

House Bill 350

By: Representatives Cameron of the 1<sup>st</sup>, Crowe of the 118<sup>th</sup>, Camp of the 135<sup>th</sup>, Mathiak of the 82<sup>nd</sup>, Washburn of the 144<sup>th</sup>, and others

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 ambulance  
3 services to accept physical custody of a newborn; to authorize the placement of newborn  
4 safety devices; to provide for definitions; to provide for limited liability; to provide for  
5 transport of newborns to nearest medical facility; to provide for specifications for newborn  
6 safety devices; to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "CHAPTER 10A

13 19-10A-1.

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

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15 19-10A-2.

16 As used in this chapter, the term:

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

19 ~~(1)~~(2) 'Fire station' means a facility of any fire department which is authorized to  
20 exercise the general and emergency powers enumerated in Code Sections 25-3-1 and  
21 25-3-2.

22 ~~(2)~~(3) 'Medical facility' means any licensed general or specialized hospital, institutional  
23 infirmary, health center operated by a county board of health, or facility where human  
24 births occur on a regular and ongoing basis which is classified by the Department of  
25 Community Health as a birthing center, but shall not mean physicians' or dentists' private  
26 offices.

27 (4) 'Newborn safety device' means an enclosed, locked, and monitored receptacle that  
28 meets the requirements of Code Section 19-10A-8 in which a newborn child can be safely  
29 placed.

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

32 19-10A-3.

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

36 19-10A-4.

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

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

46 19-10A-5.

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

54 19-10A-6.

55 A medical facility which accepts a newborn child for inpatient admission pursuant to Code  
56 Section 19-10A-4 or a fire station, or police station, or ambulance service which accepts  
57 a newborn child left or receives a child placed in a newborn safety device pursuant to Code  
58 Section 19-10A-4 shall be reimbursed by the Department of Human Services for all  
59 reasonable medical and other reasonable costs associated with the child prior to the child  
60 being placed in the care of the department. A medical facility, fire station, or police  
61 station, or ambulance service shall immediately arrange for transport of the newborn child  
62 to the nearest medical facility and notify the Department of Human Services at such time  
63 as the child is left and at the time the child is medically ready for discharge. Upon  
64 notification that the child is medically ready for discharge, the Department of Human

65 Services shall take physical custody of the child within six hours. The Department of  
66 Human Services upon taking physical custody shall promptly bring the child before the  
67 juvenile court as required by Code Section 15-11-145.

68 19-10A-7.

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

74 19-10A-8.

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

80 (a) A medical facility, fire station, police station, or ambulance service shall be authorized  
81 to install a newborn safety device if the device is located in an area that is conspicuous and  
82 visible to employees, agents, or staff members of such facility or station and such facility  
83 or station is staffed by an emergency medical services provider on a 24 hour, seven days  
84 per week basis.

85 (b) A newborn safety device installed pursuant to this Code section shall include a dual  
86 alarm system that meets or exceeds the following specifications:

87 (1) One alarm shall connect the newborn safety device to the facility or station and shall  
88 be tested at least once per month, and the second alarm shall monitor the device's interior

89 and shall be checked at least twice per day to ensure that the dual alarm system functions  
90 properly; and

91 (2) The dual alarm system shall include the functionality to dispatch the nearest  
92 ambulance service to retrieve a newborn child if all medical facility, fire station, police  
93 station, or ambulance service employees, agents, or staff members have been dispatched  
94 to an emergency or are otherwise off site."

95 **SECTION 2.**

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