

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 86 Session of 2019

INTRODUCED BY BROOKS, SCARNATI, PHILLIPS-HILL, BARTOLOTTA, BREWSTER, COSTA, K. WARD, J. WARD, WHITE, BROWNE, HAYWOOD AND MUTH, JANUARY 24, 2019

AS AMENDED ON SECOND CONSIDERATION, MARCH 25, 2019

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, in
3 offenses against the family, further providing for newborn
4 protection; in child protective services, further providing
5 for definitions and for taking child into protective custody;
6 and, in newborn protection, further providing for
7 definitions, for health care providers accepting newborns, <--
8 for police officers accepting newborns, AND FOR INCUBATORS <--
9 FOR NEWBORNS, PROVIDING FOR HEALTH CARE PROVIDERS AT URGENT
10 CARE CENTERS ACCEPTING NEWBORNS AND FURTHER PROVIDING for
11 reporting acceptance of newborns, for immunity and for duties
12 of department.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 4306 of Title 18 of the Pennsylvania
16 Consolidated Statutes is amended to read:

17 § 4306. Newborn protection.

18 (a) General rule.--A parent of a newborn shall not be
19 criminally liable for any violation of this title solely for
20 leaving a newborn in the care of a hospital, an urgent care
21 center, a police officer at a police station pursuant to 23
22 Pa.C.S. Ch. 65 (relating to newborn protection) or an emergency

1 services provider on the grounds of an entity employing the  
2 emergency services provider or otherwise providing access to the  
3 emergency services provider pursuant to 23 Pa.C.S. Ch. 65 if the  
4 following criteria are met:

5 (1) The parent expresses, either orally or through  
6 conduct, the intent to have the hospital, urgent care center,  
7 police officer or emergency services provider accept the  
8 newborn pursuant to 23 Pa.C.S. Ch. 65.

9 (2) The newborn is not a victim of child abuse or  
10 criminal conduct.

11 (a.1) Incubator.--A parent of a newborn shall not be  
12 criminally liable for any violation of this title solely for  
13 leaving a newborn in an incubator if the newborn is not a victim  
14 of child abuse or criminal conduct and the incubator is located:

15 (1) at a hospital ~~or urgent care center;~~ <--

16 (2) at a police station pursuant to 23 Pa.C.S. Ch. 65;

17 **[or]** <--

18 (3) on the grounds of an entity employing the emergency  
19 services provider or otherwise providing access to the  
20 emergency services provider pursuant to 23 Pa.C.S. Ch. 65[.]; <--

21 OR

22 (4) AT AN URGENT CARE CENTER.

23 (b) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Child abuse." As defined in 23 Pa.C.S. § 6303(b.1)  
27 (relating to definitions).

28 "Emergency services provider." An emergency medical  
29 responder, emergency medical technician, advanced emergency  
30 medical technician or a paramedic as defined in 35 Pa.C.S. §

1 8103 (relating to definitions).

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

4 "Police department." A public agency of a political  
5 subdivision having general police powers and charged with making  
6 arrests in connection with the enforcement of criminal or  
7 traffic laws.

8 "Police officer." A full-time or part-time employee assigned  
9 to criminal or traffic law enforcement duties of a police  
10 department of a county, city, borough, town or township. The  
11 term also includes a member of the State Police Force.

12 "Police station." The station or headquarters of a police  
13 department or a Pennsylvania State Police station or  
14 headquarters.

15 "Urgent care center." As defined in section 2 of the act of  
16 November 2, 2016 (P.L.976, No.122), known as the Safe Emergency  
17 Prescribing Act.

18 Section 2. Section 6303(a) of Title 23 is amended by adding  
19 a definition to read:

20 § 6303. Definitions.

21 (a) General rule.--The following words and phrases when used  
22 in this chapter shall have the meanings given to them in this  
23 section unless the context clearly indicates otherwise:

24 \* \* \*

25 "Urgent care center." As defined in section 2 of the act of  
26 November 2, 2016 (P.L.976, No.122), known as the Safe Emergency  
27 Prescribing Act.

