



March 9, 2021

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# ENGROSSED HOUSE BILL No. 1230

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DIGEST OF HB 1230 (Updated March 8, 2021 10:04 am - DI 136)

**Citations Affected:** IC 31-34; IC 34-30.

**Synopsis:** Safe haven 911. Provides that due to extenuating circumstances, if a child's parent or a person is unable to give up custody of a child under the procedure set forth in Indiana's safe haven law, the child's parent or the person may request that an emergency medical services provider (provider) take custody of the child by: (1) dialing the 911 emergency call number; and (2) staying with the child until a provider arrives to take custody of the child. Provides that the emergency medical dispatch agency or the provider shall inform the child's parent or the person giving up custody of the child of the ability to remain anonymous. Provides that a provider, shall, without a court order, take custody of a child who is, or who appears to be, not more than 30 days of age if the child is voluntarily left: (1) in a newborn safety device that is located at an emergency medical services station; or (2) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child. Allows a child's parent to remain anonymous if the child is voluntarily relinquished in a hospital or other medical facility after delivery of the child. Provides that an emergency medical services station is immune from civil liability for an act or omission relating to the operation of the newborn safety device.

**Effective:** July 1, 2021.

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## Lauer, Frye R, Snow, Bauer M

(SENATE SPONSORS — HOLDMAN, GROOMS, KOCH, HOUCHIN)

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January 14, 2021, read first time and referred to Committee on Family, Children and Human Affairs.

January 28, 2021, reported — Do Pass.

February 1, 2021, read second time, amended, ordered engrossed.

February 2, 2021, engrossed. Read third time, passed. Yeas 92, nays 0.

#### SENATE ACTION

February 18, 2021, read first time and referred to Committee on Family and Children Services.

March 8, 2021, amended, reported favorably — Do Pass.

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EH 1230—LS 7095/DI 131





March 9, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1230

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.205-2018,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 1. (a) An emergency medical services provider (as  
4 defined in IC 16-41-10-1) shall, without a court order, take custody of  
5 a child who is, or who appears to be, not more than thirty (30) days of  
6 age if:  
7 (1) **except as provided in subsection (g)**, the child is voluntarily  
8 left:  
9 (A) with the provider by the child's parent;  
10 (B) in a newborn safety device that:  
11 (i) has been approved by a hospital licensed under IC 16-21;  
12 (ii) is physically located inside a hospital that is staffed  
13 continuously on a twenty-four (24) hour basis every day to  
14 provide care to patients in an emergency; and  
15 (iii) is located in an area that is conspicuous and visible to  
16 hospital staff;  
17 (C) in a newborn safety device that was installed on or before

**EH 1230—LS 7095/DI 131**



1 January 1, 2017, and is located at a site that is staffed by an  
 2 emergency medical services provider (as defined in  
 3 IC 16-41-10-1); ~~or~~

4 (D) in a newborn safety device that:

5 (i) is located at a fire department, including a volunteer fire  
 6 department, **or at an emergency medical services station**  
 7 that is staffed by an emergency medical services provider (as  
 8 defined in IC 16-41-10-1) on a twenty-four (24) hour seven  
 9 (7) day a week basis;

10 (ii) is located in an area that is conspicuous and visible to  
 11 staff; and

12 (iii) includes an adequate dual alarm system connected to  
 13 the site that is tested at least one (1) time per month to  
 14 ensure the alarm system is in working order; ~~and or~~

15 **(E) with medical staff after delivery in a hospital or other**  
 16 **medical facility when the child's parent notifies the medical**  
 17 **staff that the parent is voluntarily relinquishing the child;**  
 18 **and**

19 (2) the parent does not express an intent to return for the child.

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

23 (c) Any person who in good faith voluntarily leaves a child:

24 (1) with an emergency medical services provider; ~~or~~

25 (2) in a newborn safety device described in subsection ~~(a)(1)(B);~~

26 **(a)(1); or**

27 **(3) with medical staff as described in subsection (a)(1)(E);**

28 is not obligated to disclose the parent's name or the person's name.

29 (d) A hospital that approves the operation of a newborn safety  
 30 device that meets the requirements set forth in subsection (a)(1)(B) is  
 31 immune from civil liability for an act or omission relating to the  
 32 operation of the newborn safety device unless the act or omission  
 33 constitutes gross negligence or willful or wanton misconduct.

34 (e) A newborn safety device described in subsection (a)(1)(C) may  
 35 continue to operate without meeting the conditions set forth in  
 36 subsection (a)(1)(B).

37 (f) A fire department, including a volunteer fire department, **and an**  
 38 **emergency medical services station** that meets the requirements set  
 39 forth in subsection (a)(1)(D) is immune from civil liability for an act or  
 40 omission relating to the operation of the newborn safety device unless  
 41 the act or omission constitutes gross negligence or willful or wanton  
 42 misconduct.



1           **(g) Due to extenuating circumstances, if a child's parent or a**  
2 **person is unable to give up custody of the child as described in**  
3 **subsection (a)(1), the child's parent or the person may request that**  
4 **an emergency medical services provider (as defined in**  
5 **IC 16-41-10-1) take custody of the child by:**

6           **(1) dialing the 911 emergency call number; and**

7           **(2) staying with the child until an emergency medical services**  
8 **provider (as defined in IC 16-41-10-1) arrives to take custody**  
9 **of the child.**

10           **The emergency medical dispatch agency (as defined in**  
11 **IC 16-31-3.5-1) or the emergency medical services provider (as**  
12 **defined in IC 16-41-10-1) shall inform the child's parent or the**  
13 **person described in this subsection of the ability to remain**  
14 **anonymous as described in subsection (c).**

15           SECTION 2. IC 34-30-2-134.5, AS AMENDED BY P.L.205-2018,  
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2021]: Sec. 134.5. IC 31-34-2.5-1 (Concerning a hospital, ~~or~~  
18 fire department, **or emergency medical services station** operating a  
19 newborn safety device).



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1230 as introduced.)

DEVON

Committee Vote: Yeas 12, Nays 0

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 2, line 3, strike "or".

Page 2, line 6, after "department," insert "**or at an emergency medical services station**".

Page 2, line 13, strike "and" and insert "**or**".

Page 2, between lines 13 and 14, begin a new line double block indented and insert:

**"(E) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child; and"**.

Page 2, line 19, strike "or".

Page 2, line 21, after "(a)(1);" insert "**or**".

Page 2, between lines 21 and 22, begin a new line block indented and insert:

**"(3) with medical staff as described in subsection (a)(1)(E);"**.

Page 2, line 31, after "volunteer fire department," insert "**and an emergency medical services station**".

Page 3, line 6, delete "concerning" and insert "**of**".

(Reference is to HB 1230 as printed January 28, 2021.)

LEHMAN



## COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, after line 14, begin a new paragraph and insert:

"SECTION 2. IC 34-30-2-134.5, AS AMENDED BY P.L.205-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 134.5. IC 31-34-2.5-1 (Concerning a hospital, ~~or~~ fire department, **or emergency medical services station** operating a newborn safety device).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1230 as reprinted February 2, 2021.)

GROOMS, Chairperson

Committee Vote: Yeas 9, Nays 0.

