

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 96

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** Section 43-15-201, Mississippi Code of 1972, is
6 amended as follows:
7 43-15-201. (1) An emergency medical services provider,
8 without a court order, shall take possession of a child who
9 is * * * seven (7) days old or younger if the child is voluntarily
10 delivered to the provider by the child's parent and the parent did
11 not express an intent to return for the child.
12 (2) The parent who surrenders the baby shall not be required
13 to provide any information pertaining to his or her identity, nor
14 shall the emergency medical services provider inquire as to same.



15 If the identity of the parent is known to the emergency medical
16 services provider, the emergency medical services provider shall
17 keep the identity confidential.

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

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

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

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



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

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

45 **SECTION 2.** Section 43-15-207, Mississippi Code of 1972, is
46 amended as follows:

47 43-15-207. For the purposes of this article, an emergency
48 medical services provider shall mean a licensed hospital, as
49 defined in Section 41-9-3, which operates an emergency
50 department * * *, an adoption agency duly licensed by the
51 Department of Human Services, or fire station or mobile ambulance
52 staffed with full-time firefighters, emergency medical technicians
53 or paramedics. An emergency medical services provider does not
54 include the offices, clinics, surgeries or treatment facilities of
55 private physicians or dentists. No individual licensed healthcare
56 provider, including physicians, dentists, nurses, physician
57 assistants or other health professionals shall be deemed to be an
58 emergency medical services provider under this article unless such
59 individual voluntarily assumes responsibility for the custody of
60 the child.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



1 AN ACT TO AMEND SECTIONS 43-15-201 AND 43-15-207, MISSISSIPPI
2 CODE OF 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE BABY
3 DROP-OFF LAW; AND FOR RELATED PURPOSES.

