ACT No. 398

SENATE BILL NO. 414

BY SENATORS BASS AND TALBOT AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAMBURG, BERAULT, BILLINGS, BRAUD, CARVER, CHASSION, CHENEVERT, DEWITT, DICKERSON, EGAN, GADBERRY, HEBERT, HILFERTY, HORTON, ILLG, MIKE JOHNSON, KNOX, MELERINE, MYERS, OWEN, THOMPSON, WILDER AND WYBLE

1	AN ACT
2	To amend and reenact Children's Code Articles 1151(A)(1), (B), and (C), 1152(A)(1) and
3	(2), (C)(3), and (G), 1154(A), and 1157(A)(1) and to repeal Children's Code Articles
4	1150(2)(e) and 1152(A)(3), relative to the installation and use of newborn safety
5	devices at infant relinquishment sites; to authorize the installation of the devices at
6	certain sites; to provide for requirements for use of the devices; to amend the
7	requirement for an instructional video; to include contacting the Missing and
8	Exploited Children Information Clearinghouse for information on missing children
9	and endangered adults; to repeal provisions that identify certain centers as designated
10	emergency care facilities; to repeal provisions that allow the department to
11	promulgate certain rules regarding newborn safety devices installed in hospitals; and
12	to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. Children's Code Articles 1151(A)(1), (B), and (C), 1152(A)(1) and (2),
15	(C)(3), and (G), 1154(A), and 1157(A)(1) are hereby amended and reenacted to read as
16	follows:
17	Art. 1151. Relinquishment of infants; defense to prosecution
18	A.(1) If a parent wishes to relinquish his infant, he may leave the infant in the
19	care of any employee of a designated emergency care facility or in a newborn safety
20	device that is located in a designated emergency care facility that is manned
21	continuously on a twenty-four hour basis, seven days a week, and three hundred
22	sixty-five days a year and meets the specifications provided in Subparagraph (2) of
23	this Paragraph and is physically located inside of a facility which is licensed as a
24	hospital in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., and

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1	has an emergency department that is staffed twenty-four hours per day. The
2	employee who mans the newborn safety device shall be an emergency response
3	provider, as defined in 6 U.S.C. 101, who is certified in neonatal resuscitation
4	and pediatric advanced life support.
5	* * *
6	B. If the parent is unable to travel to a designated emergency care facility, he
7	the parent may call "911", and a firefighter, a law enforcement officer, or an
8	emergency medical service provider shall immediately be dispatched to meet the
9	parent and transport the child to a hospital, and to ensure that all requirements listed
10	in Article 1152(D) through (I) have been met.
11	C. Relinquishment of an infant in accordance with this Chapter is not a
12	criminal act of neglect, abandonment, cruelty, or a crime against the child and shall
13	not be subject to an investigation for abandonment by the department.
14	Art. 1152. Designated emergency care facility, emergency medical service provider,
15	firefighter, and law enforcement officer responsibilities; newborn
16	safety devices authorized
17	A.(1) Every designated emergency care facility shall appoint as its
18	representative one or more employees on duty during regular business hours who is
19	knowledgeable about the requirements of this Chapter. In addition, at other times
20	each facility shall designate a representative who can be reached by emergency
21	telephone service or post instructions to contact "911" for a safe haven
22	relinquishment if outside of normal operating hours.
23	(2)(a) A designated emergency care facility that is a hospital licensed in
24	accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., which has an
25	emergency department that is staffed twenty-four hours per day may install on its
26	premises a newborn safety device in accordance with the requirements and
27	specifications of Article 1151(A).
28	(b) A Each designated emergency care facility that installs a newborn safety
29	device as authorized by this Subparagraph Article 1151(A) shall be:
30	(a) Be responsible for the cost of the installation.

