Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1285
(Representatives Skroch, Ertelt, Fegley, Johnston, Jones, Karls, Rohr, M. Ruby, Schneider)
(Senators Myrdal, Poolman)

AN ACT to amend and reenact section 50-25.1-15 of the North Dakota Century Code, relating to abandoned infants at certain locations; and to provide for a report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. As used in this section:

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

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

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

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

3. ~~A hospital~~An approved location shall accept an infant ~~abandoned or~~ left under this section. The ~~hospital~~approved location may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the ~~hospital's~~approved location's return address. If a hospital accepting the infant has the infant's medical history, the hospital is not required to provide the parent or the agent with a medical history form. Neither the parent nor the agent is required to provide any information.

4. ~~The~~If an infant is left at a hospital, the hospital shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the ~~abandoned~~ infant, unless due to birth of the infant, the infant and parent currently have an identification bracelet. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the ~~abandoned~~ infant on demand. If an individual possesses a bracelet linking the individual to an ~~abandoned~~ infant left at a hospital under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.

5. The ~~hospital~~approved location may provide the parent or the agent with any relevant information, including:

   a. Information about the safe place for abandoned infant programs;

b. Information about adoption and counseling services; and

c. Information about whom to contact if reunification is sought.

6. Within twenty-four hours of receiving an ~~abandoned~~ infant under this section, the ~~hospital~~approved location shall report to the department, as required by section 50-25.1-03, that an ~~abandoned~~ infant has been left at the ~~hospital~~approved location. The report may not be made before the parent or the agent leaves the ~~hospital~~approved location.

7. The ~~hospital~~approved location and its employees and agents are immune from any criminal or civil liability for accepting an ~~abandoned~~ infant under this section.

8. Upon receiving a report of an abandoned infant ~~left at a hospital~~ under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the ~~abandoned~~ infant who was left was harmed, the department shall initiate an assessment of the matter as required by law.

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

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

SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT - ABANDONED INFANTS. Before July 1, 2020, the state department of health shall report to the legislative management the status and progress of implementing section 1 of this Act.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1285.

House Vote:	Yeas 90	Nays 0	Absent 4
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 11:21 AM. on April 19, 2019.

Approved at 2:19 PM. on April 24, 2019.

Governor

Filed in this office this 24th day of April, 2019,

at 3:28 o'clock P. M.

Secretary of State