

House Bill 881

By: Representatives Cooper of the 43rd, Silcox of the 52nd, Rich of the 97th, Jackson of the 128th, and Rutledge of the 109th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to revise provisions relating to safe places for newborns; to authorize a newborn child
3 to be left with an ambulance service or in a newborn safety incubator; to provide for
4 definitions; to provide for limited liability; to provide for posting of signs on ambulance
5 service vehicles; to provide for rules and regulations governing newborn safety incubators;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
10 amended by revising Chapter 10A, relating to safe place for newborns, as follows:

11 "CHAPTER 10A

12 19-10A-1.

13 This chapter shall be known and may be cited as the 'Safe Place for Newborns Act of 2002.'

14 19-10A-2.

15 As used in this chapter, the term:

16 (1) 'Ambulance service' means an ambulance provider licensed pursuant to Chapter 11
17 of Title 31.

18 ~~(1)~~(2) 'Fire station' means a facility of any fire department which is authorized to
19 exercise the general and emergency powers enumerated in Code Sections 25-3-1 and
20 25-3-2.

21 ~~(2)~~(3) 'Medical facility' means any licensed general or specialized hospital, institutional
22 infirmary, health center operated by a county board of health, or facility where human
23 births occur on a regular and ongoing basis which is classified by the Department of

24 Community Health as a birthing center, but shall not mean physicians' or dentists' private
25 offices.

26 (4) 'Newborn safety incubator' means an enclosed, locked, and monitored receptacle that
27 meets the requirements of Code Section 19-10A-9 and is registered with the Department
28 of Human Services in which a newborn child can be safely placed.

29 ~~(3)~~(5) 'Police station' means a facility of any sheriff's office, municipal police
30 department, or county police department.

31 19-10A-3.

32 It is the express purpose and intent of the General Assembly in enacting this chapter to
33 prevent injuries to and deaths of newborn children that are caused by a mother who
34 abandons the newborn.

35 19-10A-4.

36 A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or 19-10-1
37 because of the act of leaving her newborn child, provided that the newborn child is no more
38 than 30 days old:

39 (1) In in the physical custody of an employee, agent, or member of the staff of a medical
40 facility, fire station, ~~or~~ police station, or ambulance service who is on duty, whether there
41 in a paid or volunteer position, provided that ~~the newborn child is no more than 30 days~~
42 ~~old~~ and the mother shows proof of her identity, if willing, to the person with whom the
43 newborn is left and provides her name and address, if willing; or

44 (2) In a newborn safety incubator.

45 19-10A-5.

46 The Department of Human Services shall investigate and report to the General Assembly
47 as to children left with a medical facility, fire station, ~~or~~ police station, or ambulance
48 service or in a newborn safety incubator pursuant to Code Section 19-10A-4, including in
49 such report the desirability and cost effectiveness of a dedicated toll-free telephone line for
50 providing information to and answering questions from the public and employees and staff
51 members of medical facilities, fire stations, ~~and~~ police stations, and ambulance services
52 concerning the acts and consequences thereof contemplated in Code Section 19-10A-4.

53 19-10A-6.

54 A medical facility which accepts for inpatient admission, ~~or~~ a fire station, ~~or~~ police station,
55 or ambulance service which accepts a child left pursuant to Code Section 19-10A-4 or any
56 facility or station that receives a child placed in a newborn safety incubator shall be

57 reimbursed by the Department of Human Services for all reasonable medical and other
58 reasonable costs associated with the child prior to the child being placed in the care of the
59 department. A medical facility, fire station, ~~or~~ police station, or ambulance service shall
60 notify the Department of Human Services at such time as the child is left and at the time
61 the child is medically ready for discharge. Upon notification that the child is medically
62 ready for discharge, the Department of Human Services shall take physical custody of the
63 child within six hours. The Department of Human Services upon taking physical custody
64 shall promptly bring the child before the juvenile court as required by Code Section
65 15-11-145.

66 19-10A-7.

67 Medical facilities, fire stations, ~~and~~ police stations, and ambulance services and their
68 employees, agents, and staff members shall not be liable for civil damages or subject to
69 criminal prosecution for failure to discharge the duties provided for in this chapter. The
70 immunity provided in this chapter shall in no way be construed as providing immunity for
71 any acts of negligent treatment of the child taken into custody.

72 19-10A-8.

73 The Department of Human Services shall develop standards for a sign that shall be posted
74 at any medical facility, fire station, or police station and on ambulance service vehicles to
75 inform the general public that such facility is an authorized location to leave a newborn
76 child as provided in this chapter. The Department of Human Services shall provide by rule
77 and regulation for the size and type of such sign and where such sign should be located
78 within or outside of such facility or on such vehicle.

79 19-10A-9.

80 (a) A medical facility, fire station, or police station shall be authorized to install a newborn
81 safety incubator pursuant to this Code section. Prior to installation of a newborn safety
82 incubator, the medical facility, fire station, or police station shall register with the
83 Department of Human Services in accordance with rules and regulations established by
84 such department.

85 (b) No later than December 31, 2020, the Department of Human Services shall establish
86 rules and regulations governing newborn safety incubators. Such rules and regulations
87 shall include, at a minimum, the following:

88 (1) Sanitation standards;

89 (2) Procedures to provide emergency care for a newborn delivered to an incubator;

90 (3) Manufacturing and manufacturer standards;

- 91 (4) Design and function requirements that:
92 (A) Take into account installation at a medical facility, fire station, or police station;
93 (B) Allow a newborn to be placed anonymously from outside the facility or station;
94 (C) Ensure the incubator locks after a newborn is placed in it so that a person outside
95 the facility or station is unable to access the newborn;
96 (D) Provide a controlled environment for the care and protection of the newborn;
97 (E) Provide notification to a centralized location in the facility or station within 30
98 seconds of a newborn being placed in the incubator; and
99 (F) Trigger a 9-1-1 call if a facility or station does not respond within a reasonable
100 amount of time after a newborn is placed in the incubator.
101 (5) Operating policies, supervision, and maintenance requirements for an incubator,
102 including requirements that only a medical facility employee, fire station employee, or
103 peace officer supervise the incubator and take custody of a newborn placed in it;
104 (6) Qualifications for persons to install incubators;
105 (7) Procedures and forms for the registration of qualified incubator installers;
106 (8) Procedures for registering and regulating incubators and fees for registration;
107 (9) Procedures for creating and posting signs to be placed near or on incubators to
108 provide information about using them;
109 (10) Procedures for enforcement of and remedies for violations for failure to comply
110 with the requirements governing incubators; and
111 (11) Any other requirement the Department of Human Services considers necessary to
112 ensure the safety and welfare of a newborn placed in an incubator."

113 **SECTION 2.**

114 All laws and parts of laws in conflict with this Act are repealed.