

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) and (4) 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; or

1 (E) a fire department.

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

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

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

10 (a) A designated emergency infant care provider shall,
11 without a court order, take possession of a child who appears to be
12 60 days old or younger if:

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

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

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

19 (2) the parent did not express an intent to return for
20 the child.

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

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

27 (b) A newborn safety device installed by a designated

1 emergency infant care provider must:

2 (1) be physically located:

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

5 (B) in an area conspicuous and visible to the
6 employees of the provider; and

7 (2) contain an alarm system connected to the device to
8 audibly notify an employee of the provider that a child has been
9 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 develop
12 procedures to regularly verify that the device's alarm system is in
13 working order.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 780 passed the Senate on March 16, 2023, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 19, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 780 passed the House, with amendment, on May 16, 2023, by the following vote: Yeas 125, Nays 15, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor