

Adopted
AMENDMENT NO 1 TO AMENDMENT NO 2 PROPOSED TO

Senate Bill No. 2835

BY: Representative Wilkes

1 **AMEND** after line 188 by inserting the following new sections
2 and renumbering any succeeding section:

3 **SECTION 7.** Section 43-15-201, Mississippi Code of 1972, is
4 amended as follows:

5 43-15-201. (1) An emergency medical services provider,
6 without a court order, shall take possession of a child who
7 is * * * seven (7) days old or younger if the child is voluntarily
8 delivered to the provider by the child's parent and the parent did
9 not express an intent to return for the child.

10 (2) The parent who surrenders the baby shall not be required
11 to provide any information pertaining to his or her identity, nor
12 shall the emergency medical services provider inquire as to same.
13 If the identity of the parent is known to the emergency medical



14 services provider, the emergency medical services provider shall
15 keep the identity confidential.

16 (3) A female presenting herself to a hospital through the
17 emergency room or otherwise, who is subsequently admitted for
18 purposes of labor and delivery, does not give up the legal
19 protections or anonymity guaranteed under this section. If the
20 mother clearly expresses a desire to voluntarily surrender custody
21 of the newborn after birth, the emergency medical services
22 provider can take possession of the child, without further action
23 by the mother, as if the child had been presented to the emergency
24 medical services provider in the same manner outlined above in
25 subsection (1) of this section.

26 (a) If the mother expresses a desire to remain
27 anonymous, identifying information may be obtained for purposes of
28 securing payment of labor and delivery costs only. If the birth
29 mother is a minor, the hospital may use the identifying
30 information to secure payment through Medicaid, but shall not
31 notify the minor's parent or guardian without the minor's consent.

32 (b) The identity of the birth mother shall not be
33 placed on the birth certificate or disclosed to the Department of
34 Human Services.

35 (4) There is a presumption that by relinquishing a child in
36 accordance with this section, the parent consents to the
37 termination of his or her parental rights with respect to the



child. As such, the parent waives the right to notification required by subsequent court proceedings.

(5) 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 8. Section 43-15-207, Mississippi Code of 1972, is amended as follows:

43-15-207. For the purposes of this article, an emergency medical services provider shall mean a licensed hospital, as defined in Section 41-9-3, which operates an emergency department * * *, an adoption agency duly licensed by the Department of Human Services, or fire station or mobile ambulance staffed with full-time firefighters, emergency medical technicians or paramedics. 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 article unless such individual voluntarily assumes responsibility for the custody of the child.

AMEND title to conform.

