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Date:

(Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 335, L.D. 530, “An Act to Facilitate the Installation of Safe Haven Baby Boxes at Hospitals, Law Enforcement Facilities and Fire Departments”

Amend the bill by striking out the title and substituting the following:

'An Act to Facilitate the Installation of Newborn Safety Devices at Hospitals, Law Enforcement Agencies and Fire Departments'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §553, sub-§3, ¶B, as amended by PL 2021, c. 466, §1, is further amended to read:

B. The child was delivered by the person charged under this section to a ~~safe haven baby box~~ newborn safety device as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an individual the person reasonably believed to be:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider as defined in Title 22, section 4018;
- (4) A hospital staff member at a hospital; or
- (5) A firefighter at a fire department facility.

Sec. 2. 22 MRSA §4018, sub-§1, ¶A-1, as enacted by PL 2021, c. 466, §2, is amended to read:

A-1. "~~Safe haven baby box~~ Newborn safety device" means a device or container to safely accept delivery of a child less than 31 days of age that is:

- (1) Voluntarily installed by a medical services provider, law enforcement agency or fire department; and

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1 (2) ~~Physically located inside a hospital, law enforcement facility or fire~~
2 ~~department facility that is staffed 24 hours a day by a medical services provider;~~

3 (3) ~~Located in an area that is conspicuous and visible to the employees of the~~
4 ~~hospital, law enforcement agency or fire department; and~~

5 (4) ~~In compliance with requirements adopted by rule by the department, including,~~
6 ~~but not limited to, a requirement that the device or container be equipped~~ Equipped
7 with an alarm that notifies the hospital, law enforcement agency or fire department
8 where the device or container is located and a public safety answering point as
9 defined in Title 25, section 2921, subsection 7 when a child is placed in the device
10 or container.

11 **Sec. 3. 22 MRSA §4018, sub-§1, ¶B**, as amended by PL 2021, c. 466, §3, is further
12 amended by amending subparagraph (6) to read:

13 (6) ~~A person staffing a facility with a safe haven baby box~~ newborn safety device.

14 **Sec. 4. 22 MRSA §4018, sub-§6**, as enacted by PL 2021, c. 466, §4, is repealed.

15 **Sec. 5. 22 MRSA §4018, sub-§7** is enacted to read:

16 **7. Newborn safety device requirements.** A facility with a newborn safety device
17 shall:

18 A. Locate the newborn safety device inside the facility in an area that is conspicuous
19 and visible to the employees of the facility;

20 B. Ensure that the facility is staffed 24 hours a day by a medical services provider
21 except that, in the case of an emergency when all staff are required to respond, the
22 facility may be temporarily unoccupied; and

23 C. Test the alarm equipped to the newborn safety device at least one time per week
24 and visually inspect the alarm at least 2 times per day to ensure that the alarm is
25 properly functioning.

26 **Sec. 6. Lapsed balances.** Notwithstanding any provision of law to the contrary,
27 \$14,174 of unencumbered balance forward from the Department of Health and Human
28 Services, State-funded Foster Care/Adoption Assistance, General Fund carrying account,
29 All Other line category lapses to the unappropriated surplus of the General Fund no later
30 than June 30, 2024.'

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
32 number to read consecutively.

33 **SUMMARY**

34 This amendment changes the term "safe haven baby box" to "newborn safety device,"
35 requires a facility with a newborn safety device to test the alarm equipped to the device at
36 least one time per week and visually inspect the alarm at least 2 times per day to ensure
37 that the alarm is properly functioning and to locate a newborn safety device in a
38 conspicuous area visible to employees of the facility and allows the facility to be

1 temporarily unoccupied in circumstances when all staff are required to respond to an
2 emergency.

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FISCAL NOTE REQUIRED
(See attached)