

By: Representative McGee

To: Public Health and Human Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1678

1 AN ACT TO AMEND SECTION 43-15-201, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE BABY SAFETY DEVICES TO BE REPORTED TO, INSPECTED BY AND  
3 APPROVED BY THE STATE DEPARTMENT OF HEALTH BEFORE THE DEVICE MAY  
4 BE USED BY AN EMERGENCY MEDICAL SERVICES PROVIDER; TO PROVIDE THAT  
5 THE LOCATION OF ANY BABY SAFETY DEVICES INSTALLED BEFORE JULY 1,  
6 2024, MUST BE REPORTED TO THE DEPARTMENT; TO DIRECT THE DEPARTMENT  
7 TO MAKE RANDOM UNANNOUNCED INSPECTIONS OF BABY SAFETY DEVICES  
8 THROUGHOUT THE YEAR; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO  
9 CONDUCT AN ONGOING INFORMATION CAMPAIGN TO INFORM THE PUBLIC OF  
10 THE PROVISIONS OF THE BABY DROP-OFF LAW; TO AMEND SECTION  
11 43-15-203, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF  
12 CHILD PROTECTION SERVICES TO REPORT ANNUALLY TO THE CHAIRMEN OF  
13 CERTAIN LEGISLATIVE COMMITTEES THE TOTAL NUMBER OF CHILDREN WHO  
14 WERE PLACED IN A BABY SAFETY DEVICE DURING THE PREVIOUS CALENDAR  
15 YEAR AND THE LOCATION OF THE BABY SAFETY DEVICES IN WHICH THOSE  
16 CHILDREN WERE PLACED; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** Section 43-15-201, Mississippi Code of 1972, is  
19 amended as follows:

20 43-15-201. (1) An emergency medical services provider,  
21 without a court order, shall take possession of a child who is  
22 forty-five (45) days old or younger if the child is voluntarily:

- 23 (a) Delivered to the provider;
- 24 (b) Placed in a baby safety device that is sponsored by  
25 an emergency medical services provider and meets the requirements



26 described in subsection (2) of this section by the child's parent  
27 and the parent did not express an intent to return for the child;

28 (c) Delivered to an emergency medical services provider  
29 in response to an emergency call from the parent who expressed an  
30 intent to surrender the child to the law enforcement officer or  
31 emergency medical services provider and expressed an intent to not  
32 return for the child; or

33 (d) A person designated by the parent.

34 (2) For purposes of this chapter, the term "baby safety  
35 device" shall meet all of the following specifications:

36 (a) Designed to permit a parent to anonymously place an  
37 infant in a climate controlled device with the intent to leave the  
38 infant for an emergency medical services provider to remove the  
39 infant from the device and take custody of the infant;

40 (b) Installed in a conspicuous location with an  
41 adequate dual alarm system connected to the physical location  
42 where the device is installed. The dual alarm system must be:

43 (i) Tested at least once per week to ensure the  
44 alarm system is in working order; and

45 (ii) Visually checked at least twice per day to  
46 ensure the alarm system is in working order; and

47 (iii) Approved by and located inside a  
48 participating emergency medical services provider that is:

49 1. Licensed or otherwise legally operating in  
50 this state; and



51                   2. Staffed continuously on a twenty-four-hour  
52 basis, seven (7) days a week and three hundred sixty-five (365)  
53 days a year \* \* \*;

54                   (c) Installed by a contractor licensed by the State of  
55 Mississippi \* \* \*;

56                   (d) The supporting frame of the device is anchored to  
57 prevent movement of the unit as a whole \* \* \*; and

58                   (e) Reported to, inspected by and approved by the State  
59 Department of Health before the baby safety device may be used by  
60 an emergency medical services provider. The location of any baby  
61 safety devices installed before July 1, 2024, must be reported to  
62 the department. The department shall make random unannounced  
63 inspections of baby safety devices throughout the year.

64                   (3) An adoption agency duly licensed by the Department of  
65 Child Protection Services shall be prohibited from installing and  
66 maintaining a baby safety device.

