

## NEWBORN SAFETY DEVICES

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<http://www.house.mi.gov/hfa>

**House Bill 5750 as introduced**  
**Sponsor: Rep. Bronna Kahle**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5751 as introduced**  
**Sponsor: Rep. Daire Rendon**

**Committee: Families, Children, and Seniors**  
**Complete to 5-2-18**

### SUMMARY:

House Bills 5750 and 5751 would amend the Safe Delivery of Newborns Law, chapter XII of the Probate Code of 1939, to define and regulate newborn safety devices. The bills would outline procedures and operating policies for the surrender of newborns using the devices and would require the Department of Health and Human Services to promulgate rules regarding the devices. The bills would also change the definition of “newborn” for purposes of the Law.

The Safe Delivery of Newborns Law was enacted in 2000 to allow the parental surrender of a newborn to an emergency service provider (a uniformed employee of a fire department, hospital, or police station) and to prescribe the procedures to be followed in those circumstances. Among other things, the Law provides that surrendering a newborn under its provisions is an affirmative defense to a charge of child abandonment, provides for the emergency service provider to take temporary protective custody and transfer the newborn to a hospital, and prescribes procedures to be followed by a child placing agency in placing the newborn for adoption if certain conditions are met.

**House Bill 5751** would amend the Safe Delivery of Newborns Law to allow a parent to voluntarily deliver his or her newborn to a newborn safety device (NSD) provided by an emergency service provider. No later than 180 days after the effective date of the bill, the Department of Health and Human Services (DHHS) would have to promulgate rules governing the devices. The rules would have to provide for all of the following:

- Sanitation standards.
- Procedures to provide emergency care for a newborn delivered to a NSD.
- Manufacturing and manufacturer standards.
- Design and function requirements that do the following:
  - Take into account the NSD’s installation at a fire department, hospital, or police station.
  - Allow a newborn to be placed in the NSD anonymously from the outside of the facility.
  - Lock the NSD after a newborn is placed in it so that a person outside the facility is unable to access the newborn.

- Provide a controlled environment for the care and protection of the newborn.
- Trigger a 9-1-1 call and provide notification to a centralized location in the facility within 30 seconds of a newborn's being placed in the NSD.
- Operating policies, supervision, and maintenance requirements for an NSD, including requirements that only an emergency service provider supervise the NSD and take custody of a newborn placed in it.
- Qualifications required for a person to install an NSD and procedures and forms for registration as a qualified NSD installer.
- Costs for registering and regulating NSDs and fees to cover those costs.
- Signs to be placed near or on an NSD to provide information about using it.
- Enforcement of and remedies for violations for failure to comply with the requirements governing NSDs.
- Any other requirement the department considers necessary to ensure the safety and welfare of a newborn placed in an NSD.

The bill would add the ability to surrender a newborn to an NSD to several provisions of the Safe Delivery of Newborns Law that currently refer to the surrender of a newborn to an emergency services provider. It would also require information about NSDs to be included in the pamphlet about the safe delivery program that the DHHS must produce under the Law.

Proposed MCL 712.3a et al.

**House Bill 5750** would amend the Safe Delivery of Newborns Law to define *newborn safety device* as a device provided by an emergency service provider that conforms to the rules promulgated by the DHHS under House Bill 5751.

The bill would add the ability to surrender a newborn to an NSD to provisions of the Safe Delivery of Newborns Law that currently refer to the surrender of a newborn to an emergency services provider. It would also require an emergency service provider to proceed, in response to a child surrendered to an NSD, according to the rules promulgated by the DHHS under House Bill 5751.

Currently under the Law, “newborn” is defined as a child a physician reasonably believes to be not more than 72 hours old. The bill would amend this definition so that, for purposes of the Law, “newborn” would be defined as a child a physician reasonably believes to be not more than 30 days old.

MCL 712.1 et al.

House Bills 5750 and 5751 are tie-barred to one another, meaning that neither could take effect unless the other were also enacted.

Each bill would take effect 90 days after being enacted.

**FISCAL IMPACT:**

House Bills 5750 and 5751 would have a minimal impact on the State of Michigan. Under the provisions of the bills, the Department of Health and Human Services would be required to promulgate rules that would govern the newborn safety devices. Any additional cost to the Department would depend upon any increase in administrative or staff costs concerning the work of researching and creating these new rules.

The bills could have a fiscal impact on local court systems, which would depend on how provisions of the bills affected court caseloads and related administrative costs

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.