

House Bill 2901

Sponsored by Representatives MCINTIRE, RESCHKE, LEVY B, DIEHL, CATE; Representatives ELMER, GAMBA, GRAYBER, HELFRICH, OSBORNE, Senators FREDERICK, TAYLOR, THATCHER, WEBER (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows a parent to leave a newborn in a safety device if the device meets certain standards. (Flesch Readability Score: 63.8).

Modifies the safe haven law to allow a parent to anonymously leave an infant in a newborn safety device. Allows an authorized facility to install a newborn safety device. Prescribes standards for newborn safety devices.

A BILL FOR AN ACT

1
2 Relating to newborn safety devices; amending ORS 418.017.

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

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

5 418.017. (1)(a) A parent may leave an infant at an authorized facility [*in the physical custody of*
6 *an agent, employee, physician or other medical professional working at the authorized facility*] if the
7 infant:

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

10 [(b)] (B) Has no evidence of abuse.

11 **(b) A parent leaving an infant under this section must leave the infant:**

12 **(A) In the physical custody of an agent, employee, physician or other medical professional**
13 **working at the authorized facility; or**

14 **(B) In a newborn safety device described in subsection (7) of this section.**

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

17 (3) An agent, employee, physician or other medical professional working at an authorized facility
18 [*shall receive*] **must accept** an infant [*brought to*] **left with** the authorized facility under this section.

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

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

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

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 receiving the infant.

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

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

9 **(7)(a) An authorized facility may install a newborn safety device if:**

10 **(A) The device is located in an area at the authorized facility that is conspicuous and**
11 **visible to the employees of the authorized facility;**

12 **(B) The device is equipped with a dual alarm system; and**

13 **(C) The authorized facility is staffed 24 hours per day by a physician or other medical**
14 **professional.**

15 **(b) An authorized facility that installs a newborn safety device shall:**

16 **(A) Be responsible for the cost of the installation and maintenance of the device; and**

17 **(B) Ensure the dual alarm system is in working order by testing the system no less than**
18 **once per week and visually inspecting the system no less than two times per day.**

19 [(7)] (8) As used in this section:

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

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

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

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