28 \* \* \*

29 Section 3. Section ~~6315(a)(3)~~ 6315(A) of Title 23 is amended <--  
30 BY ADDING A PARAGRAPH to read: <--

1 § 6315. Taking child into protective custody.

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

4 \* \* \*

5 ~~(3) By a physician or the director, or a person~~ <--  
6 ~~specifically designated by the director, of a hospital or~~  
7 ~~urgent care center pursuant to Chapter 65 (relating to~~  
8 ~~newborn protection) if the child is a newborn.~~

9 \* \* \*

10 (7) BY A HEALTH CARE PROVIDER AT AN URGENT CARE CENTER <--  
11 UNDER CHAPTER 65.

12 \* \* \*

13 Section 4. The ~~definition of~~ DEFINITIONS OF "DEPARTMENT" AND <--  
14 "health care provider" in section 6502 of Title 23 ~~is~~ ARE <--  
15 amended and the section is amended by adding a definition to  
16 read:

17 § 6502. Definitions.

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

21 \* \* \*

22 "DEPARTMENT." THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN <--  
23 SERVICES OF THE COMMONWEALTH.

24 \* \* \*

25 "Health care provider." A person who is licensed or  
26 certified by the laws of this Commonwealth to administer health  
27 care in the ordinary course of business or practice of a  
28 profession. For purposes of accepting a newborn as provided in  
29 section 6504(a)(1) (relating to accepting newborns) and for  
30 immunity provided pursuant to section 6507 (relating to

1 immunity), the term includes administrative, managerial and  
2 security personnel and any other person employed by a hospital  
3 or urgent care center.

4 \* \* \*

5 "Urgent care center." As defined in section 2 of the act of  
6 November 2, 2016 (P.L.976, No.122), known as the Safe Emergency  
7 Prescribing Act.

8 ~~Section 5. Sections 6504(a) introductory paragraph and~~ <--  
9 ~~6504.1(a)(2) of Title 23 are amended to read:~~

10 ~~§ 6504. Health care providers accepting newborns.~~

11 ~~(a) General rule. A health care provider at a hospital or~~  
12 ~~urgent care center shall do all of the following relating to a~~  
13 ~~newborn accepted under this chapter:~~

14 \* \* \*

15 ~~§ 6504.1. Police officers accepting newborns.~~

16 ~~(a) Duties. A police officer at a police station shall do~~  
17 ~~all of the following relating to a newborn accepted under this~~  
18 ~~chapter:~~

19 \* \* \*

20 ~~(2) Ensure the newborn is transported to a hospital or~~  
21 ~~urgent care center and placed into the care of a health care~~  
22 ~~provider under section 6504 (relating to health care~~  
23 ~~providers accepting newborns).~~

24 \* \* \*

25 SECTION 5. SECTION 6504.3(A) AND (B) (4) (I), (V) AND (VI) AND <--  
26 (5) OF TITLE 23 ARE AMENDED TO READ:

27 § 6504.3. INCUBATORS FOR NEWBORNS.

28 (A) PROVISION OPTIONAL.--A HOSPITAL, POLICE STATION, URGENT  
29 CARE CENTER OR [OTHER] ENTITY EMPLOYING OR OTHERWISE PROVIDING  
30 ACCESS TO AN EMERGENCY SERVICES PROVIDER MAY PROVIDE AN

1 INCUBATOR FOR THE CARE OF A NEWBORN ACCEPTED UNDER THIS CHAPTER.

2 (B) REGULATIONS.--THE DEPARTMENT OF HEALTH SHALL PROMULGATE  
3 REGULATIONS FOR PROVIDING AN INCUBATOR UNDER SUBSECTION (A). THE  
4 REGULATIONS SHALL INCLUDE ALL OF THE FOLLOWING:

