



## SENATE OF PENNSYLVANIA BILL SUMMARY

### House Bill 1139 Printer's No. 1986

Prime Sponsor: Representative Topper  
Committee: Judiciary

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#### **SYNOPSIS:**

Amends Title 18 (Crimes and Offenses) and Title 23 (Domestic Relations) to expand the options for a parent of a newborn child to turn over the care of that child to authorities.

#### **SUMMARY:**

##### *Newborn Protection*

Provides immunity from criminal liability for a parent leaving a newborn in the care of an emergency services provider, as long as the parent expresses the intent for the emergency services provider to accept the newborn and the newborn is not the victim of child abuse.

Provides immunity from criminal liability for a parent leaving a newborn in an incubator if the child is not the victim of child abuse or other criminal conduct and the incubator is located at a hospital, police station, or on the grounds of an emergency services provider.

##### *Emergency Services Providers*

Amends Title 23 to require emergency services providers who accept newborn children to take the child into protective custody as specified under Section 6315 (a)(6) and ensure that the child is transported to a hospital and placed in the care of a health care provider.

##### *Incubators*

Permits hospitals, police stations, or other facilities providing emergency medical services to implement an incubator for the care of newborn children.

Requires the Department of Health to promulgate regulations governing incubators that address:

- Sanitation standards
- Procedures to provide emergency care for a child placed in an incubator
- Manufacturing standards and requirements for installation of the incubator
- Methods to allow for a parent to place the infant in the incubator anonymously
- Requirements for locking the incubator after the infant is placed inside to prevent access to the infant by third parties
- Providing for a controlled environment for the care of the child and for notification to emergency services personnel within 30 seconds after placement of the child
- Policies governing the operation, supervision, and maintenance of the incubator
- Registration with the Department of Health to be an installer of incubators

- Installation of signs near an incubator to explain how to use the incubator

#### *Immunity*

Provides immunity from civil or criminal liability to emergency services providers who comply with this legislation.

#### *Definitions*

“Emergency services provider” is defined in the bill as an emergency medical responder, emergency medical technician, advanced emergency medical technician, or a paramedic as defined 35 Pa.C.S. § 8103.

#### **COMMENT:**

Current law authorizes health care providers at a hospital and police officers at a police station to take a newborn child into protective custody. Police officers must ensure that the child is transported to a hospital. The hospital personnel must perform a medical evaluation and notify the county Children & Youth agency that a child has been accepted.

#### **EFFECTIVE DATE:**

Provisions regarding duties of the Department of Health are effective immediately.

Provisions regarding incubators are effective 120 days after the publication in the Pennsylvania Bulletin of final regulations.

The remainder of the bill is effective in 60 days.

#### **BILL HISTORY:**

Passed the House of Representatives unanimously on June 20, 2017.

Prepared by: Cawley 9/29/2017