

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 214

Introduced by Holdcroft, 36.

Read first time January 14, 2025

Committee:

1 A BILL FOR AN ACT relating to the Newborn Safe Haven Act; to amend
2 sections 43-4901, 43-4902, and 43-4903, Revised Statutes Cumulative
3 Supplement, 2024; to define terms; to provide for the use of newborn
4 safety devices as prescribed; to state intent regarding grants; to
5 require the Department of Health and Human Services to develop
6 certain procedures relating to surrendered newborn infants; to
7 change legislative intent relating to funding; to provide an
8 exemption from criminal liability; to repeal the original sections;
9 and to declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-4901, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 43-4901 Sections 43-4901 to 43-4903 and sections 2 to 6 of this act
4 shall be known and may be cited as the Newborn Safe Haven Act.

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

6 (1) Department means the Department of Health and Human Services;

7 (2) Newborn infant means a child ninety days old or younger; and

8 (3) Newborn safety device means a padded and temperature-controlled
9 device used for the purpose of permitting an individual to anonymously
10 surrender a newborn infant.

11 **Sec. 3.** (1) A newborn safety device shall meet one of the following
12 requirements:

13 (a) If the device is located at a hospital, (i) the hospital is
14 staffed continuously twenty-four hours per day, seven days per week to
15 provide care to patients and (ii) the device is conspicuous and visible
16 to hospital staff; or

17 (b) If the device is located at a fire station, (i) the fire station
18 is staffed twenty-four hours per day, seven days per week and (ii) the
19 device is located in a conspicuous area and is visible to staff or the
20 device is located in an area that is not visible to staff, but is
21 equipped with a motion sensor and a dual alarm system connected to the
22 physical location where the device is installed.

23 (2) A newborn safety device shall be (a) equipped with a dual alarm
24 system meeting the requirements set forth in this section, (b) visually
25 inspected once per day, and (c) contain a pouch with informational
26 literature which shall be available to any individual using the device.

27 (3) The dual alarm system shall be:

28 (a) Programmed to sound first when the newborn safety device is
29 opened by immediately placing a telephone call to a 911 service and
30 dispatching an emergency medical care provider or a firefighter to the
31 location of the device, and to sound a second time by immediately placing

1 a telephone call to a 911 service after movement is detected inside the
2 device; and

3 (b) Tested at least once per week.

4 **Sec. 4.** (1) The staff at each location where a newborn safety
5 device is installed shall:

6 (a) Perform all necessary repairs, complete documentation of all
7 inspections and tests, and notify the department of any failure that
8 would require a device to be removed from service; and

9 (b) Post signage, approved by the department, that clearly
10 identifies the newborn safety device access portal door and provides both
11 written and pictorial instruction. The written signage shall be in
12 English, Spanish, and any other language that is commonly used in the
13 community. The written and pictorial instruction shall depict how to (i)
14 open the access portal door, (ii) place the newborn infant inside the
15 unit, (iii) retrieve the pouch containing informational literature, and
16 (iv) close the access portal door to engage the lock.

17 (2) Participation as a location of a newborn safety device shall be
18 voluntary. The proposal, location selection, and purchase of a newborn
19 safety device shall be initiated by one or more residents of a local
20 community or by an authorized drop-off location. Such devices may be
21 purchased using (a) public funds approved by local boards, councils, or
22 commissions and (b) philanthropic funds and private donations.

23 **Sec. 5.** It is the intent of the Legislature to appropriate fifteen
24 thousand dollars to the department for fiscal year 2025-26 for the
25 purpose of awarding grants to be used for the installation, but not for
26 the purchase or ongoing operation, of newborn safety devices unless the
27 lack of such funding jeopardizes the continued use of an installed
28 device.

29 **Sec. 6.** The department shall develop procedures, which shall be
30 published on its website, to allow an individual to (1) anonymously
31 provide any medical history information relating to a newborn infant

1 surrendered under the Newborn Safe Haven Act, (2) reconsider the
2 surrender of a newborn infant under the act, and (3) undergo paternity
3 testing for a newborn infant surrendered under the act.

4 **Sec. 7.** Section 43-4902, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 43-4902 (1) Subject to available funding, it is the intent of the
7 Legislature to appropriate sixty-five thousand dollars to the Department
8 of Health and Human Services for fiscal year 2024-25 and ten thousand
9 dollars each fiscal year thereafter, to develop, implement, and maintain
10 a public information program to inform the general public of the Newborn
11 Safe Haven Act.

12 (2) Components of the program shall include, but not be limited to:

13 (a) Creation and maintenance of a permanent, interactive website
14 that provides information to the public about the Newborn Safe Haven Act,
15 including authorized drop-off locations;

16 (b) Distribution of literature at statewide locations, as determined
17 by the department, including the toll-free telephone number of the
18 National Safe Haven Alliance;

19 (c) Development of educational, promotional, and informational
20 materials in print, audio, video, electronic, and other media formats
21 which includes the toll-free telephone number of the National Safe Haven
22 Alliance; ~~and~~

23 (d) Training to carry out the provisions of the Newborn Safe Haven
24 Act for emergency care providers, 911 operators, hospital staff,
25 firefighters, law enforcement officers, or any member of the public
26 expressing an interest in such training; and -

27 (e) Public awareness of newborn safety devices.

28 **Sec. 8.** Section 43-4903, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 43-4903 (1) No person shall be prosecuted for any crime based solely
31 upon the act of surrendering a newborn infant pursuant to the Newborn

1 ~~Safe Haven Act leaving a child ninety days old or younger in the custody~~
2 ~~of an employee on duty at: (a) A hospital licensed by the State of~~
3 ~~Nebraska; (b) a staffed fire station; (c) a staffed law enforcement~~
4 ~~agency; or (d) an emergency care provider.~~

5 (2) The hospital, staffed fire station, staffed law enforcement
6 agency, or emergency care provider shall promptly contact appropriate
7 authorities to take custody of the child.

8 **Sec. 9.** Original sections 43-4901, 43-4902, and 43-4903, Revised
9 Statutes Cumulative Supplement, 2024, are repealed.

10 **Sec. 10.** Since an emergency exists, this act takes effect when
11 passed and approved according to law.