

ACT No. 421

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 (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: _____