

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 8

By Senator Thorne

[Introduced February 12, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §49-4-201 and §49-4-206 of the Code of West Virginia, 1931, as
2 amended, relating to permitting the installation of newborn safety devices at emergency
3 service medical facilities, police departments, or sheriff's detachments that have been
4 designated as safe-surrender sites; and providing conditions for the same.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COURT ACTIONS.

§49-4-201. Accepting possession of certain relinquished children.

1 (a) A hospital or health care facility operating in this state, or a fire department, EMS facility,
2 police department or sheriff's detachment that has been designated a safe-surrender site under
3 §49-4-206 of this code, shall, without a court order, take possession of a child if the child is
4 voluntarily delivered to the hospital, health care facility, ~~or~~ fire department, EMS facility, police
5 department or sheriff's detachment by the child's parent within 30 days of the child's birth, and the
6 parent did not express an intent to return for the child.

7 (b) A hospital, health care facility, ~~or~~ fire department, EMS facility, police department or
8 sheriff's detachment that takes possession of a child under this article shall perform any act
9 necessary to protect the physical health or safety of the child. In accepting possession of the child,
10 the hospital, health care facility, ~~or~~ fire department, EMS facility, police department, or sheriff's
11 detachment may not require the person to identify himself or herself and shall otherwise respect
12 the person's desire to remain anonymous.

13 (c) Hospitals, health care facilities, ~~and~~ fire departments, EMS facilities, police
14 departments, and sheriff's detachments designated as safe-surrender sites under §49-4-206, of
15 this code may install and operate newborn safety devices as defined in this section.

16 (d) "Newborn safety device" means a device:

17 (1) Designed to permit a person to anonymously place a child under 30 days of age in the
18 device with the intent to leave the child, and for a licensed emergency medical services provider to
19 remove the child from the device and take custody of him or her;

(2) Equipped with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall:

(A) Be tested at least one time per week to ensure the alarm system is in working order; and

(B) Be visually checked at least two times per day to ensure the alarm system is in working order;

(C) Notify a centralized location in the facility within 30 seconds of a child being placed in the device;

(D) Trigger a 911 call if staff at the facility do not respond within 15 minutes after a child is placed in the device.

(3) Be approved by and physically located, with outside access, at a participating hospital or medical facility, or a fire department, EMS facility, police department, or sheriff's detachment that has been designated a safe-surrender site under §49-4-206 of this code, that:

(A) Is licensed or otherwise legally operating in this state; and

(B) Is staffed continuously on a 24-hour basis every day by a licensed emergency medical services provider; and

(4) Is located in an area that is conspicuous and visible to a hospital, a medical facility, or a fire department.

(d) A person who relinquishes a child in a newborn safety device may remain anonymous and shall not be pursued, and the relinquishment of a child pursuant to the provisions of this section shall not, in and of itself, be considered child abuse and neglect as that term is defined in §49-1-201 of this code.

(e) Any emergency medical services provider who physically retrieves a child from a newborn safety device shall immediately arrange for the child to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.

(f) By placing a child in a newborn safety device, the person:

(1) Waives the right to notification required by subsequent court proceedings; and

(2) Waives legal standing to make a claim of action against any person who accepts physical custody of the child.

(g) An emergency medical services provider with the duty granted in this article whose actions are taken in good faith is immune from criminal or civil liability, unless his or her actions were the result of gross negligence or willful misconduct. The grant of immunity in this section extends to all employees and administrators of the emergency medical services provider.

(h) The provisions of subsection (d) of this section shall not apply when indicators of child physical abuse or child neglect are present.

§49-4-206. Designation of local fire department, EMS facility, police department, or sheriff's detachment as a safe-surrender site; posting requirement.

The governing entity of a local fire department, EMS facility, police department, or sheriff's detachment that is staffed 24 hours a day, seven days a week, may designate the premises of its fire department, EMS facility, police department, or sheriff's detachment as a safe-surrender site to accept physical custody of a child who is 30 days old or younger from a parent of the child and who surrenders the child pursuant to §49-4-201 of this code. A local fire department, EMS facility, police department, or sheriff's detachment that is designated a safe-surrender site shall post a sign that notifies the public that it is a location where a child 30 days old or younger may be safely surrendered pursuant to this article.

NOTE: The purpose of this bill is to permit the installation of newborn safety devices at emergency service medical facilities, police departments, or sheriff's detachments that have been designated as safe-surrender sites and providing conditions for the same.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.