By:  Hughes S.B. No. 780

(In the Senate - Filed February 8, 2023; March 1, 2023, read first time and referred to Committee on Health & Human Services; March 13, 2023, reported favorably by the following vote: Yeas 9, Nays 0; March 13, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Hall              X

Hancock           X

Hughes            X

LaMantia          X

Miles             X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to emergency possession of certain abandoned children by designated emergency infant care providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 262.301, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (3), (4), and (5) to read as follows:

(1)  "Designated emergency infant care provider" means:

(A)  an emergency medical services provider;

(B)  a hospital;

(C)  a freestanding emergency medical care facility licensed under Chapter 254, Health and Safety Code; [~~or~~]

(D)  a child-placing agency licensed [~~by the Department of Family and Protective Services~~] under Chapter 42, Human Resources Code, that:

(i)  agrees to act as a designated emergency infant care provider under this subchapter; and

(ii)  has on staff a person who is licensed as a registered nurse under Chapter 301, Occupations Code, or who provides emergency medical services under Chapter 773, Health and Safety Code, and who will examine and provide emergency medical services to a child taken into possession by the agency under this subchapter;

(E)  a fire department; or

(F)  a law enforcement agency.

(3)  "Fire department" means a department of a local government that is organized to prevent or suppress fires and is staffed 24 hours a day by employees of the local government.

(4)  "Law enforcement agency" means an office, department, or other division of a county or municipality in this state that is staffed 24 hours a day by peace officers licensed under Chapter 1701, Occupations Code.

(5)  "Newborn safety device" means a device installed by a designated emergency infant care provider in compliance with Section 262.3025.

SECTION 2.  Section 262.302(a), Family Code, is amended to read as follows:

(a)  A designated emergency infant care provider shall, without a court order, 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)  the parent did not express an intent to return for the child.

SECTION 3.  Subchapter D, Chapter 262, Family Code, is amended by adding Section 262.3025 to read as follows:

Sec. 262.3025.  NEWBORN SAFETY DEVICE. (a) A designated emergency infant care provider may place a newborn safety device inside the provider's facilities to take possession of a child under Section 262.302.

(b)  A newborn safety device installed by a designated emergency infant care provider must:

(1)  be physically located:

(A)  inside a facility that is staffed 24 hours a day by employees of the provider; and

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

SECTION 4.  This Act takes effect September 1, 2023.

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