

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 876**

Introduced by Holdcroft, 36; Cavanaugh, M., 6; Hardin, 48; Lippincott,  
34; Sanders, 45.

Read first time January 03, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to infants; to amend section 29-121, Reissue
- 2 Revised Statutes of Nebraska; to adopt the Newborn Safe Haven Act;
- 3 to prohibit prosecution for persons complying with the Newborn Safe
- 4 Haven Act; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 5 of this act shall be known and may be  
2 cited as the Newborn Safe Haven Act.

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

4           (1) Approved drop-off location means a hospital or other health care  
5 facility licensed by the State of Nebraska, staffed fire station, or  
6 staffed law enforcement agency displaying a decal or placard as described  
7 in section 5 of this act;

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

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

12           (4) Newborn infant means a child who is, or who appears to be,  
13 ninety days old or younger; and

14           (5) Newborn safety device means a padded and climate-controlled  
15 receptacle, displaying a decal or placard described in section 5 of this  
16 act, that meets one of the following requirements:

17           (a) If the receptacle is located at a hospital, the receptacle is  
18 conspicuous and visible to hospital staff; and

19           (b) If the receptacle is located at a fire station or at a location  
20 where emergency medical services are provided:

21           (i) The fire station or emergency medical care provider location is  
22 staffed twenty-four hours per day, seven days per week; and

23           (ii) The receptacle is located in an area that is conspicuous and  
24 visible to staff or the receptacle is located in an area that is not  
25 visible to staff but is equipped with a motion sensor and a dual alarm  
26 system. The dual alarm system shall be programmed to sound first when the  
27 receptacle is opened, immediately placing a telephone call to a 911  
28 service and dispatching an emergency medical care provider or a  
29 firefighter to the location of the receptacle, and to sound a second  
30 time, immediately placing a telephone call to a 911 service after  
31 movement is detected inside the receptacle.

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

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

7           (b) By surrendering physical custody of the newborn infant to  
8 medical staff at a hospital or other health care facility displaying a  
9 decal or placard as described in section 5 of this act, following  
10 delivery of the newborn infant in the hospital or other health care  
11 facility when the parent notifies the medical staff that the parent is  
12 voluntarily surrendering physical custody of the newborn infant without  
13 expressing an intent to regain physical custody; or

14           (c) By surrendering physical custody of the newborn infant, or by  
15 authorizing another person to surrender physical custody on behalf of the  
16 parent, at an approved drop-off location or to an emergency medical  
17 services provider through a newborn safety device, without expressing an  
18 intent to regain physical custody.

19           (2) In lieu of the procedure described in subsection (1) of this  
20 section, a parent of a newborn infant or another person authorized to  
21 surrender physical custody of the newborn infant on behalf of the parent,  
22 may make telephone contact with a 911 service and surrender physical  
23 custody of the newborn infant to an emergency medical services provider  
24 responding to such 911 telephone call, without expressing an intent to  
25 regain physical custody.

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

31           (4)(a) Unless the parent or other person surrendering physical

1 custody of a newborn infant clearly expresses an intent to regain  
2 physical custody of the newborn infant, any individual on duty at an  
3 approved drop-off location or the emergency medical services provider to  
4 whom physical custody of the newborn infant was surrendered pursuant to  
5 this section shall take physical custody of the newborn infant. The  
6 individual on duty at the approved drop-off location or the emergency  
7 medical services provider who takes physical custody of the newborn  
8 infant shall make a reasonable attempt to obtain from the parent or other  
9 person the name of the parent or parents, the circumstances of the  
10 infant's birth, the medical history of the newborn infant, and the  
11 medical history of the newborn infant's parent or parents. However, the  
12 parent or other person is not required to provide the names or medical  
13 history information to comply with this section. The individual on duty  
14 or medical staff at the approved drop-off location or the emergency  
15 medical services provider who takes physical custody of the newborn  
16 infant may perform reasonable acts necessary to protect the physical  
17 health or safety of the newborn infant and is immune from criminal or  
18 civil liability for any acts or omissions made in good faith to comply  
19 with the requirements of this section.

20 (b) After the physical custody of a newborn infant is surrendered at  
21 an approved drop-off location other than a hospital or an emergency  
22 medical services provider, an appropriate staff person shall contact a  
23 911 service to have an emergency medical services provider transport the  
24 newborn infant to the nearest hospital. Such person shall provide any  
25 available parental identification and medical history to the hospital.

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

30 Sec. 4. Subject to available funding, the department shall award  
31 grants to be used for the installation, but not for the purchase or

1 ongoing operation, of newborn safety devices, unless the lack of such  
2 funding jeopardizes the continued use of an installed device. It is the  
3 intent of the Legislature to appropriate fifteen thousand dollars to the  
4 department for fiscal year 2024-25 for such purpose.

5       Sec. 5. Subject to available funding, it is the intent of the  
6 Legislature to appropriate fifty thousand dollars to the department for  
7 fiscal year 2024-25 and ten thousand dollars each year thereafter, to  
8 develop, implement, and maintain a public information program to inform  
9 the general public of the Newborn Safe Haven Act. Components of the  
10 program shall include, but not be limited to:

11       (1) Creation and maintenance of a permanent, interactive website  
12 that provides pertinent information to the public about the Newborn Safe  
13 Haven Act, including authorized drop-off locations and a method that  
14 allows the parent of a newborn infant surrendered under the act, to  
15 anonymously provide information about the medical history of the infant  
16 and family. The website shall also provide a method for a parent to  
17 reconsider the surrender of a newborn infant and allow an individual to  
18 undergo paternity testing for the purpose of determining the paternity of  
19 a surrendered child;

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

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

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

30       (5) Training for emergency medical services providers, 911  
31 operators, hospital staff, firefighters, law enforcement officers, or any

1 ~~member of the public expressing an interest in such training.~~

2       Sec. 6. Section 29-121, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       29-121 No person shall be prosecuted for any crime based solely upon  
5 the act of surrendering a newborn infant pursuant to the Newborn Safe  
6 Haven Act ~~for any crime based solely upon the act of leaving a child~~  
7 ~~thirty days old or younger in the custody of an employee on duty at a~~  
8 ~~hospital licensed by the State of Nebraska. The hospital shall promptly~~  
9 ~~contact appropriate authorities to take custody of the child.~~

10       Sec. 7.    Original section 29-121, Reissue Revised Statutes of  
11 Nebraska, is repealed.