

No. 2014-91

AN ACT

HB 1090

Amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protective custody of newborn children in the areas of criminal liability, child protective services and newborn protection.

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

Section 1. Section 4306(a) introductory paragraph and (1) and (b) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:
§ 4306. Newborn protection.

(a) General rule.—A parent of a newborn shall not be criminally liable for any violation of this title solely for leaving a newborn in the care of a hospital *or a police officer at a police station* pursuant to 23 Pa.C.S. Ch. 65 (relating to newborn protection) providing that the following criteria are met:

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

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

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

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

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

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

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

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

§ 6303. Definitions.

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

¹"23 Pa.C.S. § 6303(b)" in enrolled bill.

* * *

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

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

"Police station." *The station or headquarters of a police department or a Pennsylvania State Police station or headquarters.*

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

§ 6315. Taking child into protective custody.

(a) General rule.—A child may be taken into protective custody:

* * *

(5) By a police officer at a police station under Chapter 65.

* * *

Section 4. Section 6316(a.1) of Title 23 is amended to read:

§ 6316. Admission to private and public hospitals.

* * *

(a.1) Newborns.—A newborn taken into protective custody pursuant to section 6315(a)(3) **or (5)** (relating to taking child into protective custody) shall be admitted to, treated and maintained in facilities of public and private hospitals on the basis of medical need and shall not be refused or deprived in any way of proper medical treatment and care. Once a newborn is taken into protective custody pursuant to section 6315(a)(3) **or (5)**, the newborn shall be considered immediately eligible for Medicaid for payment of medical services provided. Until otherwise provided by court order, the county agency shall assume the responsibility for making decisions regarding the newborn's medical care.

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

§ 6502. Definitions.

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

* * *

"Health care provider." A person who is licensed or certified by the laws of this Commonwealth to administer health care in the ordinary course of business or practice of a profession. For purposes of accepting a newborn as provided in section 6504(a)(1) (relating to accepting newborns) and for immunity provided pursuant to section 6507 (relating to immunity **[granted to health care providers and hospitals]**), the term includes administrative, managerial and security personnel and any other person employed by a hospital.

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

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

"Police station." *The station or headquarters of a police department or a Pennsylvania State Police station or headquarters.*

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

§ 6504. **[Accepting] Health care providers accepting newborns.**

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

(1) Take the newborn into protective custody as provided in section 6315(a)(3) (relating to taking child into protective custody) **or 6504.1(a)(2) (relating to police officers accepting newborns).**

* * *

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

Section 7. Title 23 is amended by adding a section to read:

§ 6504.1. **Police officers accepting newborns.**

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

(1) *Take the newborn into protective custody under section 6315(a)(5) (relating to taking child into protective custody).*

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

(b) **Information.**—*When a police officer accepts a newborn pursuant to this chapter, a parent may provide the police officer with information about the newborn's medical history and any identifying information.*

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

§ 6505. Reporting acceptance of newborns.

A health care provider at a hospital shall in all cases notify the county agency and the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists immediately by telephone regarding a newborn accepted by a hospital under this chapter. A written report shall be submitted to the county agency and local municipal police department or the Pennsylvania State Police within 48 hours after the oral report. ***This section applies in the case of a hospital accepting a newborn pursuant to section 6504.1(a)(2) (relating to police officers accepting newborns).*** For purposes of this section, the term "health care provider" shall include administrative, managerial and security personnel employed by a hospital.

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

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

§ 6509. Duties of department.

The department shall provide educational materials for use by hospitals, health care providers **[and]**, employees at hospitals **and police officers** regarding this chapter, section 6315(a)(3) (relating to taking child into protective custody) and other applicable provisions of Chapter 63 (relating to child protective services) that relate to newborn protection. The department shall promulgate such regulations as may be necessary to implement this chapter, section 6315(a)(3) and other applicable provisions of Chapter 63 that relate to newborn protection. The department shall also provide health care providers **[and]**, hospitals, **the Pennsylvania State Police and police departments** with an informational pamphlet regarding this chapter, section 6315(a)(3) and other applicable provisions of Chapter 63 that relate to newborn protection which may be distributed to the public. In addition, the department shall comply with the provisions regarding infant abandonment in sections 6365 (relating to services for prevention, investigation and treatment of child abuse) and 6383 (relating to education and training). A report shall be made annually to the General Assembly on the number and disposition of newborns accepted in accordance with this chapter, section 6315(a)(3) and **(5) and** other applicable provisions of Chapter 63 that relate to newborn protection.

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

APPROVED—The 2nd day of July, A.D. 2014

TOM CORBETT