

By: Representatives Hobgood-Wilkes,
Crawford, Ladner, McLean, Owen, Shanks,
Tullos

To: Public Health and Human
Services

HOUSE BILL NO. 1390

1 AN ACT TO AMEND SECTION 43-15-201, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE "BABY DROP-OFF LAW" BY CHANGING THE AGE OF A CHILD
3 WHO MAY BE DROPPED OFF IN AN EMERGENCY SITUATION; TO AMEND SECTION
4 43-15-207, MISSISSIPPI CODE OF 1972, TO ADD LOCATIONS FOR SUCH
5 DROP OFF; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-15-201, Mississippi Code of 1972, is
8 amended as follows:

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

14 (2) The parent who surrenders the baby shall not be required
15 to provide any information pertaining to his or her identity, nor
16 shall the emergency medical services provider inquire as to same.
17 If the identity of the parent is known to the emergency medical
18 services provider, the emergency medical services provider shall
19 keep the identity confidential.



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

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

36 (b) The identity of the birth mother shall not be
37 placed on the birth certificate or disclosed to the Department of
38 Human Services.

39 (4) There is a presumption that by relinquishing a child in
40 accordance with this section, the parent consents to the
41 termination of his or her parental rights with respect to the
42 child. As such, the parent waives the right to notification
43 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 2. 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, fire station, mobile ambulance staffed with full-time firefighters, emergency medical technician or paramedic. 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.

SECTION 3. This act shall take effect and be in force from and after July 1, 2020.

