
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 AND BROWNE,
JANUARY 24, 2019

REFERRED TO JUDICIARY, JANUARY 24, 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, 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 is amended to read:

15 § 4306. Newborn protection.

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

1 emergency services provider or otherwise providing access to the
2 emergency services provider pursuant to 23 Pa.C.S. Ch. 65 if the
3 following criteria are met:

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

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

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

14 (1) at a hospital or urgent care center;

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

16 or

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

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

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

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

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

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

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

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

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

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

25 * * *

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

28 § 6315. Taking child into protective custody.

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

1 * * *

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

6 * * *

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

10 § 6502. Definitions.

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

14 * * *

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

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

30 § 6504. Health care providers accepting newborns.

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

4 * * *

5 § 6504.1. Police officers accepting newborns.

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

9 * * *

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

14 * * *

15 Section 6. Sections 6505, 6507 and 6509 of Title 23 are
16 amended to read:

17 § 6505. Reporting acceptance of newborns.

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

1 the term "health care provider" shall include administrative,
2 managerial and security personnel employed by a hospital.]

3 § 6507. Immunity.

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

13 § 6509. Duties of department.

14 The department shall provide educational materials for use by
15 emergency services providers, entities which employ or otherwise
16 provide access to emergency services providers, hospitals,
17 urgent care centers, health care providers, employees at
18 hospitals and police officers regarding this chapter, section
19 6315(a)(3) (relating to taking child into protective custody)
20 and other 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 emergency services
26 providers, entities which employ or otherwise provide access to
27 emergency services providers, health care providers, hospitals,
28 urgent care centers, the Pennsylvania State Police and police
29 departments with an informational pamphlet regarding this
30 chapter, section 6315(a)(3) and other applicable provisions of

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

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