

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1285**

Introduced by

Representatives Skroch, Ertelt, Fegley, Johnston, Jones, Karls, Rohr, M. Ruby, Schneider

Senators Myrdal, Poolman

1 A BILL for an Act to amend and reenact section 50-25.1-15 of the North Dakota Century Code,
2 relating to abandoned infants at certain locations; and to provide for a report to the legislative
3 management.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 50-25.1-15 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-25.1-15. Abandoned infant - ~~Hospital~~Approved location procedure - Reporting**
8 **immunity.**

9 1. As used in this section:

10 a. "Abandoned infant" means an ~~abandoned infant as defined in section 27-20-02-~~
11 ~~and which~~who has been abandoned at birth at a hospital or before reaching the
12 age of one year regardless of the location of birth and who has been left with an
13 on-duty staff member at a hospitalan approved location in an unharmed
14 condition.

15 b. "Approved location" means a hospital or other location as designated by
16 administrative rule adopted by the department.

17 c. "Hospital" means a facility licensed under chapter 23-16.
18

19 2. A parent of an infant under the age of one year, or an agent of the parent with the
20 parent's consent, may ~~abandon~~leave the infant with an on-duty staff member at any
21 hospital. ~~An agent of the parent may leave an abandoned infant at a hospital with the~~
22 ~~parent's consent~~an approved location. Neither the parent nor the agent is subject to
23 prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant
24 ~~at a hospital.~~

- 1 3. ~~A hospital~~An approved location shall accept an infant ~~abandoned or left~~ under this
2 section. The ~~hospital~~approved location may request information regarding the parents
3 and shall provide the parent or the agent with a medical history form and an envelope
4 with the ~~hospital's~~approved location's return address. If a hospital accepting the infant
5 has the infant's medical history, the hospital is not required to provide the parent or the
6 agent with a medical history form. Neither the parent nor the agent is required to
7 provide any information.
- 8 4. ~~The~~If an infant is left at a hospital, the hospital shall provide the parent or the agent
9 with a numbered identification bracelet to link the parent or the agent to the
10 ~~abandoned infant, unless due to birth of the infant, the infant and parent currently have~~
11 an identification bracelet. Possession of an identification bracelet does not entitle the
12 bracelet holder to take custody of the ~~abandoned~~ infant on demand. If an individual
13 possesses a bracelet linking the individual to an ~~abandoned~~ infant left at a hospital
14 under this section and parental rights have not been terminated, possession of the
15 bracelet creates a presumption that the individual has standing to participate in a
16 protection services action brought under this chapter or chapter 27-20. Possession of
17 the bracelet does not create a presumption of maternity, paternity, or custody.
- 18 5. The ~~hospital~~approved location may provide the parent or the agent with any relevant
19 information, including:
 - 20 a. Information about the safe place for abandoned infant programs;
 - 21 b. Information about adoption and counseling services; and
 - 22 c. Information about whom to contact if reunification is sought.
- 23 6. Within twenty-four hours of receiving an ~~abandoned~~ infant under this section, the
24 ~~hospital~~approved location shall report to the department, as required by section
25 50-25.1-03, that an ~~abandoned~~ infant has been left at the ~~hospital~~approved location.
26 The report may not be made before the parent or the agent leaves the
27 ~~hospital~~approved location.
- 28 7. The ~~hospital~~approved location and its employees and agents are immune from any
29 criminal or civil liability for accepting an ~~abandoned~~ infant under this section.
- 30 8. Upon receiving a report of an abandoned infant ~~left at a hospital~~ under this section, the
31 department shall proceed as required under this chapter if it appears that the

1 abandoned infant was not harmed, except the department may not attempt to identify
2 or contact the parent or the agent. If it appears the ~~abandoned~~ infant who was left was
3 harmed, the department shall initiate an assessment of the matter as required by law.

4 9. If an individual claiming to be the parent or the agent contacts the department and
5 requests to be reunited with the ~~abandoned~~ infant who was left, the department may
6 identify or contact the individual as required under this chapter and all other applicable
7 laws. If an individual contacts the department seeking information only, the department
8 may attempt to obtain information regarding the identity and medical history of the
9 parents and may provide information regarding the procedures in ~~an abandoned~~
10 case involving an infant case who was left at an approved location. The individual is
11 under no obligation to respond to the request for information, and the department may
12 not attempt to compel response to investigate the identity or background of the
13 individual.

14 10. The state department of health, in coordination with the department of human
15 services, shall develop and implement a public awareness campaign to provide
16 information, public service announcements, and educational materials regarding this
17 section to the public, including medical providers, law enforcement, and social service
18 agencies.

19 **SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT - ABANDONED INFANTS.**

20 Before July 1, 2020, the state department of health shall report to the legislative management
21 the status and progress of implementing section 1 of this Act.