

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB175

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Peake

3. Committee: Judiciary

4. Title: Safe haven protections; newborn safety device.

5. Summary: Under current law, hospitals and emergency medical services personnel are immune from civil liability or criminal prosecution for injury or damage during the acceptance of abandoned infants unless injury or other damage to the child is the result of gross negligence or willful misconduct by such personnel. This bill adds a provision requiring that any hospital or emergency medical services agency that voluntarily installs a newborn safety device for the reception of children must ensure that the device meets specific requirements regarding its location, the way in which it functions, the signage associated with the device, and the way it is monitored and tested.

Current law provides for an affirmative defense if a parent safely delivers a child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel within 14 days of the child's birth. The affirmative defense provision applies if a civil proceeding is based solely on the parent having left the child at such a hospital or emergency medical services agency. This bill extends the abandonment timeframe to within the first 30 days of the child's birth and extends the affirmative defense to include leaving the child in a newborn safety device located at and operated by an eligible hospital or emergency medical services agency.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill is not expected to have a fiscal impact on the Department of Social Services, the Department of Health, Virginia's teaching hospitals or the courts.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: No

11. Other Comments: This bill is the same as HB50.