

By: Martinez Fischer

H.B. No. 4533

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;

1 (E) a fire department; or

2 (F) a law enforcement agency.

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

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

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

13 SECTION 2. Sections 262.302(a) and (b), Family Code, are
14 amended to read as follows:

15 (a) A designated emergency infant care provider shall,
16 without a court order, take possession of a child who appears to be
17 90 ~~60~~ days old or younger if:

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

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

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

24 (2) the parent did not express an intent to return for
25 the child.

26 (b) A designated emergency infant care provider who takes
27 possession of a child under this section has no legal duty to detain

1 or pursue the parent and may not do so unless the child appears to
2 have been abused or neglected. The designated emergency infant
3 care provider has no legal duty to ascertain the parent's identity
4 and the parent may remain anonymous. However, the parent may be
5 given a form for voluntary disclosure of the child's medical facts
6 and history. If a designated emergency infant care provider has a
7 form for voluntary disclosure of a child's medical facts and
8 history, the provider shall make the form available on the
9 provider's Internet website.

10 SECTION 3. Subchapter D, Chapter 262, Family Code, is
11 amended by adding Sections 262.3025 and 262.3055 to read as
12 follows:

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

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

19 (1) be physically located:

20 (A) inside a facility that is staffed 24 hours a
21 day by employees of the provider including at least one employee
22 qualified to provide emergency medical services;

23 (B) in an area conspicuous and visible to the
24 employees of the provider; and

25 (C) in an area that allows for direct exterior
26 access to the device;

27 (2) contain an alarm system that:

1 (A) audibly notifies the employees of the
2 provider that a child has been placed in the device and sounds until
3 the child is removed from the device; and

4 (B) alerts a local emergency medical services
5 provider, as that term is defined in Section 773.003, Health and
6 Safety Code, if the child is not removed by an employee in a
7 reasonable amount of time; and

8 (3) automatically lock the external access point once
9 a child has been placed in the device.

10 (c) A designated emergency infant care provider that places
11 a newborn safety device in the provider's facilities shall:

12 (1) develop procedures to verify monthly that the
13 device's alarm system is in working order;

14 (2) provide annual training for all employees on the
15 device's function and operation; and

16 (3) conspicuously label the device with:

17 (A) identifying information for the device;

18 (B) instructions for using the device; and

19 (C) a crisis hotline phone number approved by a
20 local governing authority.

21 Sec. 262.3055. ANNUAL REPORT. (a) The department shall
22 publish an annual report that includes:

23 (1) the number of children voluntarily delivered to a
24 designated emergency infant care provider under Section 262.302;

25 (2) the general locations of the designated emergency
26 infant care providers who took possession of the children; and

27 (3) the methods by which the designated emergency

1 infant care providers took possession of the children.

2 (b) A report published under this section must comply with
3 the confidentiality requirements under Section [262.308](#).

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