

The Senate Committee on Health and Human Services offered the following substitute to HB 350:

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~~
15 Eliza Jane Warner Act.'

16 19-10A-2.

17 As used in this chapter, the term:

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

20 ~~(1)~~(2) 'Fire station' means a facility of any fire department which is authorized to
21 exercise the general and emergency powers enumerated in Code Sections 25-3-1 and
22 25-3-2.

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

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

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

33 (6) 'Public safety vehicle' means an occupied motor vehicle operated by a fire station or
34 a police station.

35 19-10A-3.

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

39 19-10A-4.

40 (a) A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or
41 19-10-1 because of the act of leaving her newborn child, provided that the newborn child
42 is no more than 45 days old:

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

48 (2) In a newborn safety device.

49 (b) An individual assisting or acting at the direction of a mother shall not be prosecuted
50 for violating Code Section 16-5-70, 16-12-1, or 19-10-1 for any act which would be
51 shielded from prosecution by subsection (a) of this Code section if performed by the
52 mother of a newborn child.

53 19-10A-5.

54 The Department of Human Services shall investigate and report to the General Assembly
55 as to children left with a medical facility, fire station, ~~or~~ police station, or ambulance
56 service or in a newborn safety device pursuant to Code Section 19-10A-4, including in such
57 report the desirability and cost effectiveness of a dedicated toll-free telephone line for
58 providing information to and answering questions from the public and employees and staff

59 members of medical facilities, fire stations, ~~and~~ police stations, and ambulance services
60 concerning the acts and consequences thereof contemplated in Code Section 19-10A-4.

61 19-10A-6.

62 A medical facility which accepts for inpatient admission or a fire station or police station
63 which accepts a child left pursuant to Code Section 19-10A-4 shall be reimbursed by the
64 Department of Human Services for all reasonable medical and other reasonable costs
65 associated with the child prior to the child being placed in the care of the department. A
66 medical facility, fire station, ~~or~~ police station, or ambulance service shall immediately
67 arrange for transport of the newborn child to the nearest medical facility and notify the
68 Department of Human Services at such time as the child is left and at the time the child is
69 medically ready for discharge. Upon notification that the child is medically ready for
70 discharge, the Department of Human Services shall take physical custody of the child
71 within six hours. The Department of Human Services upon taking physical custody shall
72 promptly bring the child before the juvenile court as required by Code Section 15-11-145.

73 19-10A-7.

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

79 19-10A-8.

80 ~~The Department of Human Services shall develop standards for a sign that shall be posted~~
81 ~~at any medical facility, fire station, or police station to inform the general public that such~~
82 ~~facility is an authorized location to leave a newborn child as provided in this chapter. The~~

83 ~~Department of Human Services shall provide by rule and regulation for the size and type~~
84 ~~of such sign and where such sign should be located within or outside of such facility.~~

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

90 (b) A newborn safety device installed pursuant to this Code section shall include a security
91 camera capable of recording video of any individual accessing a newborn safety device and
92 a dual alarm system that meets or exceeds the following specifications:

93 (1) One alarm shall connect the newborn safety device to the facility or station and shall
94 be tested at least once per month, and the second alarm shall monitor the device's interior
95 and shall be checked at least twice per day to ensure that the dual alarm system functions
96 properly; and

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

101 (c) No state funds shall be expended in the acquisition or operation of newborn safety
102 devices."

103

SECTION 2.

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