**A** **BILL**

TO AMEND SECTION 63-7-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFANT SAFE HAVENS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE THAT STATES THAT THE LOCATION IS A SAFE HAVEN AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY THE SAFE HAVEN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63-7-40(B) of the 1976 Code is amended to read:

“(B)(1) A facility, agency, or other location designated as a safe haven pursuant to subsection (J)(2) shall post a notice prepared by the department on its premises that is prominently displayed for view by the public, stating that the facility, agency, or other location is a safe haven at which a person may leave an infant.

(2) The safe haven ~~must~~ shall offer the person leaving the infant information concerning the legal effect of leaving the infant with the safe haven.

~~(2)~~(3) The safe haven ~~must~~ shall ask the person leaving the infant to identify any parent of the infant other than the person leaving the infant with the safe haven. The safe haven also ~~must~~ shall attempt to obtain from the person information concerning the infant's background and medical history as specified on a form provided by the ~~Department of Social Services~~ department. This information ~~includes~~ must include, but is not limited to, information concerning the use of a controlled substance by the infant's mother, provided that information regarding the use of a controlled substance by the infant's mother is not admissible as evidence of the unlawful use of a controlled substance in any court proceeding. The safe haven shall give the person a copy of the form and a prepaid envelope for mailing the form to the ~~Department of Social Services~~ department if the person does not wish to provide the information to the safe haven. ~~These~~ The department shall provide these materials ~~must be provided~~ to safe havens ~~by the department~~.

~~(3)~~(4) ~~Any~~ Identifying information disclosed by the person leaving the infant must be kept confidential by the safe haven and disclosed to no one other than the department. However, if a court determines that the immunity provisions of subsection (H) do not apply, the safe haven may disclose the information as permitted by confidentiality protections applicable to records of the safe haven, if the safe haven has such confidentiality protections for records. The department shall maintain confidentiality of this information in accordance with Section 63-7-1990.”

SECTION 2. This act takes effect upon approval by the Governor.

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