

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1090 Session of
2013

INTRODUCED BY YOUNGBLOOD, K. BOYLE, CLAY, SIMS, TALLMAN,
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APRIL 2, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 11, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, further
3 providing for protective custody of newborn children in the
4 areas of criminal liability, child protective services and
5 newborn protection.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 4306(a) introductory paragraph and (1)
9 and (b) of Title 18 of the Pennsylvania Consolidated Statutes
10 are amended to read:

11 § 4306. Newborn protection.

12 (a) General rule.--A parent of a newborn shall not be
13 criminally liable for any violation of this title solely for
14 leaving a newborn ~~in the care of a hospital~~ OR A POLICE
15 OFFICER AT A POLICE STATION pursuant to 23 Pa.C.S. Ch. 65
16 (relating to newborn protection) providing that the following

<--

1 criteria are met:

2 (1) The parent expresses, either orally or through
3 conduct, the intent to have the hospital or police station <--
4 OFFICER accept the newborn pursuant to 23 Pa.C.S. Ch. 65. <--

5 * * *

6 (b) Definition.--As used in this section, the [term
7 "newborn" shall have the meaning given to it in 23 Pa.C.S. §
8 6502 (relating to definitions) and "child abuse" shall be as]
9 following words and phrases shall have the meanings given to
10 them in this subsection unless the context clearly indicates
11 otherwise:

12 "Child abuse." As defined in 23 Pa.C.S. § 6303(b) (relating
13 to definitions).

14 "Newborn." As defined in 23 Pa.C.S. § 6502 (relating to
15 definitions).

16 "POLICE DEPARTMENT." A PUBLIC AGENCY OF A POLITICAL <--
17 SUBDIVISION HAVING GENERAL POLICE POWERS AND CHARGED WITH MAKING
18 ARRESTS IN CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR
19 TRAFFIC LAWS.

20 "POLICE OFFICER." A FULL-TIME OR PART-TIME EMPLOYEE ASSIGNED
21 TO CRIMINAL OR TRAFFIC LAW ENFORCEMENT DUTIES OF A POLICE
22 DEPARTMENT OF A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP. THE
23 TERM ALSO INCLUDES A MEMBER OF THE STATE POLICE FORCE.

24 "POLICE STATION." THE STATION OR HEADQUARTERS OF A POLICE
25 DEPARTMENT OR A PENNSYLVANIA STATE POLICE STATION OR
26 HEADQUARTERS.

27 Section 2. Section 6303(a) of Title 23 is amended by adding
28 ~~a definition~~ DEFINITIONS to read: <--
29 § 6303. Definitions.

30 (a) General rule.--The following words and phrases when used

1 in this chapter shall have the meanings given to them in this
2 section unless the context clearly indicates otherwise:

3 * * *

4 ~~"Police officer." A law enforcement member of the~~ <--
5 ~~Pennsylvania State Police or a municipal police force.~~

6 "POLICE DEPARTMENT." A PUBLIC AGENCY OF A POLITICAL <--
7 SUBDIVISION HAVING GENERAL POLICE POWERS AND CHARGED WITH MAKING
8 ARRESTS IN CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR
9 TRAFFIC LAWS.

10 "POLICE OFFICER." A FULL-TIME OR PART-TIME EMPLOYEE ASSIGNED
11 TO CRIMINAL OR TRAFFIC LAW ENFORCEMENT DUTIES OF A POLICE
12 DEPARTMENT OF A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP. THE
13 TERM ALSO INCLUDES A MEMBER OF THE STATE POLICE FORCE.

14 "POLICE STATION." THE STATION OR HEADQUARTERS OF A POLICE
15 DEPARTMENT OR A PENNSYLVANIA STATE POLICE STATION OR
16 HEADQUARTERS.

17 * * *

18 Section 3. Section 6315(a) of Title 23 is amended by adding
19 a paragraph to read:

20 § 6315. Taking child into protective custody.

21 (a) General rule.--A child may be taken into protective
22 custody:

23 * * *

24 (4) By a police officer at a police station under
25 Chapter 65.

