

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0836.01 Shelby Ross x4510

SENATE BILL 24-083

SENATE SPONSORSHIP

Smallwood and Coleman,

HOUSE SPONSORSHIP

Luck,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EMERGENCY POSSESSION OF CERTAIN**
102 **RELINQUISHED CHILDREN IN NEWBORN SAFETY DEVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes a fire station, hospital, or community clinic emergency center (authorized facility) to install a newborn safety device on its premises for parents who voluntarily relinquish their child who is 72 hours old or younger. A newborn safety device must be installed in a conspicuous location at the authorized facility and be equipped with a dual alarm system.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

An authorized facility that installs a newborn safety device is responsible for the cost of the installation and maintenance, shall ensure the dual alarm system is functioning, and shall make information available to the relinquishing parent.

The bill makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-304.5
3 as follows:

4 **19-3-304.5. Emergency possession of certain relinquished**
5 **children - definitions.** (1) If a parent voluntarily ~~delivers~~ RELINQUISHES
6 a child to ~~a firefighter, as defined in section 18-3-201 (1.5), or a staff~~
7 ~~member who engages in the admission, care, or treatment of patients at~~
8 ~~a hospital or community clinic emergency center, as defined in subsection~~
9 ~~(9) of this section, when the firefighter is at a fire station or the staff~~
10 ~~member is at a hospital or community clinic emergency center as defined~~
11 ~~in subsection (9) of this section, the firefighter or staff member of the~~
12 ~~hospital or community clinic emergency center~~ AN AUTHORIZED PERSON
13 AT AN AUTHORIZED FACILITY, OR IF A PARENT VOLUNTARILY
14 RELINQUISHES A CHILD TO A NEWBORN SAFETY DEVICE LOCATED AT AN
15 AUTHORIZED FACILITY PURSUANT TO SUBSECTION (1.5) OF THIS SECTION,
16 THE AUTHORIZED PERSON shall, without a court order, take temporary
17 physical custody of the child if:

18 (a) The child is seventy-two hours old or younger; and

19 (b) The parent did not express an intent to return for the child.

20 (1.5) (a) AN AUTHORIZED FACILITY MAY INSTALL A NEWBORN
21 SAFETY DEVICE ON THE PREMISES OF THE AUTHORIZED FACILITY. A
22 NEWBORN SAFETY DEVICE MUST BE:

23 (I) INSTALLED IN A CONSPICUOUS LOCATION AT THE AUTHORIZED

1 FACILITY WITHIN A STRUCTURAL WALL THAT HAS AN EXTERIOR DOOR
2 THAT AUTOMATICALLY LOCKS UPON PLACEMENT OF THE NEWBORN INSIDE
3 THE NEWBORN SAFETY DEVICE AND THAT HAS AN INTERIOR DOOR THAT
4 ALLOWS AN AUTHORIZED PERSON TO SECURE THE RELINQUISHED
5 NEWBORN FROM INSIDE THE BUILDING; AND

6 (II) EQUIPPED WITH A DUAL ALARM SYSTEM.

7 (b) AN AUTHORIZED FACILITY THAT INSTALLS A NEWBORN SAFETY
8 DEVICE PURSUANT TO THIS SECTION:

9 (I) IS RESPONSIBLE FOR THE COST OF THE INSTALLATION AND
10 MAINTENANCE OF THE NEWBORN SAFETY DEVICE;

11 (II) SHALL ENSURE THE DUAL ALARM SYSTEM IS IN WORKING
12 ORDER BY TESTING THE DUAL ALARM SYSTEM AT LEAST ONE TIME EACH
13 WEEK AND VISUALLY INSPECTING THE DUAL ALARM SYSTEM AT LEAST
14 TWO TIMES EACH DAY; AND

15 (III) SHALL MAKE INFORMATION AVAILABLE TO THE
16 RELINQUISHING PARENT AT THE SITE OF THE NEWBORN SAFETY DEVICE
17 THAT INCLUDES:

18 (A) EASILY UNDERSTOOD INFORMATION ABOUT REUNIFICATION
19 AND REQUIRED DNA TESTING;

20 (B) INFORMATION ABOUT AVAILABLE COUNSELING RESOURCES;

21 (C) INFORMATION ABOUT AVAILABLE MEDICAL SERVICES FOR THE
22 PARENT RELINQUISHING THE NEWBORN; AND

23 (D) ANY OTHER INFORMATION THAT THE NEWBORN SAFETY
24 DEVICE MANUFACTURER OR THE AUTHORIZED FACILITY DETERMINES MAY
25 BE HELPFUL.

