

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2022 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 February 2, 2022
Bill No: *HB157

Sponsor: Reps. Castellano, Strickler,
Fajardo, Trujillo, and Gallegos

Agency Name and Code Number: PED - 924

Person Writing John Sena

Short Title: Surrender of Infants

Phone 505-570-7816 **Email:** John.sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
\$70.0	\$70.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unquantifiable	Unquantifiable	Unquantifiable	Unquantifiable	Nonrecurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 157 with emergency clause (*HB157) amends sections of the Safe Haven for Infants Act ([24-22-1 NMSA 1978](#)) – which promotes the safety of infants and immunizes a parent from criminal prosecution for leaving an infant, 90 days of age or younger, at a safe haven site – by requiring the Public Education Department (PED) to:

- perform public outreach functions necessary to educate the public about the Safe Haven for Infants Act, including developing literature about the Act and the locations of surrender safety devices and distributing it to safe haven sites; and
- promulgate rules for the dissemination of information to students regarding the Safe Haven for Infants Act, including the location safe haven sites and surrender safety devices.

*HB157 defines “safe haven site” as a “hospital, law enforcement agency, or fire station that is staffed 24 hours a day and seven days a week,” or a “daycare facility during the facility’s operating hours.”

*HB157 defines a “surrender safety device” as “an electronically monitored device that is:

- designed to keep an infant in a secure and safe environment and at a comfortable temperature for a period of no longer than 30 minutes;
- capable of being attached to a building in a manner that allows a person to access an infant within the device from inside the building;
- equipped with a transparent door through which an infant is visible and may be retrieved by a person from inside the building; and
- equipped with an alarm to immediately notify the operator of the device that an infant is secured within the device.”

*HB157 has an emergency clause. If the bill received a two-thirds vote in both chambers, it will take effect immediately on signature by the Governor. If the bill passes a simple majority, the bill would be effective May 18, 2022.

FISCAL IMPLICATIONS

*HB157 appropriates \$70 thousand from the general fund to PED for expenditure in fiscal years 2022 through 2025 to educate students regarding the Safe Haven for Infants Act. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the general fund.

SIGNIFICANT ISSUES

The Safe Haven for Infants Act ([24-22-1 NMSA 1978](#)) allows a person to leave a baby, 90 days of age or younger, with a staff member at a safe haven site – a hospital, fire station, or police station – without fear of criminal prosecution, as long as the child has not been subject to any child abuse or neglect prior to relinquishment. The Act requires the Children, Youth and Families Department (CYFD) to perform public outreach functions necessary to educate the public about the Safe Haven for Infants Act, including developing literature about the Act and distributing it to safe haven sites.

Approximately 10 other states, including Arizona, Arkansas, Indiana, Maine, Missouri, Ohio, Kentucky, Oklahoma, Louisiana, and Pennsylvania, have similar laws that require incubator-like devices, referred to as “Baby Boxes,” to allow parents to anonymously surrender newborns at safe haven sites.

The bill requires the PED to use the \$70 thousand appropriation to “educate students regarding the Safe Haven for Infants Act.” The PED would have to use existing resources to perform public outreach functions and promulgate rule.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The bill requires the PED to perform public outreach functions to educate the public about the Safe Haven for Infants Act, including developing literature about the Act and location of surrender safety devices and distributing it to safe haven sites. Existing or new PED staff would be required to develop the literature and conduct public outreach functions.

The bill also requires the PED to promulgate rules for the dissemination of information to students regarding the Safe Haven for Infants Act, including the location safe haven sites and surrender safety devices. Existing or new PED staff would be required to conduct the rulemaking process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

Adverse Childhood Experiences (ACEs) are potentially traumatic events that happen in childhood. ACEs are linked with increased risk for mental health issues, substance use, suicide, violence, risky sexual behaviors, and lower self-esteem. Although the Act is already in place, the provision of HB157 may further assist in reducing ACEs for children safely surrendered through the Safe Haven for Infants Act.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A