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**HOUSE BILL 1888**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Mosbrucker, Davis, Leavitt, Schmidt, Graham, Barnard, Rule, Cheney, Fosse, Goodman, Wylie, Hutchins, Reeves, and Riccelli

AN ACT Relating to newborn safe transfer; amending RCW 13.34.360; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that Washington state's safe haven law, allowing the safe transfer of newborns, has been effective in providing parents with a safe option to transfer their newborns.

(2) The legislature finds that this safe haven law should be expanded to allow parents to transfer their newborns to a newborn safety device or "baby box" in a manner that maintains the safety of the newborn and the anonymity of the parent.

(3) The legislature finds that the safe haven law should be further expanded to allow the safe transfer of newborns less than 31 days old to provide parents a safe option for transferring newborns older than 72 hours.

**Sec.**  RCW 13.34.360 and 2018 c 182 s 2 are each amended to read as follows:

(1) For purposes of this section:

(a) ((~~"Appropriate~~)) "Newborn transfer location" means (i) the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation; (ii) a fire station during its hours of operation and while fire personnel are present; or (iii) a federally designated rural health clinic during its hours of operation.

(b) "Newborn" means a live human being who is less than ((~~seventy-two hours~~)) 31 days old.

(c) "Newborn safety device" or "baby box" means a device or container to accept delivery of a child less than 31 days old that:

(i) Is voluntarily installed by a newborn transfer location;

(ii) Is physically located as part of a newborn transfer location;

(iii) Is located in an area that is conspicuous and visible to the employees of the newborn transfer location;

(iv) Is accessible to a person transferring the newborn in a manner that allows the newborn to be placed anonymously inside the newborn safety device from outside the newborn transfer location;

(v) Is locked after a newborn is placed in it so a person outside the newborn transfer location cannot access the child;

(vi) Provides a controlled environment for the care and protection of the child;

(vii) Notifies a centralized location in the newborn transfer location within 30 seconds of the newborn being placed in the newborn safety device; and

(viii) Triggers a 911 call if staff at the newborn transfer location do not respond within a reasonable amount of time after a newborn is placed in the newborn safety device.

(d) "Qualified person" means (i) any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital or federally designated rural health clinic and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or (ii) a firefighter, volunteer, or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at ((~~an appropriate~~)) a newborn transfer location or a newborn safety device is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) ((~~The~~)) A newborn safety device and a qualified person at ((~~an appropriate~~)) a newborn transfer location shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) ((~~The~~)) A newborn safety device and a qualified person at ((~~an appropriate~~)) a newborn transfer location shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the qualified person or newborn safety device such information as the parent knows about the family medical history of the parents and the newborn. ((~~The~~)) A newborn safety device and a qualified person at ((~~an appropriate~~)) a newborn transfer location shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a newborn safety device or a qualified person at ((~~an appropriate~~)) a newborn transfer location pursuant to this section, the qualified person shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification.

(d) A federally designated rural health clinic is not required to provide ongoing medical care of a transferred newborn beyond that already required by law and may transfer the newborn to a hospital licensed under chapter 70.41 RCW. The federally designated rural health clinic shall notify child protective services of the transfer of the newborn to the hospital.

(e) A hospital, federally designated rural health clinic, or fire station, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

(4)(a) ((~~Beginning July 1, 2011, an appropriate~~)) A newborn transfer location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn. If the newborn transfer location has a newborn safety device, the sign must include information about the newborn safety device.

(b) To cover the costs of acquiring and placing signs, ((~~appropriate~~)) newborn transfer locations may accept nonpublic funds and donations.

(5) The department shall collect and compile information concerning the number of newborns transferred under this section ((~~after June 7, 2018~~)). The department shall report its findings to the public annually, which may be on its website((~~, beginning July 31, 2018~~)).

(6)(a) The department shall provide grant funding for at least three newborn transfer locations to install, maintain, and provide outreach regarding newborn safety devices. One of the newborn transfer locations provided funding under this subsection must be located in Indian country. The grant funding under this subsection must be provided to newborn transfer locations in populous areas in the following locations:

(i) Central Washington;

(ii) East of the crest of the Cascade mountain range; and

(iii) West of the crest of the Cascade mountain range.

(b) As used in this section, the term "Indian country" has the same meaning as provided in Title 18 U.S.C. Sec. 1151.

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