67                   (4) The parent or a person designated by the parent who  
68 surrenders the baby shall not be required to provide any  
69 information pertaining to his or her identity, nor shall the  
70 emergency medical services provider inquire as to same. If the  
71 identity of the parent or a person designated by the parent is  
72 known to the emergency medical services provider, the emergency  
73 medical services provider shall keep the identity confidential.

74                   (5) A female presenting herself to a hospital through the  
75 emergency room or otherwise, who is subsequently admitted for



76 purposes of labor and delivery, does not give up the legal  
77 protections or anonymity guaranteed under this section. If the  
78 mother clearly expresses a desire to voluntarily surrender custody  
79 of the newborn after birth, the emergency medical services  
80 provider can take possession of the child, without further action  
81 by the mother, as if the child had been presented to the emergency  
82 medical services provider in the same manner outlined above in  
83 subsection (1) of this section.

84 (a) If the mother expresses a desire to remain  
85 anonymous, identifying information may be obtained for purposes of  
86 securing payment of labor and delivery costs only. If the birth  
87 mother is a minor, the hospital may use the identifying  
88 information to secure payment through Medicaid, but shall not  
89 notify the minor's parent or guardian without the minor's consent.

90 (b) The identity of the birth mother shall not be  
91 placed on the birth certificate or disclosed to the Department of  
92 Child Protection Services any state or local agency or any other  
93 person.

94 (6) An emergency medical services provider who takes  
95 possession of a child under this section shall perform any act  
96 necessary to protect the physical health or safety of the child.  
97 No court order or other legal document shall be required in order  
98 for the emergency medical services provider to take possession of  
99 a child whose parent surrenders custody under the provisions of  
100 this article.



101       (7) The State Department of Health shall provide an ongoing  
102 information campaign to inform the public of the provisions of  
103 this article, specifically (a) the maximum age of a child who may  
104 be delivered to an emergency medical services provider; (b) what  
105 persons are authorized to deliver a child to a provider; (c) the  
106 entities and locations that are authorized to receive a child; (d)  
107 that the person who delivers a child to a provider is not required  
108 to disclose his or her identity and may remain anonymous; (e) that  
109 persons or entities taking possession of a child are immune from  
110 civil liability; and (f) that persons who deliver a child to a  
111 provider have an affirmative defense to any prosecution for the  
112 crimes of child abandonment, desertion or neglect.

113       **SECTION 2.** Section 43-15-203, Mississippi Code of 1972, is  
114 amended as follows:

115       43-15-203. (1) No later than the close of the first  
116 business day after the date on which an emergency medical services  
117 provider takes possession of a child pursuant to Section  
118 43-15-201, the provider shall notify the Department of Child  
119 Protection Services that the provider has taken possession of the  
120 child.

121       (2) The department shall assume the care, control and  
122 custody of the child immediately on receipt of notice pursuant to  
123 subsection (1). The department shall be responsible for all  
124 medical and other costs associated with the child and shall



125 reimburse the hospital for any costs incurred prior to the child  
126 being placed in the care of the department.

127 (3) (a) Immediately after assuming legal custody of the  
128 infant, the department shall contact the local law enforcement  
129 agency in the municipality or county in which the infant was  
130 surrendered and the Department of Public Safety to determine  
131 whether the infant is a missing child in this state or another  
132 state. If the department determines that the infant is a missing  
133 child, then the department shall perform its due diligence to  
134 reunite the infant with his or her family.

135 (b) A law enforcement agency that is contacted under  
136 the provisions of this subsection shall investigate whether the  
137 child is reported as missing.

138 (c) For purposes of this subsection (3), the term  
139 "missing child" means person under the age of eighteen (18)  
140 reported to police or by police as someone whose whereabouts are  
141 unknown for any reason.

142 (4) Not later than January 15 of each year, the department  
143 shall report to the Chairmen of the House Public Health and Human  
144 Services Committee, the Senate Public Health and Welfare  
145 Committee, and the House and Senate Medicaid Committees the total  
146 number of children who were placed in a baby safety device during  
147 the previous calendar year and the location of the baby safety  
148 devices in which those children were placed.



149           **SECTION 3.** This act shall take effect and be in force from  
150 and after July 1, 2024.

