

LFC Requester:	Lance Chilton
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1.19.24
Bill No: SB 91

Sponsor: David M. Gallegos
Short Title: Infants In First Responder Safety Devices

Agency Name and Code DHSEM-795
Number: _____
Person Writing Randy Varela
Phone: 505-699-5807 **Email** _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$500 (for expenditure in FY25-FY27)	Nonrecurring	General Fund to the Public Education Department

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$500	\$0	\$500	Nonrecurring	Public Education Department

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 91 appropriates \$500,000.00 from the General Fund to the Public Education for the purpose of educating the public about the location of safe haven sites within each county.

Senate Bill 91 amends the Safe Haven for Infants Act (NMSA 1978, Section 24-22-1) to allow the surrender of infants that might otherwise be abandoned, instead with a first responder, the staff of a safe haven site or inside a surrender safety device, which will be installed at hospital, law enforcement agency, or fire station in New Mexico.

Section 1 of the bill defines a “surrender safety device” as a environmentally controlled incubator device that is: 1) Designed to keep an infant in a secure and safe environment with sufficient oxygen and at a comfortable temperature for a period of at least three hours; 2) The unit can be attached to the outside of a building and be accessible by an attendant from within the building; 3) Equipped with a transparent door so an infant can be seen by someone inside the building; and 4) The device sets off an alarm when an infant is placed into the device.

Section 1 also adds the definitions of “department” and “first responder” to include public safety employees whose duties include responding rapidly to an emergency and who are either a law enforcement officer, a firefighter (or volunteer firefighter), or are an emergency medical services provider.

Section 2 of the bill adds that an infant may be left with a first responder at a location other than a safe haven site, and strikes two segments of the current act (in Section 24-22-3)

- An infant must have been born within 90 days of being left; and
- The safe haven site must be deemed to have consent for medical services.

Sections 3 and 4 of SB 91 make provisions for the surrender safety device or with a first responder, making a person leaving the infant within the device not liable for abandonment or abuse if left either with the surrender safety device or with a first responder (not at the site).

Section 5 makes minor amendments to Section 24-22-4, reflecting that CYFD is referenced in

the definitions section.

Section 6 states an infant left at a safe haven site is deemed to have consent for medical services.

Section 7 enumerates CYFD responsibilities

- CYFD is deemed to have emergency custody of such infants;
- CYFD will investigate whether abuse or neglect of the infant has occurred;
- If the infant appears to be an Indian child, the tribe shall be notified and placement will follow state law (Section 32A-5-5 978 NMSA) regarding preference for placement with Native American families;
- The public will be made aware of the safety devices and other provisions of the Safe Havens for Infants Act by CYFD;
- Infants left at a safe haven act location will be deemed eligible for Medicaid.

Section 7 also gives PED the responsibility of performing educational activities, especially toward school children, about the existence of safe havens and safety devices, and the locations of the latter.

Sections 8 and 9 indicate responsibilities of safe haven sites for installing the device in a safe and proper manner, monitoring the condition and restocking the safety device, noting the presence of an infant within the device, and instructing personnel on procedures according to the act.

Section 10 grants immunity to safe haven sites for accepting infants, adding to Section 24-22-8's immunity clause language dealing with safe haven surrender devices.

Section 11 gives CYFD rulemaking authority to implement the provisions of the Safe Haven for Infants Act.

Section 12 appropriates \$500,000 from the General Fund to the Public Education Department for the purpose of educating the public about the location of safe haven sites within each county.

FISCAL IMPLICATIONS

Senate Bill 91, appropriates \$500,000 from the General Fund to the Public Education Department for the purpose of educating the public about the location of safe haven sites within each county.

SIGNIFICANT ISSUES

DHSEM does not envision any significant issues with SB 91.

PERFORMANCE IMPLICATIONS

DHSEM does not currently know of any performance implications with SB 91.

ADMINISTRATIVE IMPLICATIONS

DHSEM does not know of any administrative implications with SB 91.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NA

TECHNICAL ISSUES

NA

OTHER SUBSTANTIVE ISSUES

NA

ALTERNATIVES

NA

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS