

By: Representatives Carpenter, Brown (20th), To: Judiciary A
Hopkins, Williamson

HOUSE BILL NO. 634

1 AN ACT TO AMEND SECTION 43-15-201, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AGE OF A CHILD WHO MAY BE DROPPED OFF; TO PROVIDE
3 THAT SOMEONE DESIGNATED BY A PARENT MAY DROP-OFF A CHILD; TO AMEND
4 SECTION 43-15-203, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
5 PRECEDING SECTION; TO AMEND SECTION 43-15-205, MISSISSIPPI CODE OF
6 1972, TO CLARIFY THAT A PARENT MAY DESIGNATE ANOTHER PERSON TO
7 DROP-OFF A CHILD; TO AMEND SECTION 43-15-207, MISSISSIPPI CODE OF
8 1972, TO ADD "BABY BOX" TO THE DEFINITION OF AUTHORIZED LOCATIONS
9 TO DROP-OFF A CHILD; TO AMEND SECTION 43-15-209, MISSISSIPPI CODE
10 OF 1972, TO PROVIDE THAT A PERSON DESIGNATED BY A PARENT TO
11 DROP-OFF A CHILD SHALL BE PROVIDED IMMUNITY; AND FOR RELATED
12 PURPOSES.

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

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

16 43-15-201. (1) An emergency medical services provider,
17 without a court order, shall take possession of a child who
18 is * * * voluntarily delivered to the provider by the child's
19 parent or any person designated by the parent-and the parent or
20 such person did not express an intent to return for the child.

21 (2) The parent or such person who surrenders the * * * child
22 shall not be required to provide any information pertaining to his
23 or her identity, nor shall the emergency medical services provider



24 inquire as to same. If the identity of the parent or such person
25 is known to the emergency medical services provider, the emergency
26 medical services provider shall keep the identity confidential.

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

37 (a) If the mother expresses a desire to remain
38 anonymous, identifying information may be obtained for purposes of
39 securing payment of labor and delivery costs only. If the birth
40 mother is a minor, the hospital may use the identifying
41 information to secure payment through Medicaid, but shall not
42 notify the minor's parent or guardian without the minor's consent.

43 (b) The identity of the birth mother shall not be
44 placed on the birth certificate or disclosed to the Department of
45 Human Services.

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



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

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

54 **SECTION 2.** Section 43-15-203, Mississippi Code of 1972, is
55 amended as follows:

56 43-15-203. (1) No later than the close of the first
57 business day after the date on which an emergency medical services
58 provider takes possession of a child pursuant to Section
59 43-15-201, the provider shall notify the Department of Human
60 Services that the provider has taken possession of the child.

61 (2) The department shall assume the care, control and
62 custody of the child immediately on receipt of notice provided
63 pursuant to subsection (1). The department shall be responsible
64 for all medical and other costs associated with the child and
65 shall reimburse the hospital for any costs incurred prior to the
66 child being placed in the care of the department.

67 **SECTION 3.** Section 43-15-205, Mississippi Code of 1972, is
68 amended as follows:

69 43-15-205. It shall be an absolute affirmative defense to
70 prosecution under Sections 97-5-1, 97-5-3 and 97-5-39 if the
71 parent or a person designated by the parent voluntarily delivers
72 the child unharmed to an emergency medical services provider
73 pursuant to Section 43-15-201.



74 **SECTION 4.** Section 43-15-207, Mississippi Code of 1972, is
75 amended as follows:

76 43-15-207. For the purposes of this article, an emergency
77 medical services provider shall mean a licensed hospital, as
78 defined in Section 41-9-3, which operates an emergency department,
79 an adoption agency duly licensed by the Department of Human
80 Services, or fire station or mobile ambulance staffed with
81 full-time firefighters, emergency medical technicians * * *,
82 paramedics or a secure "baby box" with specialty sensors sponsored
83 and approved by an emergency medical services provider described
84 in this section. An emergency medical services provider does not
85 include the offices, clinics, surgeries or treatment facilities of
86 private physicians or dentists. No individual licensed healthcare
87 provider, including physicians, dentists, nurses, physician
88 assistants or other health professionals shall be deemed to be an
89 emergency medical services provider under this article unless such
90 individual voluntarily assumes responsibility for the custody of
91 the child.

92 **SECTION 5.** Section 43-15-209, Mississippi Code of 1972, is
93 amended as follows:

94 43-15-209. A person or entity taking possession of a child
95 under the provisions of this article or leaving a child under the
96 provisions of this article shall be immune from liability for any
97 civil action arising out of any act or omission resulting from
98 taking possession of the child unless the act or omission was the



99 result of the person's or entity's gross negligence or willful
100 misconduct.

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