26 * * *

27 Section 4. Section 6316(a.1) of Title 23 is amended to read:
28 § 6316. Admission to private and public hospitals.

29 * * *

30 (a.1) Newborns.--A newborn taken into protective custody

1 pursuant to section 6315(a)(3) or (4) (relating to taking child
2 into protective custody) shall be admitted to, treated and
3 maintained in facilities of public and private hospitals on the
4 basis of medical need and shall not be refused or deprived in
5 any way of proper medical treatment and care. Once a newborn is
6 taken into protective custody pursuant to section 6315(a)(3) or
7 (4), the newborn shall be considered immediately eligible for
8 Medicaid for payment of medical services provided. Until
9 otherwise provided by court order, the county agency shall
10 assume the responsibility for making decisions regarding the
11 newborn's medical care.

12 * * *

13 Section 5. The definition of "health care provider" in
14 section 6502 of Title 23 is amended and the section is amended
15 by adding ~~a definition~~ DEFINITIONS to read: <--

16 § 6502. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 * * *

21 "Health care provider." A person who is licensed or
22 certified by the laws of this Commonwealth to administer health
23 care in the ordinary course of business or practice of a
24 profession. For purposes of accepting a newborn as provided in
25 section 6504(a)(1) (relating to accepting newborns) and for
26 immunity provided pursuant to section 6507 (relating to immunity
27 [granted to health care providers and hospitals]), the term
28 includes administrative, managerial and security personnel and
29 any other person employed by a hospital.

30 * * *

~~"Police officer." A law enforcement member of the
Pennsylvania State Police or a municipal police force.~~

~~"POLICE DEPARTMENT." A PUBLIC AGENCY OF A POLITICAL
SUBDIVISION HAVING GENERAL POLICE POWERS AND CHARGED WITH MAKING
ARRESTS IN CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR
TRAFFIC LAWS.~~

~~"POLICE OFFICER." A FULL-TIME OR PART-TIME EMPLOYEE ASSIGNED
TO CRIMINAL OR TRAFFIC LAW ENFORCEMENT DUTIES OF A POLICE
DEPARTMENT OF A COUNTY, CITY, BOROUGH, TOWN OR TOWNSHIP. THE
TERM ALSO INCLUDES A MEMBER OF THE STATE POLICE FORCE.~~

~~"POLICE STATION." THE STATION OR HEADQUARTERS OF A POLICE
DEPARTMENT OR A PENNSYLVANIA STATE POLICE STATION OR
HEADQUARTERS.~~

Section 6. Section 6504(a)(1) and (b) of Title 23 are
amended to read:

§ 6504. **[Accepting]** HEALTH CARE PROVIDERS ACCEPTING newborns.

(a) General rule.--A health care provider at a hospital
shall do all of the following relating to a newborn accepted
under this chapter:

(1) Take the newborn into protective custody as provided
in section 6315(a)(3) (relating to taking child into
protective custody) or 6504.1(a)(2) (relating to accepting
newborns by uniformed police officer at police station POLICE
OFFICERS ACCEPTING NEWBORNS).

* * *

(b) Accepting newborns.--When [accepting] a health care
provider accepts a newborn pursuant to this chapter, a parent or
uniformed police officer may provide a health care provider with
information about the newborn's medical history and any
identifying information.

Section 7. Title 23 is amended by adding a section to read:

~~§ 6504.1. Accepting newborns by uniformed police officer at~~ <--
~~police station~~ POLICE OFFICERS ACCEPTING NEWBORNS. <--

(a) Duties.--A uniformed police officer at a police station <--
shall do all of the following relating to a newborn accepted
under this chapter:

(1) Take the newborn into protective custody under
section 6315(a)(4) (relating to taking child into protective
custody).

(2) ~~Take the newborn to the hospital and place~~ ENSURE <--
THE NEWBORN IS TRANSPORTED TO A HOSPITAL AND PLACED into the
care of a health care provider under section 6504 (relating
to accepting newborns).

~~(3) Notify the county agency under section 6505~~ <--
~~(relating to reporting acceptance of newborns).~~

(b) Information.--When a uniformed police officer accepts a <--
newborn pursuant to this chapter, a parent may provide the
uniformed police officer with information about the newborn's <--
medical history and any identifying information.

Section 8. Sections 6505, 6507 and 6509 of Title 23 are
amended to read:

§ 6505. Reporting acceptance of newborns.

