

1-1 By: Hughes S.B. No. 780
 1-2 (In the Senate - Filed February 8, 2023; March 1, 2023, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 March 13, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 13, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to emergency possession of certain abandoned children by
 1-20 designated emergency infant care providers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 262.301, Family Code, is amended by
 1-23 amending Subdivision (1) and adding Subdivisions (3), (4), and (5)
 1-24 to read as follows:

1-25 (1) "Designated emergency infant care provider"
 1-26 means:

1-27 (A) an emergency medical services provider;

1-28 (B) a hospital;

1-29 (C) a freestanding emergency medical care
 1-30 facility licensed under Chapter 254, Health and Safety Code; ~~or~~

1-31 (D) a child-placing agency licensed ~~[by the~~
 1-32 ~~Department of Family and Protective Services]~~ under Chapter 42,
 1-33 Human Resources Code, that:

1-34 (i) agrees to act as a designated emergency
 1-35 infant care provider under this subchapter; and

1-36 (ii) has on staff a person who is licensed
 1-37 as a registered nurse under Chapter 301, Occupations Code, or who
 1-38 provides emergency medical services under Chapter 773, Health and
 1-39 Safety Code, and who will examine and provide emergency medical
 1-40 services to a child taken into possession by the agency under this
 1-41 subchapter;

1-42 (E) a fire department; or

1-43 (F) a law enforcement agency.

1-44 (3) "Fire department" means a department of a local
 1-45 government that is organized to prevent or suppress fires and is
 1-46 staffed 24 hours a day by employees of the local government.

1-47 (4) "Law enforcement agency" means an office,
 1-48 department, or other division of a county or municipality in this
 1-49 state that is staffed 24 hours a day by peace officers licensed
 1-50 under Chapter 1701, Occupations Code.

1-51 (5) "Newborn safety device" means a device installed
 1-52 by a designated emergency infant care provider in compliance with
 1-53 Section 262.3025.

1-54 SECTION 2. Section 262.302(a), Family Code, is amended to
 1-55 read as follows:

1-56 (a) A designated emergency infant care provider shall,
 1-57 without a court order, take possession of a child who appears to be
 1-58 60 days old or younger if:

1-59 (1) the child is voluntarily delivered to the provider
 1-60 by the child's parent by:

1-61 (A) leaving the child with an employee of the

2-1 provider; or
2-2 (B) placing the child in a newborn safety device
2-3 located inside the provider's facilities; and
2-4 (2) the parent did not express an intent to return for
2-5 the child.

2-6 SECTION 3. Subchapter D, Chapter 262, Family Code, is
2-7 amended by adding Section 262.3025 to read as follows:

2-8 Sec. 262.3025. NEWBORN SAFETY DEVICE. (a) A designated
2-9 emergency infant care provider may place a newborn safety device
2-10 inside the provider's facilities to take possession of a child
2-11 under Section 262.302.

2-12 (b) A newborn safety device installed by a designated
2-13 emergency infant care provider must:

2-14 (1) be physically located:

2-15 (A) inside a facility that is staffed 24 hours a
2-16 day by employees of the provider; and

2-17 (B) in an area conspicuous and visible to the
2-18 employees of the provider; and

2-19 (2) contain an alarm system connected to the device to
2-20 audibly notify an employee of the provider that a child has been
2-21 placed in the device.

2-22 (c) A designated emergency infant care provider that places
2-23 a newborn safety device in the provider's facilities shall develop
2-24 procedures to regularly verify that the device's alarm system is in
2-25 working order.

2-26 SECTION 4. This Act takes effect September 1, 2023.

2-27 * * * * *