

By: Representatives Sanford, Hopkins

To: Judiciary B

HOUSE BILL NO. 244

1 AN ACT TO AMEND SECTION 43-15-201, MISSISSIPPI CODE OF 1972,  
 2 TO INCREASE THE AGE OF A BABY THAT MAY BE "DROPPED OFF" TO A  
 3 MEDICAL PROVIDER WITHOUT LIABILITY; TO AUTHORIZE A PERSON WHO IS  
 4 DESIGNATED BY THE BABY'S PARENT TO DROP OFF THE BABY TO RECEIVE  
 5 THE SAME IMMUNITY THAT A PARENT WHO DROPS OFF A BABY; TO AMEND  
 6 SECTIONS 43-15-205 AND 43-15-207, MISSISSIPPI CODE OF 1972, TO  
 7 EXPAND IMMUNITY TO THE PERSON WHO IS DESIGNATED BY THE PARENT TO  
 8 DROP OFF A BABY; TO BRING FORWARD SECTION 43-15-209, MISSISSIPPI  
 9 CODE OF 1972, WHICH PROVIDES IMMUNITY FROM CIVIL ACTION, FOR  
 10 PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION 43-15-203,  
 11 MISSISSIPPI CODE OF 1972, WHICH DESCRIBE THE REQUIRED PROCEDURES  
 12 THAT MUST BE FOLLOWED BY A MEDICAL PROVIDER THAT RECEIVES A BABY  
 13 WHO IS DROPPED OFF, FOR PURPOSES OF AMENDMENT; AND FOR RELATED  
 14 PURPOSES.

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

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

18 43-15-201. (1) An emergency medical services provider,  
 19 without a court order, shall take possession of a child who  
 20 is \* \* \* thirty (30) days old or younger if the child is  
 21 voluntarily delivered to the provider by the child's parent, or a  
 22 person designated by the parent, and the parent did not express an  
 23 intent to return for the child or a person designated by the



24 parent indicated that the parent has no intent to return for the  
25 child.

26 (2) The parent or a person designated by the parent who  
27 surrenders the baby shall not be required to provide any  
28 information pertaining to his or her identity, nor shall the  
29 emergency medical services provider inquire as to same. If the  
30 identity of the parent or a person designated by the parent is  
31 known to the emergency medical services provider, the emergency  
32 medical services provider shall keep the identity confidential.

33 (3) A female presenting herself to a hospital through the  
34 emergency room or otherwise, who is subsequently admitted for  
35 purposes of labor and delivery, does not give up the legal  
36 protections or anonymity guaranteed under this section. If the  
37 mother clearly expresses a desire to voluntarily surrender custody  
38 of the newborn after birth, the emergency medical services  
39 provider can take possession of the child, without further action  
40 by the mother, as if the child had been presented to the emergency  
41 medical services provider in the same manner outlined above in  
42 subsection (1) of this section.

43 (a) If the mother expresses a desire to remain  
44 anonymous, identifying information may be obtained for purposes of  
45 securing payment of labor and delivery costs only. If the birth  
46 mother is a minor, the hospital may use the identifying  
47 information to secure payment through Medicaid, but shall not  
48 notify the minor's parent or guardian without the minor's consent.



49 (b) The identity of the birth mother shall not be  
50 placed on the birth certificate or disclosed to the Department of  
51 Human Services.

52 (4) There is a presumption that by relinquishing a child in  
53 accordance with this section, the parent consents to the  
54 termination of his or her parental rights with respect to the  
55 child. As such, the parent waives the right to notification  
56 required by subsequent court proceedings.

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

60 **SECTION 2.** Section 43-15-205, Mississippi Code of 1972, is  
61 amended as follows:

62 43-15-205. It shall be an absolute affirmative defense to  
63 prosecution under Sections 97-5-1, 97-5-3 and 97-5-39 if the  
64 parent or a person designated by the parent voluntarily delivers  
65 the child unharmed to an emergency medical services provider  
66 pursuant to Section 43-15-201.

67 **SECTION 3.** Section 43-15-207, Mississippi Code of 1972, is  
68 amended as follows:

69 43-15-207. For the purposes of this article, an emergency  
70 medical services provider shall mean a licensed hospital, as  
71 defined in Section 41-9-3, which operates an emergency department,  
72 an adoption agency duly licensed by the Department of Human  
73 Services, or fire station or mobile ambulance staffed with



74 full-time firefighters, emergency medical technicians or  
75 paramedics, or the offices, clinics, surgeries or treatment  
76 facilities of private physicians. An emergency medical services  
77 provider does not include the offices, clinics, surgeries or  
78 treatment facilities of \* \* \* dentists. \* \* \*

79 **SECTION 4.** Section 43-15-209, Mississippi Code of 1972, is  
80 brought forward as follows:

81 43-15-209. A person or entity taking possession of a child  
82 under the provisions of this article shall be immune from  
83 liability for any civil action arising out of any act or omission  
84 resulting from taking possession of the child unless the act or  
85 omission was the result of the person's or entity's gross  
86 negligence or willful misconduct.

87 **SECTION 5.** Section 43-15-203, Mississippi Code of 1972, is  
88 brought forward as follows:

89 43-15-203. (1) No later than the close of the first  
90 business day after the date on which an emergency medical services  
91 provider takes possession of a child pursuant to Section  
92 43-15-201, the provider shall notify the Department of Human  
93 Services that the provider has taken possession of the child.

94 (2) The department shall assume the care, control and  
95 custody of the child immediately on receipt of notice pursuant to  
96 subsection (1). The department shall be responsible for all  
97 medical and other costs associated with the child and shall



98 reimburse the hospital for any costs incurred prior to the child  
99 being placed in the care of the department.

100           **SECTION 6.** This act shall take effect and be in force from  
101 and after July 1, 2023.

