GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 148

AS ENACTED

TUESDAY, MARCH 29, 2016

RECEIVED AND FILED
DATE April 13, 2016
11:16 AM

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to children.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED

4 TO READ AS FOLLOWS:

5 ***(1) A child-care center licensed under KRS 199.896 and a family child-care home***

6 ***certified under KRS 199.8982 may comply with KRS 311.646 and obtain a***

7 ***prescription for epinephrine auto-injectors. These epinephrine auto-injectors***

8 ***shall be stored in a secure, accessible, readily available location not accessible to***

9 ***children, for quick administration.***

10 ***(2) The cabinet shall promulgate administrative regulations governing epinephrine***

11 ***auto-injectors in licensed child-care centers and certified family child-care***

12 ***homes, including:***

13 ***(a) Any center-or home- specific requirements that the cabinet deems necessary***

14 ***for the safe and proper storage, administration, and disposal of epinephrine***

15 ***auto-injectors;***

16 ***(b) A written plan of action in case of an emergency necessitating the***

17 ***administration of an epinephrine auto-injector in a center or home; and***

18 ***(c) A written notice that is provided to a child's parents, custodians, or***

19 ***guardians stating that the center or home has epinephrine auto-injectors at***

20 ***the center or home and that the center or home will notify a child's parents,***

21 ***custodians, or guardians when a epinephrine auto-injector is used on their***

22 ***child.***

23 ➔Section 2. KRS 311.645 is amended to read as follows:

24 As used in KRS 311.645 to 311.647:

25 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following

26 prior contact with an antigen which can be a life-threatening emergency, including

27 reactions triggered by, among other agents, foods, drugs, injections, insect stings,

1 and physical activity;
2 (2) "Administer" means to directly apply an epinephrine auto-injector to the body of an
3 individual;
4 (3) "Authorized entity" means an entity that may at any time have allergens present that
5 are capable of causing a severe allergic reaction and has an individual who holds a
6 certificate issued under KRS 311.646 on the premises or officially associated with
7 the entity. The term includes but is not limited to ***licensed child-care centers and***
8 ***certified family child-care homes,*** restaurants, recreation camps, youth sports
9 leagues, theme parks and resorts, and sports arenas;
10 (4) "Certified individual" means an individual who successfully completes an approved
11 educational training program and obtain a certificate, as described in KRS 311.646;
12 (5) "Epinephrine auto-injector" means a single-use device used to administer a
13 premeasured dose of epinephrine;
14 (6) "Health-care practitioner" means a physician or other health-care provider who has
15 prescriptive authority; and
16 (7) "Self-administration" means an individual's administration of an epinephrine auto-
17 injector on herself or himself.
18 ➔Section 3. KRS 405.075 is amended to read as follows:
19 (1) As used in this section:~~[,]~~
20 ***(a)*** "Newborn infant" means an infant who is medically determined to be less than
21 ***thirty (30) days***~~[seventy two (72) hours]~~ old***; and***
22 ***(b) "Participating place of worship" means a recognized place of religious***
23 ***worship that has voluntarily agreed to perform the duty granted in this***
24 ***section and display signage prominently on its premises regarding its***
25 ***participation in this section and its operating hours during which staff will***
26 ***be present***.
27 (2) A parent who places a newborn infant with an emergency medical services

1 provider[~~,~~] ***or at a staffed*** police station, fire station, [~~or~~]hospital***, or participating***
2 ***place of worship*** and expresses no intent to return for the infant shall have the right
3 to remain anonymous and not be pursued and shall not be considered to have
4 abandoned or endangered the newborn infant under KRS Chapters 508 and 530.
5 (3) ***(a)*** Any emergency medical services provider, police officer, or firefighter who
6 accepts physical custody of a newborn infant in accordance with this section
7 shall immediately arrange for the infant to be taken to the nearest hospital
8 emergency room and shall have implied consent to any and all appropriate
9 medical treatment.
10 ***(b) Any staff member at a participating place of worship who accepts physical***
11 ***custody of a newborn infant in accordance with this section shall***
12 ***immediately contact the 911 emergency telephone service as set forth in***
13 ***KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS***
14 ***65.7621 to 65.7643, or emergency medical services as set forth in KRS***
15 ***Chapter 311A for transportation to the nearest hospital emergency room.***
16 (4) By placing a newborn infant in the manner described in this section, the parent:
17 (a) Waives the right to notification required by subsequent court proceedings
18 conducted under KRS Chapter 620 until such time as a claim of parental
19 rights is made; and
20 (b) Waives legal standing to make a claim of action against any person who
21 accepts physical custody of the newborn infant.
22 (5) ***Actions taken by an emergency medical services provider, police officer,***
23 ***firefighter, or staff member at a participating place of worship in conformity with***
24 ***the duty granted in this section shall be immune from criminal or civil liability.***
25 ***Nothing in this subsection shall limit liability for negligence.***
26 ***(6)*** The provisions of subsection (2) of this section shall not apply when indicators of
27 child physical abuse or child neglect are present.

