HOUSE BILL NO. 169  
(As Sent to Governor)

AN ACT TO REQUIRE AN EMERGENCY MEDICAL SERVICES PROVIDER TO  
TAKE POSSESSION OF CERTAIN ABANDONED CHILDREN; TO REQUIRE THE  
EMERGENCY MEDICAL SERVICES PROVIDER TO NOTIFY THE DEPARTMENT OF  
HUMAN SERVICES THAT THE PROVIDER HAS TAKEN POSSESSION OF THE  
CHILD; TO PROVIDE FOR AN AFFIRMATIVE DEFENSE TO THE CRIME OF  
ABANDONMENT OF A CHILD; TO PROVIDE FOR THE PAYMENT OF CERTAIN  
MEDICAL EXPENSES; AND TO PROVIDE FOR IMMUNITY OF LIABILITY; AND  
FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1.  (1) An emergency medical services provider,  
without a court order, shall take possession of a child who is  
seventy-two (72) hours old or younger if the child is voluntarily  
delivered to the provider by the child's parent and the parent did  
not express an intent to return for the child.

(2) An emergency medical services provider who takes  
possession of a child under this section shall perform any act  
necessary to protect the physical health or safety of the child.

SECTION 2.  (1) No later than the close of the first  
business day after the date on which an emergency medical services  
provider takes possession of a child pursuant to Section 1 of this  
act, the provider shall notify the Department of Human Services  
that the provider has taken possession of the child.

(2) The department shall assume the care, control and  
custody of the child immediately on receipt of notice pursuant to  
subsection (1). The department shall be responsible for all  
medical and other costs associated with the child and shall  
reimburse the hospital for any costs incurred prior to the child  
being placed in the care of the department.
SECTION 3. It shall be an absolute affirmative defense to
prosecution under Sections 97-5-1, 97-5-3 and 97-5-9 if the parent
voluntarily delivers the child unharmed to an emergency medical
services provider pursuant to Section 1 of this act.

SECTION 4. For the purposes of this act, an emergency
medical services provider shall mean a licensed hospital, as
defined in Section 41-9-3, which operates an emergency department
or an adoption agency duly licensed by the Department of Human
Services. An emergency medical services provider does not include
the offices, clinics, surgeries or treatment facilities of private
physicians or dentists. No individual licensed healthcare
provider, including physicians, dentists, nurses, physician
assistants or other health professionals shall be deemed to be an
emergency medical services provider under this act unless such
individual voluntarily assumes responsibility for the custody of
the child.

SECTION 5. A person or entity taking possession of a child
under the provisions of this act shall be immune from liability
for any civil action arising out of any act or omission resulting
from taking possession of the child unless the act or omission was
the result of the person's or entity's gross negligence or willful
misconduct.

SECTION 6. This act shall take effect and be in force from
and after July 1, 2001.