26 (2) ~~If a firefighter or staff member of a hospital or community~~
27 ~~clinic emergency center~~ AN AUTHORIZED PERSON takes temporary physical

1 custody of a child pursuant to subsection (1) of this section, the ~~firefighter~~
2 ~~or staff member~~ AUTHORIZED PERSON shall:

3 (a) Perform any act necessary, in accordance with generally
4 accepted standards of professional practice, to protect, preserve, or aid the
5 physical health or safety of the child during the temporary physical
6 custody; and

7 (b) Notify a law enforcement officer and the county department
8 of the ~~abandonment~~ RELINQUISHMENT within twenty-four hours after the
9 ~~abandonment~~ RELINQUISHMENT.

10 (3) ~~A firefighter or staff member of a hospital or community clinic~~
11 ~~emergency center shall incur no~~ AN AUTHORIZED PERSON DOES NOT INCUR
12 civil or criminal liability for any good faith acts or omissions performed
13 pursuant to this section.

14 (4) Upon receipt of notice pursuant to subsection (2) of this
15 section, a law enforcement officer shall take the ~~abandoned~~
16 RELINQUISHED child into temporary custody pursuant to section 19-3-401.

17 (4.5) Any document prepared by ~~a firefighter, a hospital or~~
18 ~~community clinic emergency center staff member,~~ AN AUTHORIZED
19 PERSON or a law enforcement officer pursuant to this section is a
20 dependency and neglect record and is subject to the confidentiality
21 provisions of section 19-1-307.

22 (5) Each county department ~~of human or social services~~ shall
23 maintain and update on a monthly basis a report of the number of children
24 who have been ~~abandoned~~ RELINQUISHED pursuant to this section. Each
25 county department ~~of human or social services~~ shall submit ~~such~~ THE
26 information to the state department. ~~of human services.~~

27 (6) Notwithstanding section 24-1-136 (11)(a)(I), the state

1 department of ~~human services~~ shall submit an annual report to the general
2 assembly ~~beginning January 1, 2001,~~ that compiles the monthly reports
3 required pursuant to subsection (5) of this section of the number of
4 children ~~abandoned~~ RELINQUISHED pursuant to this section.

5 (7) The general assembly ~~hereby~~ finds, determines, and declares
6 that a county department of ~~human or social services~~ shall place an
7 ~~abandoned~~ A RELINQUISHED child with a potential adoptive parent as soon
8 as possible. The general assembly further declares that, as soon as
9 lawfully possible, a county department of ~~human or social services~~ shall
10 proceed with a motion to terminate the parental rights of a parent who
11 ~~abandons~~ RELINQUISHES a child.

12 (8) A parent who utilizes the provisions of this section shall not,
13 for that reason alone, be found to be responsible in a confirmed report of
14 abuse or neglect.

15 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "AUTHORIZED FACILITY" MEANS A FIRE STATION, HOSPITAL,
18 FREESTANDING EMERGENCY DEPARTMENT, OR COMMUNITY CLINIC
19 EMERGENCY CENTER.

20 (b) "AUTHORIZED PERSON" MEANS A FIREFIGHTER, AS DEFINED IN
21 SECTION 18-3-201 (1.5), OR A STAFF MEMBER, VOLUNTEER, OR CONTRACT
22 EMPLOYEE WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF
23 PATIENTS AT A HOSPITAL, FREESTANDING EMERGENCY DEPARTMENT, OR
24 COMMUNITY CLINIC EMERGENCY CENTER.

25 (c) "Community clinic emergency center" means a community
26 clinic licensed by the department of public health and environment
27 pursuant to section 25-3-101 (2)(a)(I)(B) that:

1 (a) (I) Delivers emergency services; and
2 (b) (II) Provides emergency care twenty-four hours per day and
3 seven days a week throughout the year, except if located in a rural or
4 frontier area that does not have the demand to support twenty-four-hour
5 service or only operates each year during a specified time period due to
6 seasonal population influx.

7 (d) "FREESTANDING EMERGENCY DEPARTMENT" MEANS A HEALTH
8 FACILITY AS DEFINED IN AND REQUIRED TO BE LICENSED PURSUANT TO
9 SECTION 25-1.5-114.