1 *(7)*[~~(6)~~] KRS 211.951, 216B.190,[~~ 311.6526,~~] 405.075, 620.350, and 620.355 shall be
2 known as "The Representative Thomas J. Burch Safe Infants Act."
3 ➔Section 4. KRS 216B.190 is amended to read as follows:
4 (1) As used in this section*:*[~~,~~]
5 *(a)* "Newborn infant" means an infant who is medically determined to be less than
6 *thirty (30) days*[~~seventy-two (72) hours~~] old.*; and*
7 *(b) "Participating place of worship" has the same meaning as in Section 3 of*
8 *this Act.*
9 (2) Every hospital of this state that offers emergency services shall admit and provide
10 all necessary medical care, diagnostic tests, and medical treatment to any newborn
11 infant brought to the hospital when the identity of the parents is unknown. Any
12 person performing medical care, diagnostic testing, or medical treatment shall be
13 immune from criminal or civil liability for having performed the act. Nothing in this
14 subsection shall limit liability for negligence.
15 (3) Any person or parent, other than an emergency medical services provider, a police
16 officer, [~~or~~]a firefighter*, or a staff member at a participating place of worship*
17 acting in the course of his or her official duties, who leaves a newborn infant at an
18 emergency room, or brings a newborn infant to an emergency room and expresses
19 an intent to leave the infant and not return, shall have the right to remain
20 anonymous and to leave at any time, and shall not be pursued or followed. The
21 physician shall consider these actions as implied consent for treatment.
22 (4) Upon admittance, the physician or hospital administrator shall immediately contact
23 the local office of the Department for Community Based Services. The Department
24 for Community Based Services shall immediately seek an emergency custody order
25 in accordance with KRS 620.350.
26 (5) Every emergency room shall make available materials to gather health and medical
27 information concerning the infant and the parents. The materials shall be offered to

1 the person leaving the newborn infant and it shall be clearly stated that acceptance is
2 completely voluntary and completion of the materials may be done anonymously.
3 (6) The provisions of subsection (3) of this section shall not apply when indicators of
4 child physical abuse or child neglect are present.
5 ➔Section 5. KRS 211.951 is amended to read as follows:
6 (1) As used in this section, "newborn infant" means an infant who is medically
7 determined to be less than ***thirty (30) days***[~~seventy-two (72) hours~~] old.
8 (2) Any emergency medical services provider accepting physical custody of a newborn
9 infant in accordance with KRS 405.075 shall have implied consent to any and all
10 appropriate medical treatment.
11 (3) Notwithstanding any provision of law to the contrary, the identity of a person
12 placing a newborn infant with an emergency medical services provider shall be
13 confidential.
14 (4) The provisions of subsection (3) of this section shall not apply when indicators of
15 child physical abuse or child neglect are present.
16 ➔Section 6. KRS 620.350 is amended to read as follows:
17 (1) As used in this section, "newborn infant" means an infant who is medically
18 determined to be less than ***thirty (30) days***[~~seventy-two (72) hours~~] old.
19 (2) Upon notice from any emergency medical services provider or hospital staff that a
20 newborn infant has been abandoned at a hospital, the cabinet shall immediately seek
21 an order for emergency custody of the infant.
22 (a) No child protective services investigation or assessment shall be initiated
23 regarding the abandonment of an infant in accordance with KRS 405.075. The
24 provisions of this subsection shall not apply when indicators of child physical
25 abuse or child neglect are present.
26 (b) Upon the infant's release from the hospital, the cabinet shall place the child in
27 a foster home approved by the cabinet to provide concurrent planning

1 placement services. As used in this paragraph, "concurrent planning
2 placement services" means the foster family shall work with the cabinet on
3 reunification with the birth family, if known, and shall seek to adopt the infant
4 if reunification cannot be accomplished.
5 (3) At the temporary removal hearing required by KRS 620.080, if the court places
6 temporary custody with the cabinet, the custody order shall remain in effect for a
7 minimum of thirty (30) days.
8 (4) During the initial thirty (30) days of placement, the cabinet shall request assistance
9 from law enforcement officials to investigate through the Missing Child
10 Information Center established by KRS 17.450 and other national resources to
11 ensure that the infant is not a missing child.
12 (5) As soon as practicable following the thirty (30) day placement period, the cabinet
13 shall file a petition in Circuit Court seeking the involuntary termination of parental
14 rights of the unknown parents and authority to place the child for adoption in
15 accordance with KRS Chapter 625.
16 (6) If a claim of parental rights is made at any time prior to the court order issued under
17 KRS 625.100, the Circuit Court may hold the action for involuntary termination of
18 parental rights in abeyance for a period of time not to exceed ninety (90) days and
19 immediately remand the case to the District Court.
20 (a) If a case is remanded to District Court under this subsection, an adjudicatory
21 hearing shall be conducted as required by KRS 620.100 within ten (10) days
22 of the assertion of parental rights;
23 (b) The District Court may order genetic testing to establish maternity or paternity
24 at the expense of the claimant;
25 (c) The cabinet shall conduct a child protective services investigation or
26 assessment and home evaluation to develop recommendations for the District
27 Court; and

1 (d) Further proceedings shall be conducted in accordance with KRS Chapter 620;
2 however, a newborn infant who has been placed in accordance with KRS
3 405.075 shall not be found to be a neglected child based on that act alone.
4 ➔Section 7. KRS 620.355 is amended to read as follows:
5 (1) The cabinet shall make available standardized health, medical, and background
6 information forms for use in gathering voluntary, nonidentifying information from a
7 person who leaves an infant in accordance with KRS 405.075 and as required by
8 KRS 216B.190[~~ and 311.6526~~]. The materials shall clearly state on each page that
9 the information requested is designed to facilitate medical care for the infant. The
10 material shall include information on family services, termination of parental rights,
11 and adoption. The material shall also include:
12 (a) Information on the importance of medical and health information regarding
13 the infant; and
14 (b) Written notification that failure to contact the Department for Community
15 Based Services and assert a claim of parental rights within thirty (30) days of
16 the receipt of the material shall result in the commencement of proceedings
17 for involuntary termination of parental rights and placement of the child for
18 adoption.
19 (2) Subject to available funding, the cabinet shall produce and distribute a media
20 campaign to promote safe placement alternatives for newborn infants, the
21 confidentiality offered to birth parents, and information regarding adoption
22 procedures.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 13 APRIL 2016