

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.

