

2016 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVE WILLMOTT

CHILDREN/NEWBORNS: Provides for an official symbol to identify emergency care facilities designated in the Safe Haven Law

1 AN ACT

2 To enact Children's Code Articles 1160(A)(1)(c) and 1161, relative to duties of the
3 Department of Children and Family Services with respect to the Safe Haven Law;
4 to establish and provide for an official Safe Haven symbol; to provide for purposes
5 and uses of the symbol; to provide for promulgation of rules; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 1160(A)(1)(c) and 1161 are hereby enacted to
9 read as follows:

10 Art. 1160. Additional regulations; Administrative Procedure Act; reporting

11 A. The department, in accordance with the Administrative Procedure Act,
12 shall promulgate all rules and regulations necessary to carry out the provisions of this
13 Chapter, including but not limited to the following:

14 (1) Notice to the public of the existence of designated emergency care
15 facilities and the use of safe havens through the following actions:

16 * * *

17 (c)(i) Promulgation of the image that shall constitute the official Safe Haven
18 symbol in accordance with Article 1161 of this Chapter.

19 (ii) Transmittal of an electronic version of the Safe Haven symbol to any
20 designated emergency care facility upon request.

1 (iii) Production and distribution to designated emergency care facilities of
2 signage bearing the Safe Haven symbol, subject to availability of funding for this
3 purpose.

4 Art. 1161. Official Safe Haven symbol

5 A. The legislature hereby creates an official Safe Haven symbol for use in
6 identifying to the public those sites which are classified as designated emergency
7 care facilities pursuant to the provisions of this Chapter, and for any other use which
8 the department deems necessary or advantageous in fulfilling the purposes set forth
9 in this Chapter. The design and promulgation of the symbol shall be in accordance
10 with the provisions of this Article.

11 B.(1) The general design of the Safe Haven symbol shall be as follows: Two
12 solid lines, each oriented diagonally, meeting to form an apex in the style of a gable
13 roof; superimposed upon and just underneath the image of the roof being a stylized
14 figure symbolic of an infant, oriented almost horizontally, consisting of a circle
15 representing the infant's head proximate to or adjoining an oval representing the
16 infant's body; superimposed upon and just underneath the figure of the infant being
17 a stylized figure symbolic of the lower two-thirds of an arm and a hand of a person,
18 oriented almost horizontally and opposite the direction in which the infant's head
19 lies, with the figure of the arm bent in curvilinear form upward from the position of
20 the elbow in a cradling posture; the design elements, collectively, giving the
21 appearance of an infant cradled in the arm of a person under the shelter of a roof.
22 The color of these design elements shall be black.

23 (2) The department shall promulgate in rule the image that shall constitute
24 the official Safe Haven symbol.

25 C. The department is hereby authorized, but is not required, to produce
26 electronic and physical copies of the Safe Haven symbol with any of the following
27 features individually or in any combination:

28 (1) Text reading "SAFE BABY SITE" in all capital letters appearing above
29 the symbol.

- 1 (2) A background that is either white or a shade of yellow typically used for
2 traffic warning signs indicating necessity of caution.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 237 Original

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Abstract: Establishes an official Safe Haven symbol to identify emergency care facilities designated in the Safe Haven Law, provides for the design of the symbol, and requires the Dept. of Children and Family Services to promulgate in rule the image constituting the official symbol.

Present law known as the "Safe Haven Law", Ch.C. Art. 1149 et seq., provides a mechanism whereby any parent may relinquish the care of an infant who is not more than 60 days old to the state in safety and anonymity and without fear of prosecution. Proposed law retains present law, and adds thereto provisions establishing an official Safe Haven symbol.

Present law defines "designated emergency care facility" as any hospital, public health unit, emergency medical service provider, medical clinic, fire station, police station, pregnancy crisis center, or child advocacy center; and designates these places as Safe Haven infant relinquishment sites. Proposed law retains present law.

Present law requires the Department of Children and Family Services (DCFS) to provide notice to the public of the existence of designated emergency care facilities through certain specific functions. Proposed law retains present law and adds thereto the following functions to be required of DCFS:

- (1) Promulgation of the image that shall constitute the official Safe Haven symbol in accordance with proposed law.
- (2) Transmittal of an electronic version of the Safe Haven symbol to any designated emergency care facility upon request.
- (3) Production and distribution to designated emergency care facilities of signage bearing the Safe Haven symbol, subject to availability of funding for this purpose.

Proposed law provides that the purposes of the Safe Haven symbol are to identify designated emergency care facilities to the public, and any other purpose which DCFS deems necessary or advantageous in fulfilling the purposes set forth in present law and proposed law.

Proposed law provides that the design elements of the Safe Haven symbol shall be black in color, and that the design of the symbol shall be in accordance with the following description:

"Two solid lines, each oriented diagonally, meeting to form an apex in the style of a gable roof; superimposed upon and just underneath the image of the roof being a stylized figure symbolic of an infant, oriented almost horizontally, consisting of a circle representing the infant's head proximate to or adjoining an oval representing the infant's body; superimposed upon and just underneath the figure of the infant being a stylized figure symbolic of the lower two-thirds of an arm and a hand of a person, oriented almost horizontally and opposite the direction in which the infant's head lies, with the figure of the arm bent in curvilinear form upward from the position of the elbow in a cradling posture; the design elements,

collectively, giving the appearance of an infant cradled in the arm of a person under the shelter of a roof."

Proposed law authorizes, but does not require, DCFS to produce electronic and physical copies of the Safe Haven symbol with any of the following features individually or in any combination:

- (1) Text reading "SAFE BABY SITE" in all capital letters appearing above the symbol.
- (2) A background that is either white or a shade of yellow that is typically used for traffic warning signs indicating necessity of caution.

(Adds Ch.C. Arts. 1160(A)(1)(c) and 1161)