

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 305 Session of 2021

INTRODUCED BY BROOKS, PHILLIPS-HILL, MARTIN, BARTOLOTTA,
J. WARD, TARTAGLIONE AND KANE, MARCH 10, 2021

REFERRED TO JUDICIARY, MARCH 10, 2021

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 definitions
7 and for incubators for newborns, providing for health care
8 providers at urgent care centers accepting newborns and
9 further providing for reporting acceptance of newborns, for
10 immunity and for duties of 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
22 emergency services provider or otherwise providing access to the

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

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

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

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

13 (1) at a hospital;

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

15 [or]

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

19 or

20 (4) at an urgent care center.

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) of Title 23 is amended by adding
28 a paragraph to read:

29 § 6315. Taking child into protective custody.

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

1 custody:

2 * * *

3 (7) By a health care provider at an urgent care center
4 under Chapter 65.

5 * * *

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

9 § 6502. Definitions.

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

13 * * *

14 "Department." The Department of [**Public Welfare**] Human
15 Services of the Commonwealth.

16 * * *

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

26 * * *

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

30 Section 5. Section 6504.3(a) and (b)(4)(i), (v) and (vi) and

1 (5) of Title 23 are amended to read:

2 § 6504.3. Incubators for newborns.

3 (a) Provision optional.--A hospital, police station, urgent
4 care center or [other] entity employing or otherwise providing
5 access to an emergency services provider may provide an
6 incubator for the care of a newborn accepted under this chapter.

7 (b) Regulations.--The Department of Health shall promulgate
8 regulations for providing an incubator under subsection (a). The
9 regulations shall include all of the following:

10 * * *

11 (4) Design and function requirements for an incubator
12 which shall include all of the following:

13 (i) Installation of an incubator at a hospital,
14 police station, urgent care center or [other] entity
15 which employs or otherwise provides access to an
16 emergency services provider.

17 * * *

18 (v) Providing notice to the personnel of a hospital,
19 police station, urgent care center or [other] entity
20 which employs or otherwise provides access to an
21 emergency services provider within 30 seconds of the
22 infant being placed by the parent in the incubator.

23 (vi) Triggering a 911 call if the personnel of a
24 hospital, police station, urgent care center or [other]
25 entity which employs or otherwise provides access to an
26 emergency services provider does not respond within a
27 reasonable amount of time under subparagraph (v).

28 (5) Operating policy, supervision and maintenance
29 requirements for an incubator, including that only an
30 emergency services provider at an entity that employs or

1 otherwise provides access to the emergency services provider,
2 a health care provider at a hospital [or], police officer at
3 a police station or a health care provider at an urgent care
4 center may take an infant into protective custody in
5 accordance with Chapter 63 (relating to child protective
6 services).

7 * * *

8 Section 6. Title 23 is amended by adding a section to read:
9 § 6504.4. Health care providers at urgent care centers
10 accepting newborns.

11 (a) Duties.--A health care provider at an urgent care center
12 shall do all of the following relating to a newborn accepted
13 under this chapter:

14 (1) Take the newborn into protective custody under
15 section 6315(a)(7) (relating to taking child into protective
16 custody).

17 (2) Ensure that the newborn is transported to a hospital
18 and placed into the care of a health care provider under
19 section 6504 (relating to health care providers accepting
20 newborns).

21 (b) Medical history.--When a health care provider at an
22 urgent care center accepts a newborn under this chapter, a
23 parent may provide the health care provider with information
24 about the newborn's medical history and identifying information.

25 (c) Signage.--An urgent care center accepting newborns under
26 this chapter shall ensure the urgent care center's grounds and
27 building display signs that specify the operating hours the
28 urgent care center accepts newborns under section 6315(a)(7) and
29 18 Pa.C.S. § 4306 (relating to newborn protection).

30 Section 7. Sections 6505, 6507 and 6509 of Title 23 are

1 amended to read:

2 § 6505. Reporting acceptance of newborns.

3 A health care provider at a hospital shall in all cases
4 notify the county agency and the local municipal police
5 department or the Pennsylvania State Police where no municipal
6 police jurisdiction exists immediately by telephone regarding a
7 newborn accepted by a hospital under this chapter. A written
8 report shall be submitted to the county agency and local
9 municipal police department or the Pennsylvania State Police
10 within 48 hours after the oral report. This section applies in
11 the case of a hospital accepting a newborn pursuant to sections
12 6504.1(a)(2) (relating to police officers accepting newborns)
13 [and], 6504.2(a)(2) (relating to emergency services providers
14 accepting newborns) and 6504.4(a)(2) (relating to health care
15 providers at urgent care centers accepting newborns). [For
16 purposes of this section, the term "health care provider" shall
17 include administrative, managerial and security personnel
18 employed by a hospital.]

19 § 6507. Immunity.

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

29 § 6509. Duties of department.

30 The department shall provide educational materials for use by

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

27 Section 8. This act shall take effect in 60 days.