediately be dispatched to meet the

1 parent and transport the child to a hospital, and to ensure that all requirements listed
 2 in Article 1152(D) through (I) have been met.

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

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

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

14 (2)(a) A designated emergency care facility that is a hospital licensed in
 15 accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., which has an
 16 emergency department that is staffed twenty-four hours per day may install on its
 17 premises a newborn safety device in accordance with the requirements and
 18 specifications of Article 1151(A).

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

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

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

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

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

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

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

9 (e) Each designated emergency care facility that installs a newborn safety
10 device as authorized by this Paragraph shall maintain documentation of the testing
11 of the alarm system required by Subsubparagraph (c) of this Subparagraph and the
12 cleaning and sanitation of the device required by Subsubparagraph (d) of this
13 Subparagraph.

14 (f) Each designated emergency care facility that installs a newborn safety
15 device as authorized by this Paragraph shall install adjacent to the device a card
16 holder and shall keep the card holder stocked with safe haven informational cards
17 supplied by the department pursuant to Paragraph D of this Article and other safe
18 haven informational materials produced in accordance with Article 1160.

19 (g) Each designated emergency care facility that installs a newborn safety
20 device as authorized by this Paragraph shall adopt written policies for receiving, in
21 accordance with the applicable requirements of this Chapter and applicable licensing
22 rules, a newborn who has been relinquished into the newborn safety device.

23 (3) The Louisiana Department of Health may promulgate hospital licensing
24 rules, in accordance with the Administrative Procedure Act, regarding newborn
25 safety devices installed in hospitals. Such rules shall require compliance with the
26 provisions of this Chapter and may include but not be limited to adequate alarms,
27 testing, cleaning, documentation, policies, procedures, and training of staff.

28 * * *

29 C. Instruction by a designated emergency care facility on safe haven
30 relinquishment procedures may:

1 (1) Be provided in any manner that is deemed appropriate and sufficient by
2 the facility, subject to any applicable healthcare facility licensing requirements.

3 * * *

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

7 * * *

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____