

House Bill 3076

Sponsored by Representative CATE; Representatives BOSHART DAVIS, DIEHL, HIEB, LEVY B, OWENS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Extends safe surrender period for anonymously leaving infant at authorized facility to 60 days from infant's date of birth. Directs Department of Human Services to post and maintain signs informing public of authorized facilities and safe surrender provisions. Appropriates moneys to department for purpose of designing and posting signs.

A BILL FOR AN ACT

1
2 Relating to anonymous surrenders of infants; creating new provisions; and amending ORS 418.017
3 and 418.018.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 418.017 is amended to read:

6 418.017. (1) A parent may leave an infant at an authorized facility in the physical custody of an
7 agent, employee, physician or other medical professional working at the authorized facility if the
8 infant:

9 (a) Is [30] **60** days of age or younger as determined to a reasonable degree of medical certainty;
10 and

11 (b) Has no evidence of abuse.

12 (2) A parent leaving an infant under this section is not required to provide any identifying in-
13 formation about the infant or the parent.

14 (3) An agent, employee, physician or other medical professional working at an authorized facility
15 shall receive an infant brought to the authorized facility under this section.

16 (4) If acting in good faith in receiving an infant, an authorized facility receiving an infant under
17 this section and any agent, employee, physician or other medical professional working at the au-
18 thorized facility are immune from any criminal or civil liability that otherwise might result from
19 their actions relating to receiving the infant. A city, county or other political subdivision of this
20 state that operates a sheriff's office, police station or fire station that receives an infant under this
21 section is immune from any criminal or civil liability that otherwise might result from the actions
22 taken by its employees or agents in receiving the infant.

23 (5) When an infant has been left at an authorized facility as provided in this section:

24 (a) The authorized facility shall notify the Department of Human Services that an infant has
25 been left at the facility as provided in subsection (1) of this section no later than 24 hours after
26 receiving the infant.

27 (b) The infant is deemed abandoned for purposes of ORS 419B.100, and the department is deemed
28 to have protective custody of the infant under ORS 419B.150 from the moment the infant was left
29 at the facility. The department shall comply with the applicable provisions of ORS chapter 419B with
30 regard to the infant.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (6) The authorized facility shall release the infant to the department when release is appropriate
2 considering the infant’s medical condition and shall provide the department with all information the
3 facility has regarding the infant.

4 (7) As used in this section:

5 (a) “Abuse” has the meaning given that term in ORS 419B.005.

6 (b) “Authorized facility” means a hospital as described in ORS 442.015, freestanding birthing
7 center as defined in ORS 442.015, physician’s office, sheriff’s office, police station or fire station.

8 (c) “Physician” means a person licensed by the Oregon Medical Board to practice medicine and
9 surgery or a naturopathic physician licensed under ORS chapter 685 to practice naturopathic med-
10 icine.

11 **SECTION 2.** ORS 418.018 is amended to read:

12 418.018. (1)(a) The Department of Human Services shall inform the public about the provisions
13 of ORS 418.017 and the affirmative defense created in ORS 163.535.

14 **(b) The department shall post and maintain signs outside of each authorized facility de-**
15 **scribed in ORS 418.017, notifying the public of the facility and providing the information de-**
16 **scribed in paragraph (a) of this subsection.**

17 (2) Notwithstanding any other provision of law, the Department of Human Services may accept
18 gifts, grants or contributions from any source, whether public or private, for the purpose of carrying
19 out subsection (1) of this section. Moneys accepted under this subsection shall be deposited in the
20 State Treasury to the credit of the department and are continuously appropriated to the department
21 for the payment of expenses and costs incurred in carrying out subsection (1) of this section.

22 **SECTION 3. There is appropriated to the Department of Human Services, for the**
23 **biennium beginning July 1, 2023, out of the General Fund, the amount of \$_____ for the**
24 **purpose of designing and posting the signs described in section 2 of this 2023 Act.**