



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1139

PRINTERS NO. 2802

PRIME SPONSOR: Topper

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

House Bill 1139, Printer's Number 2802 amends Title 18 (Crimes and Offenses) and Title 23 (Domestic Relations) further providing for newborn protections.

### ANALYSIS:

Section 4306 (Newborn protection) of Title 18 provides that a parent will not be criminally liable for leaving a newborn in the care of a hospital or a police officer at a police station. HB 1139 would permit a parent to leave a newborn with an emergency service provider on the grounds of an entity employing the emergency service provider. In addition, as long as the newborn is not a victim of child abuse or criminal conduct, a parent of a newborn will not be criminally liable for leaving a newborn in an incubator at a hospital, police station or on the grounds of an entity employing the emergency service provider. An "emergency service provider" is defined in the legislation as an emergency medical responder, emergency medical technician, advanced emergency medical technician or a paramedic.

Title 23 is amended with new Sections 6504.2 (Emergency services providers accepting newborns) and 6504.3 (Incubators for newborns). Section 6504.2 allows emergency service providers to accept newborns and take them into protective custody, ensure the newborn is transported to a hospital and placed into the care of a health care provider and provide to health care provider any information regarding medical history or identifying information provided by the parent. An entity employing an emergency services provider accepting newborns must clearly indicate, for a minimum of 18 months, that emergency services providers may accept newborns under Section 6315 (relating to taking a child into protective custody) and 18 Pa.C.S. Section 4306 (relating to newborn protection.)

Section 6504.3 provides that a hospital, police station or other entity employing or providing access to emergency services may provide an incubator for the care of a newborn left in their care. The Department of Health will promulgate regulations for providing an incubator to address sanitation standards, procedures to provide emergency care for an infant placed in an incubator, manufacturing standards, design and function requirements, operating policy, supervision and

maintenance requirements, installation qualifications and signage near an incubator to provide instructions of use for parents.

Sections 6505, 6507 and 6509 of Title 23 are amended to further require that emergency services providers report the acceptance of a newborn to the county agency and local municipal police (or State Police when appropriate), extend immunity to emergency services providers and requires the Department of Human Services to provide educational materials to emergency services providers.

Section 6504.3 (b) and (c) and Section 6509 will take effect immediately. Section 4306 (a.1) of Title 18 and Section 6504.3 (a) of Title 23 will take effect 120 days after publication of final regulations in the Pennsylvania Bulletin. The remainder of the legislation will take effect in 60 days

**FISCAL IMPACT:**

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

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House Appropriations Committee (R)

**DATE:** December 12, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*