

By: Representatives McGee, Foster

To: Public Health and Human Services

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 AMEND SECTION 43-15-203, MISSISSIPPI CODE
 9 OF 1972, TO THE DEPARTMENT OF CHILD PROTECTION SERVICES TO REPORT
 10 ANNUALLY TO THE CHAIRMEN OF CERTAIN LEGISLATIVE COMMITTEES THE
 11 TOTAL NUMBER OF CHILDREN WHO WERE PLACED IN A BABY SAFETY DEVICE
 12 DURING THE PREVIOUS CALENDAR YEAR AND THE LOCATION OF THE BABY
 13 SAFETY DEVICES IN WHICH THOSE CHILDREN WERE PLACED; AND FOR
 14 RELATED PURPOSES.

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

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

18 43-15-201. (1) An emergency medical services provider,
 19 without a court order, shall take possession of a child who is
 20 forty-five (45) days old or younger if the child is voluntarily:

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



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

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

31 (d) A person designated by the parent.

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

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

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

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

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

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

47 1. Licensed or otherwise legally operating in
48 this state; and



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

52 (c) Installed by a contractor licensed by the State of
53 Mississippi * * *;

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

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

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

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

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



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

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

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

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



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

101 43-15-203. (1) No later than the close of the first
102 business day after the date on which an emergency medical services
103 provider takes possession of a child pursuant to Section
104 43-15-201, the provider shall notify the Department of Child
105 Protection Services that the provider has taken possession of the
106 child.

107 (2) The department shall assume the care, control and
108 custody of the child immediately on receipt of notice pursuant to
109 subsection (1). The department shall be responsible for all
110 medical and other costs associated with the child and shall
111 reimburse the hospital for any costs incurred prior to the child
112 being placed in the care of the department.

113 (3) (a) Immediately after assuming legal custody of the
114 infant, the department shall contact the local law enforcement
115 agency in the municipality or county in which the infant was
116 surrendered and the Department of Public Safety to determine
117 whether the infant is a missing child in this state or another
118 state. If the department determines that the infant is a missing
119 child, then the department shall perform its due diligence to
120 reunite the infant with his or her family.

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



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

128 (4) Not later than January 15 of each year, the department
129 shall report to the Chairmen of the House Public Health and Human
130 Services Committee, the Senate Public Health and Welfare
131 Committee, and the House and Senate Medicaid Committees the total
132 number of children who were placed in a baby safety device during
133 the previous calendar year and the location of the baby safety
134 devices in which those children were placed.

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

