

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

DRAFT

Subtitle of House Bill 1036

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

Amendment No. \_\_\_ to House Bill 1036

Amend House Bill 1036 as originally introduced:

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  
CJW/CJW - 04-13-2026 11:00:06  
CJW036

\_\_\_\_\_  
Chief Clerk

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 95th General Assembly  
3 Fiscal Session, 2026

# A Bill

HOUSE BILL 1036

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HEALTH  
11 FOR THE FISCAL YEAR ENDING JUNE 30, 2027; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT FOR THE DEPARTMENT OF HEALTH  
16 APPROPRIATION FOR THE 2026-2027 FISCAL  
17 YEAR.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby  
24 established for the Department of Health - Shared Services for the 2026-2027  
25 fiscal year, the following maximum number of regular employees.  
26

Item Class		Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2026-2027
(1)	ESE07A SECRETARY OF HEALTH	1	GRADE EXE04
	MAX. NO. OF EMPLOYEES	1	

27  
28  
29  
30  
31  
32  
33  
34 SECTION 2. EXTRA HELP - SHARED SERVICES. There is hereby authorized,  
35 for the Department of Health for the 2026-2027 fiscal year, the following  
36 maximum number of part-time or temporary employees, to be known as "Extra



1 diagnosis, treatment and outreach expenses of the Breast Care Program.

2 The Arkansas Department of Health shall file an annual progress report by  
3 each January 1 preceding a session of the General Assembly to the Co-Chairs  
4 of the House and Senate Public Health Committee. This report shall include  
5 amounts budgeted, allocated and expended for the Breast Care Program for  
6 testing, diagnosis, treatment and outreach expenses.

7 The provisions of this section shall be in effect only from July 1, ~~2025~~  
8 2026 through June 30, ~~2026~~ 2027.

9

10 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED  
12 SERVICES. (a)(1) The Chief Fiscal Officer of the State may create a Shared  
13 Services paying accounts on his or her books and on the books of the  
14 Treasurer of State and the Auditor of State for the payment of personal  
15 services and operating expenses in the Shared Services Paying Account  
16 Appropriation by the Department of Health.

17 (2) The Chief Fiscal Officer of the State shall direct the  
18 transfer of funds and appropriations to the Shared Services Paying Account  
19 appropriation section of this act on the books of the Treasurer of State, the  
20 Auditor of State, and the Chief Fiscal Officer of the State.

21 (3) The transfer authority provided to the department in  
22 subdivision (a)(2) of this section may be used to make transfers only within  
23 the department's appropriation act or between other appropriation acts  
24 authorized for the department.

25 (4) The provisions of this section shall be in effect from the  
26 date of passage through June 30, ~~2026~~ 2027.

27

28 SECTION 20. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
29 authorized by this act shall be limited to the appropriation for such agency  
30 and funds made available by law for the support of such appropriations; and  
31 the restrictions of the State Procurement Law, the General Accounting and  
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
33 Procedures and Restrictions Act, or their successors, and other fiscal  
34 control laws of this State, where applicable, and regulations promulgated by  
35 the Department of Finance and Administration, as authorized by law, shall be  
36 strictly complied with in disbursement of said funds.