

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.

## HOUSE ENROLLED ACT No. 1230

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AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.205-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) An emergency medical services provider (as defined in IC 16-41-10-1) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if:

(1) **except as provided in subsection (g)**, the child is voluntarily left:

(A) with the provider by the child's parent;

(B) in a newborn safety device that:

(i) has been approved by a hospital licensed under IC 16-21;

(ii) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and

(iii) is located in an area that is conspicuous and visible to hospital staff;

(C) in a newborn safety device that was installed on or before January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1); **or**

(D) in a newborn safety device that:

(i) is located at a fire department, including a volunteer fire

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

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

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

**(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**

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

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

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

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

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

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

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

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

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

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

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

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



- (1) dialing the 911 emergency call number; and**
- (2) staying with the child until an emergency medical services provider (as defined in IC 16-41-10-1) arrives to take custody of the child.**

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

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).



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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