~~[A] (a) Health care providers. Unless subsection (b)~~ <--
~~applies, a health care provider at a hospital shall [in all~~
~~cases] notify the county agency and the local municipal police~~
~~department or the Pennsylvania State Police where no municipal~~
~~police jurisdiction exists immediately by telephone regarding a~~
~~newborn accepted by a hospital under this chapter. [A] Unless~~
~~subsection (b) applies, a written report shall be submitted to~~
~~the county agency and local municipal police department or the~~

~~Pennsylvania State Police within 48 hours after the oral report.~~

~~{For purposes of}~~

~~(b) Uniformed police officers. A police officer acting under section 6504.1 (relating to accepting newborns by uniformed police officer at police station) shall:~~

~~(1) notify the county agency by telephone regarding a newborn accepted by an officer under this chapter; and~~

~~(2) submit a written report to the county agency and the officer's police department within 48 hours after notification under paragraph (1).~~

~~(c) Definition. As used in this section, the term "health care provider" [shall include] includes administrative, managerial and security personnel employed by a hospital.~~

A HEALTH CARE PROVIDER AT A HOSPITAL SHALL IN ALL CASES
NOTIFY THE COUNTY AGENCY AND THE LOCAL MUNICIPAL POLICE
DEPARTMENT OR THE PENNSYLVANIA STATE POLICE WHERE NO MUNICIPAL
POLICE JURISDICTION EXISTS IMMEDIATELY BY TELEPHONE REGARDING A
NEWBORN ACCEPTED BY A HOSPITAL UNDER THIS CHAPTER. A WRITTEN
REPORT SHALL BE SUBMITTED TO THE COUNTY AGENCY AND LOCAL
MUNICIPAL POLICE DEPARTMENT OR THE PENNSYLVANIA STATE POLICE
WITHIN 48 HOURS AFTER THE ORAL REPORT. THIS SECTION APPLIES IN
THE CASE OF A HOSPITAL ACCEPTING A NEWBORN PURSUANT TO SECTION
6504.1(A)(2) (RELATING TO POLICE OFFICERS ACCEPTING NEWBORNS).
FOR PURPOSES OF THIS SECTION, THE TERM "HEALTH CARE PROVIDER"
SHALL INCLUDE ADMINISTRATIVE, MANAGERIAL AND SECURITY PERSONNEL
EMPLOYED BY A HOSPITAL.

§ 6507. Immunity [granted to health care providers and
hospitals].

Except for a violation of section 6506 (relating to failure
to report acceptance of newborns), no hospital [or], health care

1 provider at a hospital or POLICE DEPARTMENT, police officer OR <--
2 ADMINISTRATIVE OR MANAGERIAL PERSONNEL OF A POLICE DEPARTMENT
3 shall be subject to civil liability or criminal penalty solely
4 by reason of complying with the provisions of this chapter.

5 § 6509. Duties of department.

6 The department shall provide educational materials for use by
7 hospitals, health care providers [and], employees at hospitals
8 and police officers regarding this chapter, section 6315(a)(3)
9 (relating to taking child into protective custody) and other
10 applicable provisions of Chapter 63 (relating to child
11 protective services) that relate to newborn protection. The
12 department shall promulgate such regulations as may be necessary
13 to implement this chapter, section 6315(a)(3) and other
14 applicable provisions of Chapter 63 that relate to newborn
15 protection. The department shall also provide health care
16 providers [and], hospitals, the Pennsylvania State Police and
17 municipal police departments with an informational pamphlet <--
18 regarding this chapter, section 6315(a)(3) and other applicable
19 provisions of Chapter 63 that relate to newborn protection which
20 may be distributed to the public. In addition, the department
21 shall comply with the provisions regarding infant abandonment in
22 sections 6365 (relating to services for prevention,
23 investigation and treatment of child abuse) and 6383 (relating
24 to education and training). A report shall be made annually to
25 the General Assembly on the number and disposition of newborns
26 accepted in accordance with this chapter, section 6315(a)(3) and
27 (4) AND other applicable provisions of Chapter 63 that relate to <--
28 newborn protection.

29 Section 9. This act shall take effect in 60 days.