

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 267 Session of 2023

INTRODUCED BY BROOKS, DUSH, DILLON, BARTOLOTTA, PHILLIPS-HILL, KANE, TARTAGLIONE, MARTIN, COSTA AND ROBINSON, JANUARY 31, 2023

REFERRED TO JUDICIARY, JANUARY 31, 2023

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

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;

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 or

21 (4) at an urgent care center.

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

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

27 "Emergency services provider." An emergency medical  
28 responder, emergency medical technician, advanced emergency  
29 medical technician or a paramedic as defined in 35 Pa.C.S. §  
30 8103 (relating to definitions).

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

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

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

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

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

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

19 § 6303. Definitions.

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

23 \* \* \*

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

27 \* \* \*

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

30 § 6315. Taking child into protective custody.

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

3 \* \* \*

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

6 \* \* \*

7 Section 4. The definitions of "department" and "health care  
8 provider" in section 6502 of Title 23 are amended and the  
9 section is amended 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 "Department." The Department of [**Public Welfare**] Human  
16 Services of the Commonwealth.

17 \* \* \*

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

27 \* \* \*

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

1 Section 5. Section 6504.3(a) and (b)(4)(i), (v) and (vi) and  
2 (5) of Title 23 are amended to read:

3 § 6504.3. Incubators for newborns.

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

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

11 \* \* \*

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

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

18 \* \* \*

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

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

29 (5) Operating policy, supervision and maintenance  
30 requirements for an incubator, including that only an

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

8 \* \* \*

9 Section 6. Title 23 is amended by adding a section to read:

10 § 6504.4. Health care providers at urgent care centers  
11 accepting newborns.

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

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

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

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

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

1 protection).

2 Section 7. Sections 6505, 6507 and 6509 of Title 23 are  
3 amended to read:

4 § 6505. Reporting acceptance of newborns.

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

21 § 6507. Immunity.

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

1 § 6509. Duties of department.

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

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