

AMENDMENTS TO LB214

Introduced by Health and Human Services.

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

3 **Section 1.** Section 43-4901, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 43-4901 Sections 43-4901 to 43-4903 and sections 2 to 7 of this act
6 shall be known and may be cited as the Newborn Safe Haven Act.

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

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

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

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

13 **Sec. 3.** (1) It is the intent of the Legislature to implement a
14 pilot program that provides for the installation of four newborn safety
15 devices in the state. The department shall: (a) Adopt and promulgate
16 rules and regulations specifying the minimum safety and security
17 requirements for a newborn safety device; (b) develop criteria for
18 qualification as a location for a newborn safety device in the pilot
19 program; and (c) create an application form. A decision of the department
20 to approve a newborn safety device location is final and shall be based
21 on merit. The date of application may also be considered.

22 (2) As part of the pilot program, one newborn safety device shall be
23 approved for installation at a hospital or fire station located in each
24 of the following: (a) The first congressional district; (b) the second
25 congressional district; (c) the third congressional district east of the
26 one hundredth meridian; and (d) the third congressional district west of
27 the one hundredth meridian.

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

7 (4) The pilot program shall terminate on December 31, 2028,
8 regardless of the number of approved newborn safety device locations.
9 Grant funds allocated prior to the termination date may be awarded after
10 December 31, 2028.

11 (5) Upon request, the department shall electronically report to the
12 Clerk of the Legislature statistics compiled both during the pilot
13 program and after the pilot program is terminated, including, but not
14 limited to, (a) the number of newborn infants surrendered, (b) the
15 consistency of ongoing community financial support for installed newborn
16 safety devices, and (c) problems and concerns relating to installed
17 newborn safety devices.

18 (6) Nothing in sections 3 to 7 of this act shall prohibit an
19 individual from surrendering a newborn infant to a hospital, staffed fire
20 station, staffed law enforcement agency, or emergency care provider
21 pursuant to section 43-4903.

22 **Sec. 4.** (1) If a newborn safety device is located at a hospital,
23 (a) the hospital shall be staffed twenty-four hours per day, seven days
24 per week to provide care to patients and (b) the device shall be located
25 in a conspicuous area and visible to hospital staff.

26 (2) If a newborn safety device is located at a fire station, (a) the
27 fire station shall be staffed twenty-four hours per day, seven days per
28 week and (b) the device shall be located in a conspicuous area and
29 visible to staff or the device shall be located in an area that is not
30 visible to staff, but is equipped with a motion sensor and a dual alarm
31 system connected to the physical location where the device is installed.

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

6 (4) The dual alarm system shall be:

7 (a) Programmed to sound first when the newborn safety device is
8 opened by immediately placing a telephone call to a 911 service and
9 dispatching an emergency medical care provider or a firefighter to the
10 location of the device, and to sound a second time by immediately placing
11 a telephone call to a 911 service after movement is detected inside the
12 device; and

13 (b) Tested at least once per week.

14 **Sec. 5.** The staff at each location where a newborn safety device is
15 installed shall:

16 (1) Perform all necessary repairs, complete documentation of all
17 inspections and tests, and notify the department of any failure that
18 requires a device to be removed from service; and

19 (2) Post signage, approved by the department, that clearly
20 identifies that the newborn safety device and location have been approved
21 by the department. Such signage shall also identify the newborn safety
22 device access portal door and provide both printed and pictorial
23 instruction. The printed signage shall be in English and Spanish and may
24 also be printed in any other language that is commonly used in the
25 community. The printed and pictorial instruction shall describe how to
26 (a) open the access portal door, (b) place the newborn infant inside the
27 unit, (c) retrieve the pouch containing informational literature, and (d)
28 close the access portal door to engage the lock.

29 **Sec. 6.** It is the intent of the Legislature to appropriate four
30 thousand dollars to the department for fiscal year 2026-27 for the
31 purpose of awarding grants to be used for the installation, but not for

1 the purchase or ongoing operation, of newborn safety devices approved for
2 the pilot program unless the lack of such funding jeopardizes the
3 continued use of an installed device.

4 **Sec. 7.** The department shall develop procedures, which shall be
5 published on its website, to allow an individual to (1) anonymously
6 provide medical history information relating to a newborn infant
7 surrendered under the Newborn Safe Haven Act, (2) reconsider the
8 surrender of a newborn infant under the act, and (3) undergo paternity
9 testing for a newborn infant surrendered under the act.

10 **Sec. 8.** Section 43-4902, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 43-4902 (1) Subject to available funding, it is the intent of the
13 Legislature to appropriate sixty-five thousand dollars to the Department
14 of Health and Human Services for fiscal year 2024-25 and ten thousand
15 dollars each fiscal year thereafter, to develop, implement, and maintain
16 a public information program to inform the general public of the Newborn
17 Safe Haven Act.

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

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

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

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

29 (d) Training to carry out the provisions of the Newborn Safe Haven
30 Act for emergency care providers, 911 operators, hospital staff,
31 firefighters, law enforcement officers, or any member of the public

1 expressing an interest in such training; and -

2 (e) Promotion of public awareness of newborn safety devices.

3 **Sec. 9.** Section 43-4903, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 43-4903 (1) An individual who surrenders a newborn infant pursuant
6 to the Newborn Safe Haven Act shall:

7 (a) Not be prosecuted for any crime based solely upon the act of
8 surrendering such newborn infant to the custody of an employee on duty
9 at: (i) A hospital licensed by the State of Nebraska; (ii) a staffed fire
10 station; (iii) a staffed law enforcement agency; or (iv) an emergency
11 care provider; and

12 (b) Be allowed to remain anonymous unless evidence of abuse or
13 neglect of the newborn infant is apparent.

14 (2) An individual who surrenders a newborn infant using a newborn
15 safety device shall:

16 (a) Not be prosecuted for any crime based solely upon the act of
17 surrendering such newborn infant pursuant to sections 2 to 7 of this act;
18 and

19 (b) Be allowed to remain anonymous unless evidence of abuse or
20 neglect of the newborn infant is apparent.

21 ~~(1) No person shall be prosecuted for any crime based solely upon~~
22 ~~the act of leaving a child ninety days old or younger in the custody of~~
23 ~~an employee on duty at: (a) A hospital licensed by the State of Nebraska;~~
24 ~~(b) a staffed fire station; (c) a staffed law enforcement agency; or (d)~~
25 ~~an emergency care provider.~~

26 (3) {2} The hospital, staffed fire station, staffed law enforcement
27 agency, or emergency care provider shall promptly contact appropriate
28 authorities to take custody of a newborn infant surrendered pursuant to
29 the Newborn Safe Haven Act the child.

30 **Sec. 10.** Original sections 43-4901, 43-4902, and 43-4903, Revised
31 Statutes Cumulative Supplement, 2024, are repealed.

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