

CS FOR SENATE BILL NO. 9(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MYERS, Giessel, Hughes, Cronk

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the surrender of infants; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 47.10.013(c) is amended to read:

4 (c) A parent who is immune from prosecution under AS 11.81.500 and
5 chooses to surrender an infant shall surrender the infant in the manner described in this
6 subsection. Surrendering the infant in the manner described in this subsection
7 constitutes abandonment for purposes of this chapter. An infant's parent is considered
8 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
9 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

10 (1) the parent, without expressing an intent to return for the infant,
11 leaves the infant

12 (A) in the physical custody of a person who

13 (i) [IS A (A) PERSON] the parent reasonably believes
14 would provide for the health and safety of the infant and who would act
15 appropriately to care for the infant;

1 (ii) is a [(B)] peace officer, community health aide,
2 physician, or hospital employee; or

3 (iii) [(C) PERSON WHO] is employed by or is a
4 volunteer for a fire department or emergency medical service, if the
5 person is acting within the scope of the person's fire department or
6 emergency medical service duties; or

7 **(B) in an infant safety device that**

8 **(i) is physically affixed to an exterior wall or located**
9 **inside of a hospital, emergency department, freestanding birth**
10 **center as defined in AS 47.32.900, health facility as defined in**
11 **AS 47.07.900 that is owned or managed by a tribal health**
12 **organization as defined in AS 17.30.200(d), office of a private**
13 **physician whether in individual or group practice, rural health**
14 **clinic as defined in AS 47.32.900, municipal police department,**
15 **state trooper post, fire department, or other facility designated by**
16 **the commissioner as an appropriate location for an infant safety**
17 **device under regulations adopted by the commissioner; and**

18 **(ii) meets the requirements of (h) of this section;** and

19 (2) there is no evidence the infant has been physically injured before
20 abandonment.

21 * **Sec. 2.** AS 47.10.013(d) is amended to read:

22 (d) A person to whom an infant is surrendered in the manner described in
23 **(c)(1)(A)(ii) or (iii)** [(c)(1)(B) OR (C)] of this section shall

24 (1) act appropriately to care for the infant;

25 (2) inform the parent that the parent may, but is not required to, answer
26 any questions regarding the name, identity, and medical history of the infant and
27 parents of the infant unless the parent chooses to contact the department under (3) of
28 this subsection;

29 (3) ask the parent if the parent wishes to relinquish the parent's
30 parental rights and release the infant for adoption; if the answer is affirmative, the
31 person shall contact the department so that the parent can discuss that option with the

1 department;

2 (4) immediately notify the nearest office of the department that the
3 infant has been surrendered in the manner described in (c)(1)(A)(ii) or (iii) [(c)] of this
4 section.

5 * **Sec. 3.** AS 47.10.013(e) is amended to read:

6 (e) An individual, agency, **designated** facility, or entity that receives an infant
7 abandoned safely under (c) of this section is not liable for civil damages for failure to
8 discharge the duties listed in (d) of this section.

9 * **Sec. 4.** AS 47.10.013 is amended by adding new subsections to read:

10 (g) A designated facility that receives an infant surrendered under (c)(1)(B) of
11 this section shall immediately notify the nearest office of the department that the infant
12 has been surrendered under (c)(1)(B) of this section.

13 (h) An infant safety device must be

14 (1) located in an area that is conspicuous and visible to employees of a
15 designated facility;

16 (2) climate-controlled;

17 (3) clearly marked with appropriate signage that includes

18 (A) the phone number for a service that provides support for
19 parents in crisis;

20 (B) a list of alternatives to using the infant safety device;

21 (C) a statement that placing an infant into the infant safety
22 device constitutes abandonment and may lead to the involuntary termination of
23 the parent's rights to the child and the release of the child for adoption or other
24 permanent placement;

25 (4) equipped with

26 (A) a system that automatically transmits a request to the 911
27 emergency system for the immediate dispatch of an emergency medical
28 services provider to the location of the infant safety device when the infant
29 safety device is opened;

30 (B) a video surveillance system that allows employees of the
31 designated facility to monitor the interior of the infant safety device 24 hours a

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day; and

(C) an automated lock that secures the infant inside the infant safety device after deposit; and

(5) approved by the department; in determining whether to approve a proposed infant safety device, the department shall consider

(A) whether the device is an appropriate size;

(B) the safety of the device; and

(C) ways to minimize unauthorized uses of the device.

(i) The department may provide training to emergency medical service providers, 911 operators, hospital staff, firefighters, law enforcement officers, and employees of a designated facility in how to implement and comply with the requirements for the surrender of an infant as described in this section.

(j) If the department determines that an infant abandoned under (c)(1)(B) of this section is an Indian child, the department shall immediately contact the Indian child's tribe.

(k) In this section, "designated facility" means a facility described in (c)(1)(B)(i) of this section that has an infant safety device located at the facility.

* **Sec. 5.** This Act takes effect July 1, 2026.