

Enrolled
House Bill 3626

Sponsored by Representative CATE; Representatives BOSHART DAVIS, DIEHL

CHAPTER

AN ACT

Relating to anonymous surrenders of infants; amending ORS 418.017 and 418.018.

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

SECTION 1. ORS 418.017 is amended to read:

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

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

(b) Has no evidence of abuse.

(2) A parent leaving an infant under this section is not required to provide any identifying information about the infant or the parent.

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

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

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

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

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

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

(7) As used in this section:

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

(b) "Authorized facility" means a hospital as described in ORS 442.015, freestanding birthing center as defined in ORS 442.015, physician's office, sheriff's office, police station or fire station.

(c) "Physician" means a person licensed by the Oregon Medical Board to practice medicine and surgery or a naturopathic physician licensed under ORS chapter 685 to practice naturopathic medicine.

SECTION 2. ORS 418.018 is amended to read:

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

(b) An authorized facility, as defined in ORS 418.017, shall post and maintain signs outside of the facility notifying the public of the facility and providing the information described in paragraph (a) of this subsection.

(c) The department shall design the signs described in paragraph (b) of this subsection.

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

Passed by House June 8, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State