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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1090 Session of  
2013

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INTRODUCED BY YOUNGBLOOD, K. BOYLE, CLAY, SIMS, TALLMAN,  
CALTAGIRONE, O'BRIEN, TOEPEL, DAVIS, V. BROWN, MUNDY,  
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HARPER, SWANGER, CLYMER, WATSON, DENLINGER AND TOOHIL,  
APRIL 2, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 2013

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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] pursuant to 23  
15 Pa.C.S. Ch. 65 (relating to newborn protection) providing that  
16 the following criteria are met:

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

4 \* \* \*

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

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

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

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

17 § 6303. Definitions.

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

21 \* \* \*

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

24 \* \* \*

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

27 § 6315. Taking child into protective custody.

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

30 \* \* \*

1           (4) By a police officer at a police station under  
2           Chapter 65.

3           \* \* \*

4           Section 4. Section 6316(a.1) of Title 23 is amended to read:  
5           § 6316. Admission to private and public hospitals.

6           \* \* \*

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

19          \* \* \*

20          Section 5. The definition of "health care provider" in  
21          section 6502 of Title 23 is amended and the section is amended  
22          by adding a definition to read:

23          § 6502. Definitions.

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

27          \* \* \*

28          "Health care provider." A person who is licensed or  
29          certified by the laws of this Commonwealth to administer health  
30          care in the ordinary course of business or practice of a

1 profession. For purposes of accepting a newborn as provided in  
2 section 6504(a) (1) (relating to accepting newborns) and for  
3 immunity provided pursuant to section 6507 (relating to immunity  
4 [granted to health care providers and hospitals]), the term  
5 includes administrative, managerial and security personnel and  
6 any other person employed by a hospital.

7 \* \* \*

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

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

12 § 6504. Accepting newborns.

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

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

20 \* \* \*

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

26 Section 7. Title 23 is amended by adding a section to read:  
27 § 6504.1. Accepting newborns by uniformed police officer at  
28 police station.

29 (a) Duties.--A uniformed police officer at a police station  
30 shall do all of the following relating to a newborn accepted

1 under this chapter:

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

5 (2) Take the newborn to the hospital and place into the  
6 care of a health care provider under section 6504 (relating  
7 to accepting newborns).

8 (3) Notify the county agency under section 6505  
9 (relating to reporting acceptance of newborns).

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

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

16 § 6505. Reporting acceptance of newborns.

17 [A] (a) Health care providers.--Unless subsection (b)  
18 applies, a health care provider at a hospital shall [in all  
19 cases] notify the county agency and the local municipal police  
20 department or the Pennsylvania State Police where no municipal  
21 police jurisdiction exists immediately by telephone regarding a  
22 newborn accepted by a hospital under this chapter. [A] Unless  
23 subsection (b) applies, a written report shall be submitted to  
24 the county agency and local municipal police department or the  
25 Pennsylvania State Police within 48 hours after the oral report.

26 [For purposes of]

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

30 (1) notify the county agency by telephone regarding a

1 newborn accepted by an officer under this chapter; and  
2 (2) submit a written report to the county agency and the  
3 officer's police department within 48 hours after  
4 notification under paragraph (1).

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

8 § 6507. Immunity [granted to health care providers and  
9 hospitals].

10 Except for a violation of section 6506 (relating to failure  
11 to report acceptance of newborns), no hospital [or], health care  
12 provider at a hospital or police officer shall be subject to  
13 civil liability or criminal penalty solely by reason of  
14 complying with the provisions of this chapter.

15 § 6509. Duties of department.

16 The department shall provide educational materials for use by  
17 hospitals, health care providers [and], employees at hospitals  
18 and police officers regarding this chapter, section 6315(a)(3)  
19 (relating to taking child into protective custody) and other  
20 applicable provisions of Chapter 63 (relating to child  
21 protective services) that relate to newborn protection. The  
22 department shall promulgate such regulations as may be necessary  
23 to implement this chapter, section 6315(a)(3) and other  
24 applicable provisions of Chapter 63 that relate to newborn  
25 protection. The department shall also provide health care  
26 providers [and], hospitals, the Pennsylvania State Police and  
27 municipal police departments with an informational pamphlet  
28 regarding this chapter, section 6315(a)(3) and other applicable  
29 provisions of Chapter 63 that relate to newborn protection which  
30 may be distributed to the public. In addition, the department

1 shall comply with the provisions regarding infant abandonment in  
2 sections 6365 (relating to services for prevention,  
3 investigation and treatment of child abuse) and 6383 (relating  
4 to education and training). A report shall be made annually to  
5 the General Assembly on the number and disposition of newborns  
6 accepted in accordance with this chapter, section 6315(a)(3) and  
7 other applicable provisions of Chapter 63 that relate to newborn  
8 protection.

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