

BILL ANALYSIS

Senate Research Center

S.B. 780
By: Hughes
Health & Human Services
5/23/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While it is asserted that Texas was the first state in the country to pass a "Safe Haven" law in 1999, interested parties contend that Texas leads the country in infant abandonment rates. These parties suggest that there could be improvements in the current standards for legal and medically safe surrender in a situation where a mother in crisis may surrender her child anonymously. S.B. 780 seeks to define, authorize, and prescribe the manner in which these newborn safety devices must be installed and the standard to which they must be maintained.

For purposes of the bill, both fire departments and law enforcement agencies are added to the list of approved designated infant care providers. The newborn safety device (or "baby box") would provide a controlled environment with numerous health and safety standards to which any designated care center must adhere. For instance, aside from meeting all other standards and quality mandated by the bill, the installation location must be staffed by personnel 24 hours per day. The device would also be required to contain an alarm system which will be regularly tested and inspected.

S.B. 780 seeks to provide an optional avenue for emergency medical services providers, hospitals, certain freestanding emergency medical care facilities, and certain child-placing agencies to install these devices if they wish to do so. Should the provider opt-in to this program, they would be responsible for the cost of installing the device.

S.B. 780 amends current law relating to emergency possession of certain abandoned children by designated emergency infant care providers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 262.301, Family Code, by amending Subdivision (1) and adding Subdivisions (3) and (4) to redefine "designated emergency infant care provider" and to define "fire department" and "newborn safety device."

SECTION 2. Amends Section 262.302(a), Family Code, as follows:

(a) Requires a designated emergency infant care provider, without a court order, to take possession of a child who appears to be 60 days old or younger if:

(1) the child is voluntarily delivered to the provider by the child's parent by:

(A) leaving the child with an employee of the provider; or

(B) placing the child in a newborn safety device located inside the provider's facilities; and

(2) creates this subdivision from existing text.

Makes nonsubstantive changes.

SECTION 3. Amends Subchapter D, Chapter 262, Family Code, by adding Section 262.3025, as follows:

Sec. 262.3025. NEWBORN SAFETY DEVICE. (a) Authorizes a designated emergency infant care provider to place a newborn safety device inside the provider's facilities to take possession of a child under Section 262.302 (Accepting Possession of Certain Abandoned Children).

(b) Requires that a newborn safety device installed by a designated emergency infant care provider:

(1) be physically located inside a facility that is staffed 24 hours a day by employees of the provider and in an area conspicuous and visible to the employees of the provider; and

(2) contain an alarm system connected to the device to audibly notify an employee of the provider that a child has been placed in the device.

(c) Requires a designated emergency infant care provider that places a newborn safety device in the provider's facilities to develop procedures to regularly verify that the device's alarm system is in working order.

SECTION 4. Effective date: September 1, 2023.