

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 9, 2024

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, FOR DUTY OF HOSPITAL 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 HEALTH CARE PROVIDER AT AN URGENT CARE CENTER UNDER 23 <--

20 PA.C.S. CH. 65 (RELATING TO NEWBORN PROTECTION), a police

1 officer at a police station pursuant to 23 Pa.C.S. Ch. 65  
2 [(relating to newborn protection)] or an emergency services <--  
3 provider on the grounds of an entity employing the emergency  
4 services provider or otherwise providing access to the emergency  
5 services provider pursuant to 23 Pa.C.S. Ch. 65 if the following  
6 criteria are met:

7 (1) The parent expresses, either orally or through  
8 conduct, the intent to have the hospital, THE HEALTH CARE <--  
9 PROVIDER AT THE urgent care center, police officer or  
10 emergency services provider accept the newborn pursuant to 23  
11 Pa.C.S. Ch. 65.

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

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

18 (1) at a hospital;

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

20 [or]

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

25 (4) at an urgent care center.

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

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

1 "Emergency services provider." An emergency medical  
2 responder, emergency medical technician, advanced emergency  
3 medical technician or a paramedic as defined in 35 Pa.C.S. §  
4 8103 (relating to definitions).

5 "HEALTH CARE PROVIDER." AS DEFINED IN 23 PA.C.S. § 6502 <--  
6 (RELATING TO DEFINITIONS).

7 "Newborn." As defined in 23 Pa.C.S. § 6502 [(relating to <--  
8 definitions)]. <--

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

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

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

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

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

25 § 6303. Definitions.

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

29 \* \* \*

30 "Urgent care center." As defined in section 2 of the act of

1 November 2, 2016 (P.L.976, No.122), known as the Safe Emergency  
2 Prescribing Act.

3 \* \* \*

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

6 § 6315. Taking child into protective custody.

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

9 \* \* \*

10 (7) By a health care provider AS DEFINED IN SECTION 6502 <--  
11 (RELATING TO DEFINITIONS) at an urgent care center under  
12 Chapter 65.

13 \* \* \*

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

17 § 6502. Definitions.

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

21 \* \* \*

22 "Department." The Department of [Public Welfare] Human  
23 Services of the Commonwealth.

24 \* \* \*

25 "Health care provider." A person who is licensed or  
26 certified by the laws of this Commonwealth to administer health  
27 care in the ordinary course of business or practice of a  
28 profession. For purposes of accepting a newborn as provided in  
29 section 6504(a)(1) (relating to accepting newborns) and for  
30 immunity provided pursuant to section 6507 (relating to

1 immunity), the term includes administrative, managerial and  
2 security personnel and any other person employed by a hospital  
3 or urgent care center.

4 \* \* \*

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

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

10 § 6504.3. Incubators for newborns.

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

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

18 \* \* \*

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

21 (i) Installation of an incubator at a hospital,  
22 police station, urgent care center or [other] entity  
23 which employs or otherwise provides access to an  
24 emergency services provider.

25 \* \* \*

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

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

6 (5) Operating policy, supervision and maintenance  
7 requirements for an incubator, including that only an  
8 emergency services provider at an entity that employs or  
9 otherwise provides access to the emergency services provider,  
10 a health care provider at a hospital [or], police officer at  
11 a police station or a health care provider at an urgent care  
12 center may take an infant into protective custody in  
13 accordance with Chapter 63 (relating to child protective  
14 services).

15 \* \* \*

16 Section 6. Title 23 is amended by adding a section to read:  
17 § 6504.4. Health care providers at urgent care centers  
18 accepting newborns.

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

22 (1) Take the newborn into protective custody under  
23 section 6315(a)(7) (relating to taking child into protective  
24 custody).

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

29 (b) Medical history.--When a health care provider at an  
30 urgent care center accepts a newborn under this chapter, a

1 parent may provide the health care provider with information  
2 about the newborn's medical history and identifying information.

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

9 Section 7. Sections 6505, 6507, 6508 and 6509 of Title 23 <--  
10 are amended to read:

11 § 6505. Reporting acceptance of newborns.

12 A health care provider at a hospital shall in all cases  
13 notify the county agency and the local municipal police  
14 department or the Pennsylvania State Police where no municipal  
15 police jurisdiction exists immediately by telephone regarding a  
16 newborn accepted by a hospital under this chapter. A written  
17 report shall be submitted to the county agency and local  
18 municipal police department or the Pennsylvania State Police  
19 within 48 hours after the oral report. This section applies in  
20 the case of a hospital accepting a newborn pursuant to sections  
21 6504.1(a)(2) (relating to police officers accepting newborns)  
22 [and], 6504.2(a)(2) (relating to emergency services providers  
23 accepting newborns) and 6504.4(a)(2) (relating to health care  
24 providers at urgent care centers accepting newborns). [For  
25 purposes of this section, the term "health care provider" shall  
26 include administrative, managerial and security personnel  
27 employed by a hospital.]

28 § 6507. Immunity.

29 Except for a violation of section 6506 (relating to failure  
30 to report acceptance of newborns), no emergency services

1 provider, entity that employs or otherwise provides access to an  
2 emergency services provider, hospital, urgent care center,  
3 health care provider at a hospital or urgent care center or  
4 police department, police officer or administrative or  
5 managerial personnel of a police department shall be subject to  
6 civil liability or criminal penalty solely by reason of  
7 complying with the provisions of this chapter.

8 § 6508. DUTY OF [HOSPITAL] HOSPITALS AND URGENT CARE CENTERS. <--

9 [A HOSPITAL SHALL INSURE] EACH HOSPITAL AND URGENT CARE  
10 CENTER SHALL ENSURE THAT ITS OFFICERS, HEALTH CARE PROVIDERS AND  
11 EMPLOYEES ARE FAMILIAR WITH THE PROVISIONS OF THIS CHAPTER,  
12 SECTION [6315(A) (3)] 6315(A) (RELATING TO TAKING CHILD INTO  
13 PROTECTIVE CUSTODY) AND OTHER APPLICABLE PROVISIONS OF CHAPTER  
14 63 (RELATING TO CHILD PROTECTIVE SERVICES) THAT RELATE TO  
15 NEWBORN PROTECTION AND SHALL INSURE THAT THE APPROPRIATE  
16 OFFICERS, HEALTH CARE PROVIDERS AND EMPLOYEES, AS THE CASE MAY  
17 BE, RECEIVE EDUCATIONAL MATERIALS PROVIDED BY THE DEPARTMENT AS  
18 ESTABLISHED UNDER SECTION 6509 (RELATING TO DUTIES OF  
19 DEPARTMENT). INFORMATION CONCERNING THIS CHAPTER, SECTION  
20 [6315(A) (3)] 6315(A) AND OTHER APPLICABLE PROVISIONS OF CHAPTER  
21 63 THAT RELATE TO NEWBORN PROTECTION AND REGULATIONS ADOPTED BY  
22 THE DEPARTMENT SHALL BE MADE PART OF THE TRAINING AT EACH  
23 HOSPITAL[. EACH HOSPITAL] AND URGENT CARE CENTER. EACH HOSPITAL  
24 AND URGENT CARE CENTER SHALL ADOPT A WRITTEN POLICY IN  
25 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, SECTION [6315(A)  
26 (3)] 6315(A) AND OTHER APPLICABLE PROVISIONS OF CHAPTER 63 THAT  
27 RELATE TO NEWBORN PROTECTION.

28 § 6509. Duties of department.

29 The department shall provide educational materials for use by  
30 emergency services providers, entities which employ or otherwise



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

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