

(b) The provisions of section 16C.06, subdivisions 2 and 3, do not apply when the commissioner determines that a reverse auction is the appropriate purchasing process.

Presented to the governor April 14, 2000

Signed by the governor April 18, 2000, 10:35 a.m.

## CHAPTER 421—S.F.No. 2615

*An act relating to public health; child protection; providing procedures for leaving an unharmed newborn at a hospital with a hospital employee; providing for certain reporting; providing immunity from liability for hospitals and their personnel for receiving a newborn; modifying certain social service agency duties; providing immunity from prosecution for leaving an unharmed newborn at a hospital; proposing coding for new law in Minnesota Statutes, chapters 145; 260C; and 609.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. **[145.902] SAFE PLACE FOR NEWBORNS; HOSPITAL DUTIES AND IMMUNITY FROM LIABILITY.**

Subdivision 1. **GENERAL.** (a) A hospital licensed under sections 144.50 to 144.56 shall receive a newborn left with a hospital employee on the hospital premises, provided that:

(1) the newborn was born within 72 hours of being left at the hospital, as determined within a reasonable degree of medical certainty; and

(2) the newborn is left in an unharmed condition.

(b) The hospital must not inquire as to the identity of the mother or the person leaving the newborn or call the police, provided the newborn is unharmed when presented to the hospital. The hospital may ask the mother or the person leaving the newborn about the medical history of the mother or newborn but the mother or the person leaving the newborn is not required to provide any information. The hospital may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

Subd. 2. **REPORTING.** Within 24 hours of receiving a newborn under this section, the hospital must inform the local welfare agency that a newborn has been left at the hospital, but must not do so before the mother or the person leaving the newborn leaves the hospital.

Subd. 3. **IMMUNITY.** (a) A hospital with responsibility for performing duties under this section, and any employee, doctor, or other medical professional working at the hospital, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) A hospital performing duties under this section, or an employee, doctor, or other medical professional working at the hospital who is a mandated reporter under section 626.556, is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

**Sec. 2. [260C.217] SAFE PLACE FOR NEWBORNS.**

Subdivision 1. DUTY TO ATTEMPT REUNIFICATION, DUTY TO SEARCH FOR RELATIVES, AND PREFERENCES NOT APPLICABLE. A local social service agency taking custody of a child after discharge from a hospital that received a child under section 145.902 is not required to attempt to reunify the child with the child's parents. Additionally, the agency is not required to search for relatives of the child as a placement or permanency option under section 260C.212, subdivision 5, or to implement other placement requirements that give a preference to relatives if the agency does not have information as to the identity of the child, the child's mother, or the child's father.

Subd. 2. STATUS OF CHILD. For purposes of proceedings under this chapter and adoption proceedings, a newborn left at a hospital under section 145.902 is considered an abandoned child.

**Sec. 3. [609.3785] UNHARMED NEWBORNS LEFT AT HOSPITALS; AVOIDANCE OF PROSECUTION.**

A person may leave a newborn with a hospital employee at a hospital in this state without being subjected to prosecution for that act, provided that:

(1) the newborn was born within 72 hours of being left at the hospital, as determined within a reasonable degree of medical certainty;

(2) the newborn is left in an unharmed condition; and

(3) in cases where the person leaving the newborn is not the newborn's mother, the person has the mother's approval to do so.

**Sec. 4. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 14, 2000

Signed by the governor April 18, 2000, 10:36 a.m.

**CHAPTER 422—S.F.No. 1202**

*An act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19,*

New language is indicated by underline, deletions by strikeout-