

1 AN ACT relating to abandoned infants.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 405.075 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Newborn infant" means an infant who is medically determined to be less than
6 thirty (30) days old; and

7 (b) **"Newborn safety device" means a device:**

8 **1. Designed to permit a person to anonymously place a newborn infant**
9 **in the device with the intent to leave the newborn and for an**
10 **emergency medical services provider to remove the newborn from the**
11 **device and take custody of the newborn infant; and**

12 **2. Approved by and physically located inside a hospital that:**

13 **a. Is licensed in this state to offer emergency service;**

14 **b. Is staffed continuously on a twenty-four (24) hour basis every**
15 **day to provide care to patients in an emergency; and**

16 **c. Locates the device in an area that is conspicuous and visible to**
17 **hospital staff.**

18 **(c)** "Participating place of worship" means a recognized place of religious
19 worship that has voluntarily agreed to perform the duty granted in this section
20 and display signage prominently on its premises regarding its participation in
21 this section and its operating hours during which staff will be present.

22 (2) A parent who places a newborn infant with an emergency medical services provider
23 or at a staffed police station, fire station, hospital, or participating place of worship,
24 **or inside a newborn safety device** and expresses no intent to return for the infant
25 shall have the right to remain anonymous and not be pursued and shall not be
26 considered to have abandoned or endangered the newborn infant under KRS
27 Chapters 508 and 530.

- 1 (3) (a) Any emergency medical services provider, police officer, or firefighter who
2 accepts physical custody of a newborn infant in accordance with this section
3 shall immediately arrange for the infant to be taken to the nearest hospital
4 emergency room and shall have implied consent to any and all appropriate
5 medical treatment.
- 6 (b) Any staff member at a participating place of worship who accepts physical
7 custody of a newborn infant in accordance with this section shall immediately
8 contact the 911 emergency telephone service as set forth in KRS 65.750 to
9 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643,
10 or emergency medical services as set forth in KRS Chapter 311A for
11 transportation to the nearest hospital emergency room.
- 12 (4) By placing a newborn infant in the manner described in this section, the parent:
- 13 (a) Waives the right to notification required by subsequent court proceedings
14 conducted under KRS Chapter 620 until such time as a claim of parental
15 rights is made; and
- 16 (b) Waives legal standing to make a claim of action against any person who
17 accepts physical custody of the newborn infant.
- 18 (5) Actions taken by an emergency medical services provider, police officer, firefighter,
19 or staff member at a participating place of worship in conformity with the duty
20 granted in this section shall be immune from criminal or civil liability. Nothing in
21 this subsection shall limit liability for negligence.
- 22 (6) The provisions of subsection (2) of this section shall not apply when indicators of
23 child physical abuse or child neglect are present.
- 24 (7) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The
25 Representative Thomas J. Burch Safe Infants Act."