5 \* \* \*

6 (4) DESIGN AND FUNCTION REQUIREMENTS FOR AN INCUBATOR  
7 WHICH SHALL INCLUDE ALL OF THE FOLLOWING:

8 (I) INSTALLATION OF AN INCUBATOR AT A HOSPITAL,  
9 POLICE STATION, URGENT CARE CENTER OR [OTHER] ENTITY  
10 WHICH EMPLOYS OR OTHERWISE PROVIDES ACCESS TO AN  
11 EMERGENCY SERVICES PROVIDER.

12 \* \* \*

13 (V) PROVIDING NOTICE TO THE PERSONNEL OF A HOSPITAL,  
14 POLICE STATION, URGENT CARE CENTER OR [OTHER] ENTITY  
15 WHICH EMPLOYS OR OTHERWISE PROVIDES ACCESS TO AN  
16 EMERGENCY SERVICES PROVIDER WITHIN 30 SECONDS OF THE  
17 INFANT BEING PLACED BY THE PARENT IN THE INCUBATOR.

18 (VI) TRIGGERING A 911 CALL IF THE PERSONNEL OF A  
19 HOSPITAL, POLICE STATION, URGENT CARE CENTER OR [OTHER]  
20 ENTITY WHICH EMPLOYS OR OTHERWISE PROVIDES ACCESS TO AN  
21 EMERGENCY SERVICES PROVIDER DOES NOT RESPOND WITHIN A  
22 REASONABLE AMOUNT OF TIME UNDER SUBPARAGRAPH (V).

23 (5) OPERATING POLICY, SUPERVISION AND MAINTENANCE  
24 REQUIREMENTS FOR AN INCUBATOR, INCLUDING THAT ONLY AN  
25 EMERGENCY SERVICES PROVIDER AT AN ENTITY THAT EMPLOYS OR  
26 OTHERWISE PROVIDES ACCESS TO THE EMERGENCY SERVICES PROVIDER,  
27 A HEALTH CARE PROVIDER AT A HOSPITAL [OR], POLICE OFFICER AT  
28 A POLICE STATION OR A HEALTH CARE PROVIDER AT AN URGENT CARE  
29 CENTER MAY TAKE AN INFANT INTO PROTECTIVE CUSTODY IN  
30 ACCORDANCE WITH CHAPTER 63 (RELATING TO CHILD PROTECTIVE

1 SERVICES) .

2 \* \* \*

3 SECTION 6. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:

4 § 6504.4. HEALTH CARE PROVIDERS AT URGENT CARE CENTERS

5 ACCEPTING NEWBORNS.

6 (A) DUTIES.--A HEALTH CARE PROVIDER AT AN URGENT CARE CENTER  
7 SHALL DO ALL OF THE FOLLOWING RELATING TO A NEWBORN ACCEPTED  
8 UNDER THIS CHAPTER:

9 (1) TAKE THE NEWBORN INTO PROTECTIVE CUSTODY UNDER  
10 SECTION 6315(A)(7) (RELATING TO TAKING CHILD INTO PROTECTIVE  
11 CUSTODY).

12 (2) ENSURE THE NEWBORN IS TRANSPORTED TO A HOSPITAL AND  
13 PLACED INTO THE CARE OF A HEALTH CARE PROVIDER UNDER SECTION  
14 6504 (RELATING TO HEALTH CARE PROVIDERS ACCEPTING NEWBORNS).

15 (B) MEDICAL HISTORY.--WHEN A HEALTH CARE PROVIDER AT AN  
16 URGENT CARE CENTER ACCEPTS A NEWBORN UNDER THIS CHAPTER, A  
17 PARENT MAY PROVIDE THE HEALTH CARE PROVIDER WITH INFORMATION  
18 ABOUT THE NEWBORN'S MEDICAL HISTORY AND IDENTIFYING INFORMATION.