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1 2	(b)(c) Each designated emergency care facility that installs a newborn safety
	device as authorized by this Subparagraph shall install Install an adequate dual alarm
3	system connected to the physical location of the newborn safety device. The facility
4	shall ensure all of the following with respect to the alarm system:
5	(i) The system generates an audible alarm at a central location within the
6	facility sixty seconds after the opening of the access door to the newborn safety
7	device.
8	(ii) The system generates an automatic call to 911 if the alarm is activated
9	and not turned off from within the facility less than sixty seconds after the
10	commencement of the initial alarm.
11	(iii) The alarm system is tested at least one time per week to ensure that it is
12	in working order.
13	(iv) The alarm system is visually checked at least two times per day to ensure
14	that it is in working order.
15	(c)(d) Each designated emergency care facility that installs a newborn safety
16	device as authorized by this Subparagraph shall ensure Ensure that the device is
17	checked at least daily for debris and is cleaned and sanitized with a hospital-quality
17 18	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.
18	disinfectant at least weekly and after any newborn relinquishment into the device.
18 19	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety
18 19 20	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain Maintain documentation
18 19 20 21	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain <u>Maintain</u> documentation of the testing of the alarm system required by Subsubparagraph (c) of this
18 19 20 21 22	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain <u>Maintain</u> documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by
 18 19 20 21 22 23 	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain Maintain documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph.
 18 19 20 21 22 23 24 	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain <u>Maintain</u> documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph. (e)(f) Each designated emergency care facility that installs a newborn safety
 18 19 20 21 22 23 24 25 	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain Maintain documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph. (e)(f) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall install adjacent to the device
 18 19 20 21 22 23 24 25 26 	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain Maintain documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph. (e)(f) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall install Install adjacent to the device a card holder and shall keep the card holder stocked with safe haven informational
 18 19 20 21 22 23 24 25 26 27 	disinfectant at least weekly and after any newborn relinquishment into the device. (d)(c) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall maintain <u>Maintain</u> documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph. (e)(f) Each designated emergency care facility that installs a newborn safety device as authorized by this Subparagraph shall install Install adjacent to the device a card holder and shall keep the card holder stocked with safe haven informational cards supplied by the department pursuant to Paragraph D of this Article and other

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1	(f)(g) Each designated emergency care facility that installs a newborn safety
2	device as authorized by this Subparagraph shall adopt Adopt written policies for
3	receiving, in accordance with the applicable requirements of this Chapter and
4	applicable licensing rules, a newborn who has been relinquished into the newborn
5	safety device.
6	(g) Maintain neonatal and pediatric resuscitation supplies.
7	* * *
8	C. Instruction by a designated emergency care facility on safe haven
9	relinquishment procedures may:
10	* * *
11	(3) Utilize the downloadable instructional video and training materials
12	provided by the Department of Children and Family Services on the department's
13	website and the manufacturer of the newborn safety device.
14	* * *
15	G. In the event that When an infant is relinquished to a designated
16	emergency care facility other than a hospital, or to an emergency medical service
17	provider, firefighter, or law enforcement officer, the staff of the facility, the
18	emergency medical service provider, the firefighter, or the law enforcement officer
19	shall immediately transfer the infant to a hospital.
20	* * *
21	Art. 1154. Safe haven continued custody hearing; instanter order
22	A. Immediately after notification that an infant has been relinquished, the
23	department shall request an oral instanter order of custody from the court in
24	accordance with Article 620 and shall take physical custody of the infant within
25	twelve hours of notice that the infant is ready to be discharged from the hospital. The
26	department shall exercise due diligence in attempting to identify and locate any non-
27	relinquishing parent, including but not limited to performing a missing children
28	search, which shall include contacting the Missing and Exploited Children
29	Information Clearinghouse, as defined in R.S. 46:1431, for information on
30	missing endangered adults and missing children to determine if the child has

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1	been reported missing.
2	* * *
3	Art. 1157. Reclaiming of parental rights by the relinquishing parent; hearing
4	A. A relinquishing parent may reclaim parental rights by proving by clear and
5	convincing evidence that:
6	(1) He <u>The parent</u> is the parent of the child.
7	* * *
8	Section 2. Children's Code Articles 1150(2)(e) and 1152(A)(3) are hereby repealed
9	in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____