
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1246 Session of
2018

INTRODUCED BY BROOKS, ARGALL, SCARNATI, GREENLEAF,
RESCHENTHALER, BREWSTER, RAFFERTY, COSTA, BROWNE, HUTCHINSON,
WARD, VULAKOVICH AND BARTOLOTTA, SEPTEMBER 10, 2018

REFERRED TO JUDICIARY, SEPTEMBER 10, 2018

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, for reporting
9 acceptance of newborns, for immunity and for duties of
10 department.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 4306 of Title 18 of the Pennsylvania
14 Consolidated Statutes, amended December 22, 2017 (P.L.1219,
15 No.68), is amended to read:

16 § 4306. Newborn protection.

17 (a) General rule.--A parent of a newborn shall not be
18 criminally liable for any violation of this title solely for
19 leaving a newborn in the care of a hospital, an urgent care
20 center, a police officer at a police station pursuant to 23
21 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 (b) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

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

26 "Emergency services provider." An emergency medical
27 responder, emergency medical technician, advanced emergency
28 medical technician or a paramedic as defined in 35 Pa.C.S. §
29 8103 (relating to definitions).

30 "Newborn." As defined in 23 Pa.C.S. § 6502 (relating to

1 definitions).

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

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

10 "Police station." The station or headquarters of a police
11 department or a Pennsylvania State Police station or
12 headquarters.

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

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

18 § 6303. Definitions.

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

22 * * *

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

26 * * *

27 Section 3. Section 6315(a)(3) of Title 23 is amended to
28 read:

29 § 6315. Taking child into protective custody.

30 (a) General rule.--A child may be taken into protective

1 custody:

2 * * *

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

7 * * *

8 Section 4. The definition of "health care provider" in
9 section 6502 of Title 23 is amended and the section is amended
10 by adding a definition to read:

11 § 6502. Definitions.

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

15 * * *

16 "Health care provider." A person who is licensed or
17 certified by the laws of this Commonwealth to administer health
18 care in the ordinary course of business or practice of a
19 profession. For purposes of accepting a newborn as provided in
20 section 6504(a)(1) (relating to accepting newborns) and for
21 immunity provided pursuant to section 6507 (relating to
22 immunity), the term includes administrative, managerial and
23 security personnel and any other person employed by a hospital
24 or urgent care center.

25 * * *

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

29 Section 5. Sections 6504(a) introductory paragraph and
30 6504.1(a)(2) of Title 23 are amended to read:

1 § 6504. Health care providers accepting newborns.

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

5 * * *

6 § 6504.1. Police officers accepting newborns.

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

10 * * *

11 (2) Ensure the newborn is transported to a hospital or
12 urgent care center and placed into the care of a health care
13 provider under section 6504 (relating to health care
14 providers accepting newborns).

15 * * *

16 Section 6. Sections 6505, 6507 and 6509 of Title 23, amended
17 December 22, 2017 (P.L.1219, No.68), are amended to read:

18 § 6505. Reporting acceptance of newborns.

19 A health care provider at a hospital or urgent care center
20 shall in all cases notify the county agency and the local
21 municipal police department or the Pennsylvania State Police
22 where no municipal police jurisdiction exists immediately by
23 telephone regarding a newborn accepted by [a] the hospital or
24 urgent care center under this chapter. A written report shall be
25 submitted to the county agency and local municipal police
26 department or the Pennsylvania State Police within 48 hours
27 after the oral report. This section applies in the case of a
28 hospital or urgent care center accepting a newborn pursuant to
29 sections 6504.1(a)(2) (relating to police officers accepting
30 newborns) and 6504.2(a)(2) (relating to emergency services

1 providers accepting newborns). [For purposes of this section,
2 the term "health care provider" shall include administrative,
3 managerial and security personnel employed by a hospital.]

4 § 6507. Immunity.

5 Except for a violation of section 6506 (relating to failure
6 to report acceptance of newborns), no emergency services
7 provider, entity that employs or otherwise provides access to an
8 emergency services provider, hospital, urgent care center,
9 health care provider at a hospital or urgent care center or
10 police department, police officer or administrative or
11 managerial personnel of a police department shall be subject to
12 civil liability or criminal penalty solely by reason of
13 complying with the provisions of this chapter.

14 § 6509. Duties of department.

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

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

12 Section 7. This act shall take effect in 60 days.