10 **SECTION 2.** In Colorado Revised Statutes, 19-1-115, **amend**
11 (7)(b) as follows:

12 **19-1-115. Legal custody - guardianship - placement out of the**
13 **home - petition for review for need of placement.** (7) Reasonable
14 efforts are not required to prevent the child's removal from the home or
15 to reunify the child and the family in the following circumstances:

16 (b) When the parental rights of the parent with respect to a sibling
17 of the child have been involuntarily terminated; unless the prior sibling
18 termination resulted from a parent ~~delivering~~ RELINQUISHING a child to a
19 ~~firefighter or a staff member of a hospital or community clinic emergency~~
20 ~~center, as defined in section 19-3-304.5 (9),~~ AN AUTHORIZED PERSON OR
21 NEWBORN SAFETY DEVICE pursuant to ~~the provisions of~~ section
22 19-3-304.5; or

23 **SECTION 3.** In Colorado Revised Statutes, 22-1-128, **amend**
24 (6)(j) as follows:

25 **22-1-128. Comprehensive human sexuality education -**
26 **legislative declaration - definitions - guidelines and content**
27 **standards.** (6) Human sexuality instruction is not required. However, if

1 a school district, board of cooperative services, charter school, or institute
2 charter school offers human sexuality instruction, the instruction must be
3 comprehensive and meet the comprehensive human sexuality education
4 content requirements. These requirements must:

5 (j) Provide age-appropriate information concerning sections
6 18-6-401 (9) and 19-3-304.5, or any successor laws, referred to generally
7 as "safe haven laws", relating to the safe ~~abandonment~~ RELINQUISHMENT
8 of a child to ~~a firefighter at a fire station or to a staff member at a hospital~~
9 ~~or a community clinic emergency center~~ AN AUTHORIZED PERSON OR
10 NEWBORN SAFETY DEVICE within the first seventy-two hours of the child's
11 life.

12 **SECTION 4.** In Colorado Revised Statutes, 22-25-103, **amend**
13 (3)(n) as follows:

14 **22-25-103. Definitions.** As used in this article 25, unless the
15 context otherwise requires:

16 (3) "Comprehensive health education" means a planned,
17 sequential health program of learning experiences in preschool,
18 kindergarten, and grades one through twelve that must include, but is not
19 limited to, the following topics:

20 (n) If not included in other curricula or programs provided to
21 students, age-appropriate information concerning sections 18-6-401 (9)
22 and 19-3-304.5, or any successor laws, referred to generally as "safe
23 haven laws", relating to the safe ~~abandonment~~ RELINQUISHMENT of a
24 child to ~~a firefighter at a fire station, or to a staff member at a hospital or~~
25 ~~a community clinic emergency center~~ AN AUTHORIZED PERSON OR
26 NEWBORN SAFETY DEVICE, within the first seventy-two hours of the child's
27 life.

1 **SECTION 5.** In Colorado Revised Statutes, 18-6-401, **amend**
2 **(9)(a); and repeal (9)(b) as follows:**

3 **18-6-401. Child abuse - definition.** (9) (a) If a parent is charged
4 with permitting a child to be unreasonably placed in a situation that poses
5 a threat of injury to the child's life or health, pursuant to subsection (1)(a)
6 of this section, and the child was seventy-two hours old or younger at the
7 time of the alleged offense, it is an affirmative defense to the charge that
8 the parent safely, reasonably, and knowingly handed RELINQUISHED the
9 child over to a firefighter, as defined in section 18-3-201 (1.5), or to a
10 staff member who engages in the admission, care, or treatment of patients
11 at a hospital or community clinic emergency center, as defined in
12 subsection (9)(b) of this section, when the firefighter is at a fire station,
13 or the staff member is at a hospital or community clinic emergency center,
14 as defined in subsection (9)(b) of this section TO AN AUTHORIZED PERSON
15 AT AN AUTHORIZED FACILITY OR TO A NEWBORN SAFETY DEVICE LOCATED
16 AT AN AUTHORIZED FACILITY PURSUANT TO SECTION 19-3-304.5.

17 (b) "Community clinic emergency center" means a community
18 clinic licensed by the department of public health and environment
19 pursuant to section 25-3-101 (2)(a)(I)(B) that:

- 20 (I) Delivers emergency services; and
- 21 (II) Provides emergency care twenty-four hours per day and seven
22 days a week throughout the year, except if located in a rural or frontier
23 area that does not have the demand to support twenty-four-hour service
24 or only operates each year during a specified time period due to seasonal
25 population influx.

26 **SECTION 6.** Act subject to petition - effective date. This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.