

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1016

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-36-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. (a) The commission shall, before January 1, 2016, submit to the general assembly in an electronic format under IC 5-14-6 and the governor's office recommendations concerning the following:**

- (1) New methods or mechanisms for carrying out policies relating to abandoned children, including the use of newborn safety incubators (as defined in IC 16-35-9-4).**
- (2) The production and distribution of information concerning the laws regarding emergency custody of abandoned children under IC 31-34-2.5.**
- (3) The advisability of establishing and posting uniform signs regarding locations at which children may be voluntarily left with an emergency medical services provider under IC 31-34-2.5.**

(b) This section expires July 1, 2016.

SECTION 2. IC 16-18-2-111.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 111.3. (a) "Emergency medical services provider", for purposes of IC 16-35-9, has the meaning set**

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forth in IC 16-35-9-1.

(b) This section expires July 1, 2016.

SECTION 3. IC 16-18-2-122 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 122. **(a) "Facility", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-2. This subsection expires July 1, 2016.**

(b) "Facility", for purposes of IC 16-41-11, has the meaning set forth in IC 16-41-11-2.

SECTION 4. IC 16-18-2-248.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 248.2. **(a) "Newborn", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-3.**

(b) This section expires July 1, 2016.

SECTION 5. IC 16-18-2-248.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 248.3. **(a) "Newborn safety incubator", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-4.**

(b) This section expires July 1, 2016.

SECTION 6. IC 16-18-2-302.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 302.4. **(a) "Qualified service provider", for purposes of IC 16-35-9, has the meaning set forth in IC 16-35-9-5.**

(b) This section expires July 1, 2016.

SECTION 7. IC 16-35-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 9. Newborn Safety Incubators Recommendations

Sec. 1. As used in this chapter, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

Sec. 2. As used in this chapter, "facility" means a building in which one (1) or more of the following are located:

- (1) A hospital licensed under IC 16-21.**
- (2) A fire department or volunteer fire department of a unit (as defined in IC 36-1-2-23), staffed twenty-four (24) hours a day by an emergency medical services provider.**
- (3) A law enforcement agency (as defined in IC 35-47-15-2), staffed twenty-four (24) hours a day by an emergency medical services provider.**

Sec. 3. As used in this chapter, "newborn" means a child who is less than thirty-one (31) days of age.



Sec. 4. As used in this chapter, "newborn safety incubator" means a device that is designed to permit:

- (1) a person to anonymously place a newborn in the device with the intent to leave the newborn; and**
- (2) another person to remove the newborn from the device and take custody of the newborn.**

Sec. 5. As used in this chapter, "qualified service provider" means any of the following:

- (1) A hospital licensed under IC 16-21.**
- (2) A fire department or volunteer fire department of a unit (as defined in IC 36-1-2-23), staffed twenty-four (24) hours a day by an emergency medical services provider.**
- (3) A law enforcement agency (as defined in IC 35-47-15-2), staffed twenty-four (24) hours a day by an emergency medical services provider.**

Sec. 6. The state department shall, before January 1, 2016, prepare and submit to the general assembly in an electronic format under IC 5-14-6 and the governor's office recommendations concerning standards and protocols for the installation and operation of newborn safety incubators. In preparing the recommendations under this section, the state department shall consider the following:

- (1) Sanitation standards for newborn safety incubators.**
- (2) Procedures to provide emergency care for a newborn left in a newborn safety incubator.**
- (3) Manufacturing and manufacturer standards for newborn safety incubators.**
- (4) Design and function requirements, including that a newborn safety incubator satisfies all the following:**
 - (A) Is accessible from the exterior of a facility.**
 - (B) Allows a newborn to be placed anonymously in the newborn safety incubator from outside the facility.**
 - (C) The door or window of the newborn safety incubator that allows access outside the facility automatically locks after a newborn is placed in the newborn safety incubator.**
 - (D) A person outside the facility is unable to access the newborn safety incubator after a newborn has been placed in the newborn safety incubator.**
 - (E) Provides a controlled environment for the care and protection of the newborn.**
 - (F) Has a signal that notifies an emergency medical services provider within thirty (30) seconds of a newborn**



being placed in the newborn safety incubator.

(G) Is accessible to an emergency medical services provider inside the facility.

(5) The operating policies, supervision, and maintenance of a newborn safety incubator, including requiring that only an emergency medical services provider supervise the newborn safety incubator and take custody of a newborn.

(6) Procedures and forms for the registering of qualified service providers that install newborn safety incubators.

(7) Procedures and standards for inspections of newborn safety incubators.

(8) Costs concerning the registration and regulation of newborn safety incubators and fees for registration to offset the costs.

(9) Preparation and posting of signs near or on newborn safety incubators.

(10) Enforcement actions and remedies for violations concerning newborn safety incubators.

(11) Any other criteria the state department considers necessary to ensure the safety and welfare of a newborn placed in a newborn safety incubator.

Sec. 7. This chapter expires July 1, 2016.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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