

AMENDMENTS TO LB876

Introduced by Blood, 3.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 4 of this act shall be known and may be
4 cited as the Newborn Safe Haven Act.

5 Sec. 2. For purposes of the Newborn Safe Haven Act:

6 (1) Approved drop-off location means a hospital or other health care
7 facility licensed by the State of Nebraska, staffed fire station, or
8 staffed law enforcement agency displaying a decal or placard as described
9 in section 4 of this act;

10 (2) Department means the Department of Health and Human Services;

11 (3) Emergency medical services provider means an individual licensed
12 in Nebraska to provide emergency medical services pursuant to the
13 Emergency Medical Services Practice Act; and

14 (4) Newborn infant means a child who is, or who appears to be,
15 ninety days old or younger.

16 Sec. 3. (1) A parent of a newborn infant may voluntarily release
17 custody of the newborn infant as follows:

18 (a) By surrendering physical custody of the newborn infant, without
19 expressing an intent to regain physical custody, at an approved drop-off
20 location or by authorizing another person to surrender physical custody
21 on the parent's behalf at an approved drop-off location;

22 (b) By surrendering physical custody of the newborn infant to
23 medical staff at a hospital or other health care facility displaying a
24 decal or placard as described in section 4 of this act, following
25 delivery of the newborn infant in the hospital or other health care
26 facility when the parent notifies the medical staff that the parent is
27 voluntarily surrendering physical custody of the newborn infant without

1 expressing an intent to regain physical custody; or

2 (c) By surrendering physical custody of the newborn infant, or by
3 authorizing another person to surrender physical custody on behalf of the
4 parent, to an emergency medical services provider without expressing an
5 intent to regain physical custody.

6 (2) In lieu of the procedure described in subsection (1) of this
7 section, a parent of a newborn infant or another person authorized to
8 surrender physical custody of the newborn infant on behalf of the parent,
9 may make telephone contact with a 911 service and surrender physical
10 custody of the newborn infant to an emergency medical services provider
11 responding to such 911 telephone call, without expressing an intent to
12 regain physical custody.

13 (3) For purposes of the Newborn Safe Haven Act and for any judicial
14 proceedings associated with the newborn infant, there shall be a
15 rebuttable presumption that the person who surrenders physical custody
16 pursuant to this section is the newborn infant's parent or has
17 surrendered physical custody with the parent's authorization.

18 (4)(a) Unless the parent or other person surrendering physical
19 custody of a newborn infant clearly expresses an intent to regain
20 physical custody of the newborn infant, any individual on duty at an
21 approved drop-off location, or the emergency medical services provider to
22 whom physical custody of the newborn infant was surrendered pursuant to
23 this section, shall take physical custody of the newborn infant. The
24 individual on duty at the approved drop-off location, or the emergency
25 medical services provider who takes physical custody of the newborn
26 infant, shall make a reasonable attempt to obtain from the parent or
27 other person the name of the parent or parents, the circumstances of the
28 infant's birth, the medical history of the newborn infant, and the
29 medical history of the newborn infant's parent or parents. However, the
30 parent or other person is not required to provide the names or medical
31 history information to comply with this section. The individual on duty

1 or medical staff at the approved drop-off location or the emergency
2 medical services provider who takes physical custody of the newborn
3 infant may perform reasonable acts necessary to protect the physical
4 health or safety of the newborn infant and is immune from criminal or
5 civil liability for any acts or omissions made in good faith to comply
6 with the requirements of this section.

7 (b) After the physical custody of a newborn infant is surrendered at
8 an approved drop-off location other than a hospital or an emergency
9 medical services provider, an appropriate staff person shall contact a
10 911 service to have an emergency medical services provider transport the
11 newborn infant to the nearest hospital. Such person shall provide any
12 available parental identification and medical history to the hospital.

13 (5) After the physical custody of a newborn infant is released
14 pursuant to this section, and after such infant is transported to a
15 hospital, if applicable, the approved drop-off location or emergency
16 medical provider shall notify the department as soon as possible.

17 Sec. 4. Subject to available funding, it is the intent of the
18 Legislature to appropriate fifty thousand dollars to the department for
19 fiscal year 2024-25 and ten thousand dollars each year thereafter, to
20 develop, implement, and maintain a public information program to inform
21 the general public of the Newborn Safe Haven Act. Components of the
22 program shall include, but not be limited to:

23 (1) Creation and maintenance of a permanent, interactive website
24 that provides pertinent information to the public about the Newborn Safe
25 Haven Act, including authorized drop-off locations and a method that
26 allows the parent of a newborn infant surrendered under the act, to
27 anonymously provide information about the medical history of the infant
28 and family. The website shall also provide a method for a parent to
29 reconsider the surrender of a newborn infant and allow an individual to
30 undergo paternity testing for the purpose of determining the paternity of
31 a surrendered child;

1 (2) Distribution of literature at statewide locations, as determined
2 by the department, including the toll-free telephone number of the
3 National Safe Haven Alliance;

4 (3) Creation and distribution of decals and placards designating
5 authorized drop-off locations and the toll-free telephone number of the
6 National Safe Haven Alliance;

7 (4) Development of educational, promotional, and informational
8 materials in print, audio, video, electronic, and other media formats to
9 provide the toll-free telephone number of the National Safe Haven
10 Alliance; and

11 (5) Training for emergency medical services providers, 911
12 operators, hospital staff, firefighters, law enforcement officers, or any
13 member of the public expressing an interest in such training.

14 Sec. 5. Section 29-121, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 29-121 No person shall be prosecuted for any crime based solely upon
17 the act of surrendering a newborn infant pursuant to the Newborn Safe
18 Haven Act for any crime based solely upon the act of leaving a child
19 thirty days old or younger in the custody of an employee on duty at a
20 hospital licensed by the State of Nebraska. The hospital shall promptly
21 contact appropriate authorities to take custody of the child.

22 Sec. 6. Original section 29-121, Reissue Revised Statutes of
23 Nebraska, is repealed.