

Alabama's Safe Place for Newborn's Law

HB115/Act Number 00-760

Engrossed

Under existing law, an emergency medical services provider is not authorized to take possession of a newborn child if the newborn child is voluntarily delivered to the provider by the parent of the child. This bill would authorize a hospital to take possession of a child who is 72 hours or younger in age if the child is voluntarily delivered to the provider by the parent of the child and if the parent did not express an intent to return for the child and would provide for immunity. This bill would authorize the emergency medical services provider to notify the Department of Human Resources that the provider has taken possession of the child. This bill would provide an affirmative defense to prosecution under the abandonment statutes for voluntarily complying with the bill. This bill would provide for the Department of Human Resources to reimburse a hospital for any costs incurred prior to the child being placed in the care of the department.

**A BILL
TO BE ENTITLED
AN ACT**

To authorize an emergency medical services provider to take possession of certain abandoned children; to authorize the emergency medical services provider to notify the Department of Human Resources that the provider has taken possession of the child; to provide for an affirmative defense to the crime of abandonment; to provide for the payment of certain medical expenses; and to provide for immunity of liability.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) An emergency medical services provider, without a court order, shall take possession of a child who is 72 hours old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

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

Section 2. (a) No later than the close of the first business day after the date on which an emergency medical services provider takes possession of a child pursuant to Section 1, the provider shall notify the Department of Human Resources that the provider has taken possession of the child.

(b) The department shall assume the care, control, and custody of the child immediately on receipt of notice pursuant to subsection (a). The department shall be responsible for all medical and other costs associated with the child and shall reimburse the hospital for any costs incurred prior to the child being placed in the care of the department.

Section 3. It is an affirmative defense to prosecution under Sections 13A-13-4, 13A-13-5, and 13A-13-6, Code of Alabama 1975, if the parent voluntarily delivers the child to an emergency medical services provider pursuant to Section 1.

Section 4. For the purposes of this act, an emergency medical services provider shall mean a licensed hospital, as defined in Section 22-21-20 of this code, which operates an emergency department. An emergency medical service provider does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed healthcare provider, including physicians, dentists, nurses, physician assistants, or other health professionals shall be deemed to be an emergency medical services provider under this act unless such individual voluntarily assumes responsibility for the custody of the child.

Section 5. No person or other entity subject to the provisions of this act shall be liable to any person for any claim for damages as a result of any action taken pursuant to the requirements of this act, and no lawsuit shall be predicated thereon.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

(Passed by Alabama Legislature, May 2000)