19 (C) SIGNAGE.--AN URGENT CARE CENTER ACCEPTING NEWBORNS UNDER  
20 THIS CHAPTER SHALL ENSURE THE URGENT CARE CENTER'S GROUNDS AND  
21 BUILDING DISPLAY SIGNS THAT SPECIFY THE OPERATING HOURS THE  
22 URGENT CARE CENTER ACCEPTS NEWBORNS UNDER SECTION 6315(A)(7) AND  
23 18 PA.C.S. § 4306 (RELATING TO NEWBORN PROTECTION).

24 Section ~~6~~ 7. Sections 6505, 6507 and 6509 of Title 23 are <--  
25 amended to read:

26 § 6505. Reporting acceptance of newborns.

27 A health care provider at a hospital ~~or urgent care center~~ <--  
28 shall in all cases notify the county agency and the local  
29 municipal police department or the Pennsylvania State Police  
30 where no municipal police jurisdiction exists immediately by

1 telephone regarding a newborn accepted by ~~the~~ hospital ~~or~~ <--  
2 ~~urgent care center~~ under this chapter. A written report shall be  
3 submitted to the county agency and local municipal police  
4 department or the Pennsylvania State Police within 48 hours  
5 after the oral report. This section applies in the case of a  
6 hospital ~~or urgent care center~~ accepting a newborn pursuant to <--  
7 sections 6504.1(a)(2) (relating to police officers accepting  
8 newborns) [and], 6504.2(a)(2) (relating to emergency services <--  
9 providers accepting newborns) AND 6504.4(A)(2) (RELATING TO <--  
10 HEALTH CARE PROVIDERS AT URGENT CARE CENTERS ACCEPTING  
11 NEWBORNS). [For purposes of this section, the term "health care  
12 provider" shall include administrative, managerial and security  
13 personnel employed by a hospital.]

14 § 6507. Immunity.

15 Except for a violation of section 6506 (relating to failure  
16 to report acceptance of newborns), no emergency services  
17 provider, entity that employs or otherwise provides access to an  
18 emergency services provider, hospital, urgent care center,  
19 health care provider at a hospital or urgent care center or  
20 police department, police officer or administrative or  
21 managerial personnel of a police department shall be subject to  
22 civil liability or criminal penalty solely by reason of  
23 complying with the provisions of this chapter.

24 § 6509. Duties of department.

25 The department shall provide educational materials for use by  
26 emergency services providers, entities which employ or otherwise  
27 provide access to emergency services providers, hospitals,  
28 urgent care centers, health care providers, employees at  
29 hospitals and police officers regarding this chapter, section  
30 6315(a)(3) (relating to taking child into protective custody)



1 and other applicable provisions of Chapter 63 (relating to child  
2 protective services) that relate to newborn protection. The  
3 department shall promulgate such regulations as may be necessary  
4 to implement this chapter, section 6315(a)(3) and other  
5 applicable provisions of Chapter 63 that relate to newborn  
6 protection. The department shall also provide emergency services  
7 providers, entities which employ or otherwise provide access to  
8 emergency services providers, health care providers, hospitals,  
9 urgent care centers, the Pennsylvania State Police and police  
10 departments with an informational pamphlet regarding this  
11 chapter, section 6315(a)(3) and other applicable provisions of  
12 Chapter 63 that relate to newborn protection which may be  
13 distributed to the public. In addition, the department shall  
14 comply with the provisions regarding infant abandonment in  
15 sections 6365 (relating to services for prevention,  
16 investigation and treatment of child abuse) and 6383 (relating  
17 to education and training). A report shall be made annually to  
18 the General Assembly on the number and disposition of newborns  
19 accepted in accordance with this chapter, section 6315(a)(3) and  
20 (5) and other applicable provisions of Chapter 63 that relate to  
21 newborn protection.

22 Section 7 8. This act shall take effect in 60 days.

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