

BILL ANALYSIS

Senate Research Center
84R20882 SCL-D

C.S.S.B. 1279
By: Campbell; Nelson
Health & Human Services
4/16/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of C.S.S.B. 1279 is to protect newborn children by providing another Safe Haven for parents who are unable to care for that child. This legal choice allows parents to deliver the infant to a safe place knowing the child will be placed with an emergency provider and receive emergency care. This additional Safe Haven would be licensed freestanding emergency rooms that provide emergency care services 24 hours a day 7 days a week with board certified emergency physicians and staff. When it comes the youngest and most vulnerable members of our society there should be many options available for Safe Havens in an effort to save those lives.

The problem being addressed by C.S.S.B. 1279 is the unfortunate situation where infants are delivered or left in places that do not provide the proper care. In these cases, the children do not receive the proper care and their lives are endangered. Not only would the legislation prevent a newborn from being abandoned in a perilous place, it would also protect a mother who was in a desperate situation.

Currently, Texas law states if you have a newborn that you are unable to care for, you can bring your baby to a designated safe place with no questions asked. The Safe Haven law, also known as the Baby Moses law, gives parents who are unable to care for their child a safe and legal choice to leave their infant with an employee at a hospital, fire station, or emergency medical services (EMS) station. Then the baby will receive medical care and be placed with an emergency provider.

C.S.S.B. 1279 as filed would amend the current law to add freestanding emergency medical care facilities to the list of Safe Havens. Over the last couple years, a number of infants have been delivered to a freestanding emergency room. Texas has over 150 of these freestanding emergency rooms located in many areas of the state and that number continues to grow. These facilities provide another option for this situation where a parent is looking to safely deliver their baby.

C.S.S.B. 1279 makes a clarifying change to bring the language in line with SB 219. The change removes Department of Protective & Regulatory Services and replaces it with Department of Family and Protective Services as the appropriate agency.

C.S.S.B. 1279 amends current law relating to designated emergency infant care providers for certain abandoned children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 262.301(1), Family Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, to redefine "designated emergency infant care provider" to include a freestanding emergency medical care facility licensed under Chapter 254 (Freestanding Emergency Medical Care Facilities), Health and Safety Code.

SECTION 2. Provides that the change in law made by this Act applies to an exception asserted to an offense under Section 22.041 (Abandoning or Endangering Child), Penal Code, regardless of when the offense was committed, but only if the trial for the offense commences on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.