

HOUSE BILL REPORT

SSB 5318

As Passed House - Amended:

April 7, 2009

Title: An act relating to adding additional appropriate locations for the transfer of newborn children.

Brief Description: Adding additional appropriate locations for the transfer of newborn children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin).

Brief History:

Committee Activity:

Early Learning & Children's Services: 3/26/09, 3/27/09 [DPA].

Floor Activity

Passed House - Amended: 4/7/09, 93-5.

Brief Summary of Substitute Bill (As Amended by House)

- Expands the permissible locations for the transfer of a newborn child without incurring criminal liability.
- Requires all permissible locations for the transfer of a newborn to post a sign so indicating by July 1, 2011.
- Directs the Department of Social and Health Services to report annually to the Legislature beginning January 2011, on the number and medical condition of newborns transferred at permissible locations and newborns abandoned.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

State law allows the parent of a newborn child under 72 hours old to leave the newborn with a qualified person at an appropriate location without incurring criminal liability. Qualified persons include any person the parent reasonably believes is a bona fide employee, volunteer, or medical staff person or firefighter at the locations and represents to the parent that appropriate assistance or medical treatment for the child will be summoned. An appropriate location is limited to the emergency room of a hospital during operating hours or in a fire station during operating hours and while fire personnel are present. Qualified persons at appropriate locations who receive a newborn under these circumstances are required to contact Child Protective Services (CPS) and are immune from criminal or civil liability for accepting or receiving a newborn under the act.

Summary of Amended Bill:

The appropriate locations where a parent may transfer a newborn are expanded to include federally-designated rural health clinics during their hours of operation. The same immunity provisions will apply to the rural health clinics and their employees and volunteers as apply to hospitals and fire stations. A rural health clinic need not provide ongoing medical care to a transferred newborn and may transfer the newborn to a hospital immediately once CPS has been called.

Beginning July 1, 2011, appropriate locations for the transfer of newborns must post a sign indicating the location is a permissible place for the safe and lawful transfer of a newborn.

The Department of Social and Health Services is required to collect and compile information, and report annually to the Legislature beginning January 1, 2011, regarding the number and medical condition of newborns transferred at appropriate locations and newborns who are abandoned.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 28, 2009.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Eastern and rural Washington do not have adequate numbers of appropriate locations where a newborn can be safely transferred. Mothers in these areas may be unable to travel to a hospital or fire station due to the distance. This is a sound solution to help prevent the unsafe abandonment of infants. While we do not have hard data on the exact numbers and conditions of infants abandoned or transferred, we do know from what the hospitals can tell us, there have been over 15 in King and Pierce counties in the past year. There have been several incidences where newborns have been left in unsafe locations.

All 50 states now have safe baby transfer laws and many are trying to collect data as well as make other locations permissible options for desperate mothers. This bill is asking for permanent signs to be posted to let mothers in crisis know they have options to unsafe abandonment or worse. The Center for Disease Control reports that the teen birth rate is on the rise for the second year in a row.

This is one small step that has the potential to save more lives.

The fire stations have been operating as a safe place for the transfer of a newborn since 2002. Firefighters and other personnel would much rather receive a child at the fire station than discover the child left in an unsafe location exposed to the elements. We currently are looking for grants to help pay for the cost of posting signs.

(In support with concerns on original bill) Expanding the types of locations for safe transfer is very important, especially in rural areas. We would like to have some flexibility about where the signs would be posted and how they will read.

(Opposed) None.

Persons Testifying: (In support) Senator Kauffman, prime sponsor; Joan Dedman, Michelle Walsh, and Don Bagnall, Safe Place for Newborns; Mike Brown, Washington Fire Chiefs; and Donna Christensen, Washington State Catholic Conference.

(In support with concerns on original bill) Lisa Thatcher, Washington State Hospital Association.

Persons Signed In To Testify But Not Testifying: None.