

Hall of the House of Representatives
95th General Assembly - Fiscal Session, 2026
Amendment Form

JBC 4/23/26 (1m)

Subtitle of House Bill 1036

AN ACT FOR THE DEPARTMENT OF HEALTH APPROPRIATION FOR THE 2026-2027
FISCAL YEAR.

Amendment No. 2 to House Bill 1036

Amend House Bill 1036 as engrossed H4/21/26 (version: 4/21/26 02:59:48 PM):

Page 13, immediately after SECTION 19, insert the following SECTIONS:

" SECTION 20. Arkansas Code § 5-27-205(c), concerning an affirmative defense to prosecution for the crime of endangering the welfare of a minor in the first degree, is amended to read as follows:

(c)(1) It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child to and left the child with or in, or voluntarily arranged for another person to deliver a child to and leave the child with or in, a medical provider, law enforcement agency, emergency medical services provider, fire department, or a newborn safety device as provided in § 9-34-201 et seq.

(2)(A) Subdivision (c)(1) of this section does not create a defense to any prosecution arising from any conduct other than the act of delivering a child as described in subdivision (c)(1) of this section.

(B) Subdivision (c)(1) of this section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed before the delivery of a child to a medical provider, law enforcement agency, emergency medical services provider, fire department, or a newborn safety device as provided in § 9-34-201 et seq.

SECTION 21. Arkansas Code § 9-34-201, concerning definitions regarding the voluntary delivery of a child to a medical provider, law enforcement



agency, fire department, or newborn safety device, is amended to add an additional subdivision to read as follows:

(4) "Emergency medical services provider" means:

(A) An entity or individual licensed to provide emergency medical services, including without limitation an ambulance service provider;
and

(B) That is staffed twenty-four (24) hours per day.

SECTION 22. Arkansas Code § 9-34-202 is amended to read as follows:

9-34-202. Delivery to medical provider, law enforcement agency, emergency medical services provider, fire department, or in newborn safety device.

(a) Any medical provider, law enforcement agency, emergency medical services provider, or fire department shall take possession of a child who is thirty (30) days old or younger without a court order if the parent of the child, without expressing an intent to return for the child, leaves the child:

(1) With or voluntarily delivers the child to the medical provider, law enforcement agency, emergency medical services provider, or fire department, including without limitation when a parent leaves a newborn child with a medical provider staff member after delivery of the newborn child; or

(2) In a newborn safety device that is:

(A) Voluntarily installed by the medical provider, law enforcement agency, emergency medical services provider, or fire department;

(B) Physically located on a structured wall of or inside a hospital, law enforcement agency, emergency medical services provider station, or fire department; and

(C) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency, emergency medical services provider, or fire department.

(b)(1) A medical provider, law enforcement agency, emergency medical services provider, or fire department that takes possession of a child under subsection (a) of this section shall perform any act necessary to protect the physical health and safety of the child.

(2) A medical provider, law enforcement agency, emergency medical services provider, or fire department shall:

(A) Keep the identity of a parent who relinquishes a child under this section confidential; and

(B) Not release or otherwise make the identity of the parent available except to a:

(i) Law enforcement agency investigating abuse or neglect of the child that was committed before the child was delivered to the medical provider or, law enforcement agency, or emergency medical services provider; or

(ii) Prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was delivered to the medical provider, law enforcement agency, emergency medical services provider, or fire department.

(3)(A) If the identity of a parent or child is released or made known to the Department of Human Services in violation of subdivision (b)(2) of this section, the case shall proceed as a dependency-neglect action as defined under § 9-35-102, but with the same protections from liability as if an anonymous surrender was made under this section.

(B)(i) If the child is relinquished at a location defined in § 9-34-201, the parent shall not be held criminally liable for the relinquishment or have a true finding of maltreatment or abandonment entered against the parent if the parent's identity is known and the Department of Human Services proceeds under § 9-35-325.

(ii) The Department of Human Services shall not subsequently use a resulting termination of parental rights against a parent who surrendered his or her child under this section.

(c) A medical provider, law enforcement agency, emergency medical services provider, or fire department shall:

(1) Not be held criminally or civilly liable for any good faith acts or omissions performed under this section; and

(2) Have an affirmative defense against any civil or criminal claim arising out of any act or omission performed under this section.

(d)(1) A medical provider, law enforcement agency, emergency medical services provider, or fire department other than a volunteer fire department that voluntarily installs a newborn safety device shall:

(A) Be responsible for the cost of the installation; and
(B) Install an adequate dual alarm system connected to the physical location of the newborn safety device that is:

(i) Tested at least one (1) time per week to ensure the alarm system is in working order; and

(ii) Visually checked at least two (2) times per day to ensure the alarm system is in working order.

(2) A volunteer fire department may install a newborn safety device if:

(A) The volunteer fire department complies with subdivision (d)(1) of this section;

(B) The first responders at the volunteer fire department are able to respond to the placement of an infant in the newborn safety device within the shorter of the following:

(i) The response time established by the county in which the volunteer fire department is located; or

(ii) A time frame not to exceed four (4) minutes;
and

(C) The newborn safety device is:

(i) Located within one (1) mile of a medical provider or law enforcement agency; and

(ii) Equipped with:

(a) An alert system that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider to the location of the newborn safety device; and

(b) A video surveillance system that allows members of the volunteer fire department to monitor the inside of the newborn safety device twenty-four (24) hours per day and that:

(1) Has at least two (2) firefighters who are responsible for monitoring the inside of the newborn safety device twenty-four (24) hours per day; and

(2) Is a surveillance system independent from the alert system described in subdivision (d)(2)(C)(ii)(a) of this section.

SECTION 23. Arkansas Code § 9-34-203(a), concerning the care and permanency plan of a child voluntarily delivered to a medical provider, law enforcement agency, emergency medical services provider, fire department, or newborn safety device, is amended to read as follows:

(a) Upon delivery of the child to a medical provider, law enforcement agency, emergency medical services provider, or fire department, the law enforcement officer, an appropriate employee of the fire department, an appropriate employee of the emergency medical services provider, or an appropriate employee of the hospital shall take the child into protective custody for seventy-two (72) hours under the Child Maltreatment Act, § 12-18-101 et seq.

SECTION 24. Arkansas Code § 9-34-203(b)(1), concerning the care and permanency plan of a child voluntarily delivered to a medical provider, law enforcement agency, emergency medical services provider, fire department, or newborn safety device, is amended to read as follows:

(b)(1) The law enforcement officer, employee of the fire department, employee of the emergency medical services provider, or employee of the hospital shall immediately notify the Division of Children and Family Services, which shall initiate a dependency-neglect petition under the Arkansas Juvenile Code, § 9-35-101 et seq., and shall proceed under § 9-35-325."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

The Amendment was read _____
By: Joint Budget Committee
By: Senator Irvin
DJC/DJC - 04-23-2026 10:38:05
CJW036

Chief Clerk