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HOUSE BILL 1888

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Mosbrucker and Davis

Prefiled 12/06/23.

1 AN ACT Relating to newborn safe transfer; amending RCW 13.34.360;  
2 and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington  
5 state's safe haven law, allowing the safe transfer of newborns, has  
6 been effective in providing parents with a safe option to transfer  
7 their newborns.

8 (2) The legislature finds that this safe haven law should be  
9 expanded to allow parents to transfer their newborns to a newborn  
10 safety device or "baby box" in a manner that maintains the safety of  
11 the newborn and the anonymity of the parent.

12 (3) The legislature finds that the safe haven law should be  
13 further expanded to allow the safe transfer of newborns less than 31  
14 days old to provide parents a safe option for transferring newborns  
15 older than 72 hours.

16 **Sec. 2.** RCW 13.34.360 and 2018 c 182 s 2 are each amended to  
17 read as follows:

18 (1) For purposes of this section:

19 (a) (~~"Appropriate"~~) "Newborn transfer location" means (i) the  
20 emergency department of a hospital licensed under chapter 70.41 RCW

1 during the hours the hospital is in operation; (ii) a fire station  
2 during its hours of operation and while fire personnel are present;  
3 or (iii) a federally designated rural health clinic during its hours  
4 of operation.

5 (b) "Newborn" means a live human being who is less than  
6 (~~seventy-two hours~~) 31 days old.

7 (c) "Newborn safety device" or "baby box" means a device or  
8 container to accept delivery of a child less than 31 days old that:

9 (i) Is voluntarily installed by a newborn transfer location;

10 (ii) Is physically located as part of a newborn transfer  
11 location;

12 (iii) Is located in an area that is conspicuous and visible to  
13 the employees of the newborn transfer location;

14 (iv) Is accessible to a person transferring the newborn in a  
15 manner that allows the newborn to be placed anonymously inside the  
16 newborn safety device from outside the newborn transfer location;

17 (v) Is locked after a newborn is placed in it so a person outside  
18 the newborn transfer location cannot access the child;

19 (vi) Provides a controlled environment for the care and  
20 protection of the child;

21 (vii) Notifies a centralized location in the newborn transfer  
22 location within 30 seconds of the newborn being placed in the newborn  
23 safety device; and

24 (viii) Triggers a 911 call if staff at the newborn transfer  
25 location do not respond within a reasonable amount of time after a  
26 newborn is placed in the newborn safety device.

27 (d) "Qualified person" means (i) any person that the parent  
28 transferring the newborn reasonably believes is a bona fide employee,  
29 volunteer, or medical staff member of the hospital or federally  
30 designated rural health clinic and who represents to the parent  
31 transferring the newborn that he or she can and will summon  
32 appropriate resources to meet the newborn's immediate needs; or (ii)  
33 a firefighter, volunteer, or emergency medical technician at a fire  
34 station who represents to the parent transferring the newborn that he  
35 or she can and will summon appropriate resources to meet the  
36 newborn's immediate needs.

37 (2) A parent of a newborn who transfers the newborn to a  
38 qualified person at (~~an appropriate~~) a newborn transfer location or  
39 a newborn safety device is not subject to criminal liability under  
40 RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

1 (3) (a) ~~((The))~~ A newborn safety device and a qualified person at  
2 ~~((an appropriate))~~ a newborn transfer location shall not require the  
3 parent transferring the newborn to provide any identifying  
4 information in order to transfer the newborn.

5 (b) ~~((The))~~ A newborn safety device and a qualified person at  
6 ~~((an appropriate))~~ a newborn transfer location shall attempt to  
7 protect the anonymity of the parent who transfers the newborn, while  
8 providing an opportunity for the parent to anonymously give the  
9 qualified person or newborn safety device such information as the  
10 parent knows about the family medical history of the parents and the  
11 newborn. ~~((The))~~ A newborn safety device and a qualified person at  
12 ~~((an appropriate))~~ a newborn transfer location shall provide referral  
13 information about adoption options, counseling, appropriate medical  
14 and emotional aftercare services, domestic violence, and legal rights  
15 to the parent seeking to transfer the newborn.

16 (c) If a parent of a newborn transfers the newborn to a newborn  
17 safety device or a qualified person at ~~((an appropriate))~~ a newborn  
18 transfer location pursuant to this section, the qualified person  
19 shall cause child protective services to be notified within twenty-  
20 four hours after receipt of such a newborn. Child protective services  
21 shall assume custody of the newborn within twenty-four hours after  
22 receipt of notification.

23 (d) A federally designated rural health clinic is not required to  
24 provide ongoing medical care of a transferred newborn beyond that  
25 already required by law and may transfer the newborn to a hospital  
26 licensed under chapter 70.41 RCW. The federally designated rural  
27 health clinic shall notify child protective services of the transfer  
28 of the newborn to the hospital.

29 (e) A hospital, federally designated rural health clinic, or fire  
30 station, its employees, volunteers, and medical staff are immune from  
31 any criminal or civil liability for accepting or receiving a newborn  
32 under this section.

33 (4) (a) ~~((Beginning July 1, 2011, an appropriate))~~ A newborn  
34 transfer location shall post a sign indicating that the location is  
35 an appropriate place for the safe and legal transfer of a newborn. If  
36 the newborn transfer location has a newborn safety device, the sign  
37 must include information about the newborn safety device.

38 (b) To cover the costs of acquiring and placing signs,  
39 ~~((appropriate))~~ newborn transfer locations may accept nonpublic funds  
40 and donations.

1 (5) The department shall collect and compile information  
2 concerning the number of newborns transferred under this section  
3 (~~after June 7, 2018~~). The department shall report its findings to  
4 the public annually, which may be on its website(~~(, beginning July~~  
5 ~~31, 2018)~~).

6 (6) (a) The department shall provide grant funding for at least  
7 three newborn transfer locations to install, maintain, and provide  
8 outreach regarding newborn safety devices. One of the newborn  
9 transfer locations provided funding under this subsection must be  
10 located in Indian country. The grant funding under this subsection  
11 must be provided to newborn transfer locations in populous areas in  
12 the following locations:

13 (i) Central Washington;

14 (ii) East of the crest of the Cascade mountain range; and

15 (iii) West of the crest of the Cascade mountain range.

16 (b) As used in this section, the term "Indian country" has the  
17 same meaning as provided in Title 18 U.S.C. Sec. 1151.

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