

1 HB409
2 190004-3
3 By Representatives Crawford, Hanes, Williams (JW),
4 Whorton (R), Pettus and Lovvorn
5 RFD: Judiciary
6 First Read: 13-FEB-18

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8 SYNOPSIS: Existing law provides that an emergency
9 medical services provider may take possession of
10 infant children if a parent voluntarily delivers
11 the child to that provider and does not express an
12 intent to return for the child; it further provides
13 immunity from prosecution to parents who
14 voluntarily deliver children to those providers in
15 this manner under the child neglect and child
16 abandonment statutes.

17 This bill would allow for the use of an
18 infant safety device for the purpose of allowing
19 parents to anonymously deliver infant children to
20 emergency medical service providers as well as fire
21 department facilities that request the device.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to infants; to amend Sections 26-25-1,
2 26-25-3, and 26-25-4, Code of Alabama 1975, to allow for the
3 use of an infant safety device for the purpose of allowing
4 parents to anonymously deliver infant children to emergency
5 medical service providers as well as fire department
6 facilities.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 26-25-1, 26-25-3, and 26-25-4,
9 Code of Alabama 1975, are amended to read as follows:

10 "§26-25-1.

11 "(a) An emergency medical services provider, without
12 a court order, shall take possession of a child who is ~~72~~
13 ~~hours~~ 30 days old or younger if the child is voluntarily
14 delivered to the provider or to a fire department facility by
15 the child's parent and the parent did not express an intent to
16 return for the child. The delivery of an infant under this
17 subsection may be made in person or made to an infant safety
18 device installed at the emergency medical services facility or
19 fire department facility.

20 "(b) An emergency medical services provider who
21 takes possession of a child under this section shall perform
22 any act necessary to protect the physical health or safety of
23 the child.

24 "(c) Any emergency medical services provider or fire
25 department facility that offers use of an infant safety device
26 shall staff its facility continuously on a 24-hour basis to
27 provide for the safe and rapid reception of any infant

1 delivered to the facility under this section. Each
2 participating fire department facility shall designate a first
3 responder who shall have access to the facility if the
4 facility closes temporarily due to an emergency call.

5 "§26-25-3.

6 "It is an affirmative defense to prosecution under
7 Sections 13A-13-4, 13A-13-5, and 13A-13-6, if the parent
8 voluntarily delivers the child to an emergency medical
9 services provider or to a fire department facility pursuant to
10 Section 26-25-1.

11 "§26-25-4.

12 "(a) For the purposes of this chapter, an emergency
13 medical services provider shall mean a licensed hospital, as
14 defined in Section 22-21-20, which operates an emergency
15 department. An emergency medical services provider does not
16 include the offices, clinics, surgeries, or treatment
17 facilities of private physicians or dentists. No individual
18 licensed health care provider, including physicians, dentists,
19 nurses, physician assistants, or other health professionals
20 shall be deemed to be an emergency medical services provider
21 under this chapter unless such individual voluntarily assumes
22 responsibility for the custody of the child.

23 "(b) For the purposes of this chapter, an infant
24 safety device shall mean a secure box designed for the safe
25 and anonymous placement of an infant for immediate reception
26 by an emergency medical services provider or fire department
27 facility. The device shall be configured to dial 911 once when

1 it is opened and then a second time when it is closed. The
2 device shall also be configured with a video camera for the
3 purpose of monitoring an infant secured inside the device
4 until personnel arrives to receive the infant. Upon receiving
5 a 911 call from a device, a 911 dispatcher shall notify
6 personnel at the fire department facility that the device is
7 being utilized. If the fire department facility is temporarily
8 closed due to an emergency call, the 911 dispatcher shall
9 contact the designated responder for that facility, and that
10 responder shall immediately travel to the facility to attend
11 to the infant. Any facility utilizing an infant safety device
12 shall test the device weekly to ensure it remains in proper
13 working condition."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.