

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~~

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.

1 ~~(b)(c)~~ Each designated emergency care facility that installs a newborn safety
2 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
18 disinfectant at least weekly and after any newborn relinquishment into the device.

19 ~~(d)(e)~~ Each designated emergency care facility that installs a newborn safety
20 device as authorized by this Subparagraph shall maintain **Maintain** documentation
21 of the testing of the alarm system required by Subsubparagraph (c) of this
22 Subparagraph and the cleaning and sanitation of the device required by
23 Subsubparagraph (d) of this Subparagraph.

24 ~~(e)(f)~~ Each designated emergency care facility that installs a newborn safety
25 device as authorized by this Subparagraph shall install **Install** adjacent to the device
26 a card holder and shall keep the card holder stocked with safe haven informational
27 cards supplied by the department pursuant to Paragraph D of this Article and other
28 safe haven informational materials produced in accordance with Article 1160 **in an**
29 **envelope conspicuous and readily available in the newborn safety device for the**
30 **relinquishing parent.**

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**

