

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 certain 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), (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 Paragraph (2) of this
20 Subsection and is physically located inside of a facility which is licensed as a

1 hospital in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., and
2 has an emergency department that is staffed twenty-four hours per day.

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

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

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

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

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

11 (e) The supporting frame of the device is anchored so as to align the bed
12 portion of the device directly beneath the access door and prevent movement of the
13 unit as a whole.

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

17 (3) Each designated emergency care facility that installs a newborn safety
18 device shall post department-approved signage at the site of the device that clearly
19 identifies the device and provides both written and pictorial instruction to the
20 relinquishing parent to open the access door, place the infant inside the device, and
21 close the access door to engage the lock. The signage shall also clearly indicate all
22 of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (f) Each designated emergency care facility that installs a newborn safety
20 device as authorized by this Paragraph shall install adjacent to the device a card
21 holder and shall keep the card holder stocked with safe haven informational cards
22 supplied by the department pursuant to Article 1152(D) and other safe haven
23 informational materials produced in accordance with Article 1160.

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

28 (3) The Louisiana Department of Health may promulgate hospital licensing
29 rules, in accordance with the Administrative Procedure Act, regarding newborn

- (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 that meets the specifications provided in proposed law and is physically located inside of a facility which is licensed as a hospital in accordance with present law, R.S. 40:2100 et seq., and has an emergency department that is staffed 24 hours per day.

Proposed law requires that each newborn safety device meet all of the following specifications:

- (1) The device has been voluntarily installed by the designated emergency care facility.
- (2) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.
- (3) The device has been installed by a licensed contractor.
- (4) The access door to the device locks automatically upon closure when a newborn is in the device.
- (5) 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.
- (6) 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 all of the following:

- (1) The maximum age of an infant who may be relinquished in accordance with present law (60 days of age).

- (2) That the child must not have been previously subjected to abuse or neglect.
- (3) 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 materials supplied by DCFS.
- (4) Adopt written policies for receiving, in accordance with the requirements present law and applicable licensing rules, a newborn who has been relinquished into the newborn safety device.

Proposed law authorizes the La. Department of Health to promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Provides that such rules shall require compliance with the provisions of present law and proposed law.

(Amends Ch.C. Arts. 1151 and 1152(A), (C)(1), (F)(intro. para.), (G), and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise proposed law to provide that the only type of designated emergency care facility at which a newborn safety device may be installed is a licensed hospital which has an emergency department that is staffed 24 hours per day.

2. Authorize the La. Department of Health to promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Provide that such rules shall require compliance with the provisions of present law and proposed law and may include adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff.
3. Add to proposed law relative to the required signage at the site of any newborn safety device to provide that such signage shall indicate that the newborn being relinquished must not have been previously subjected to abuse or neglect.
4. Provide that instruction by a designated emergency care facility on safe haven relinquishment procedures may be provided in any manner that is deemed appropriate and sufficient by the facility, subject to any applicable healthcare facility licensing requirements.
5. Make technical changes.