

By: Representatives Taylor, Robinson (84th),
 Bailey, Banks, Barnett (92nd), Brown,
 Cameron, Clark, Clarke, Coleman (65th),
 Davis, Eads, Eaton, Espy, Fillingane,
 Fleming, Fredericks, Guice, Harrison, Hines,
 Holland, Holloway, Hudson, Ishee, Jennings, Livingston, Malone,
 Martinson, Masterson, Mayo, McBride, Moak, Montgomery (15th), Moore
 (100th), Morris, Myers, Peranich, Pierce, Read, Rushing, Ryals, Scott
 (17th), Scott (80th), Smith (27th), Stevens, Straughter, Thomas, Wells-
 Smith, West, Whittington

To: Judiciary B; Public
 Health and Welfare

HOUSE BILL NO. 169
 (As Sent to Governor)

1 AN ACT TO REQUIRE AN EMERGENCY MEDICAL SERVICES PROVIDER TO
 2 TAKE POSSESSION OF CERTAIN ABANDONED CHILDREN; TO REQUIRE THE
 3 EMERGENCY MEDICAL SERVICES PROVIDER TO NOTIFY THE DEPARTMENT OF
 4 HUMAN SERVICES THAT THE PROVIDER HAS TAKEN POSSESSION OF THE
 5 CHILD; TO PROVIDE FOR AN AFFIRMATIVE DEFENSE TO THE CRIME OF
 6 ABANDONMENT OF A CHILD; TO PROVIDE FOR THE PAYMENT OF CERTAIN
 7 MEDICAL EXPENSES; AND TO PROVIDE FOR IMMUNITY OF LIABILITY; AND
 8 FOR RELATED PURPOSES.

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

10 SECTION 1. (1) An emergency medical services provider,
 11 without a court order, shall take possession of a child who is
 12 seventy-two (72) hours old or younger if the child is voluntarily
 13 delivered to the provider by the child's parent and the parent did
 14 not express an intent to return for the child.

15 (2) An emergency medical services provider who takes
 16 possession of a child under this section shall perform any act
 17 necessary to protect the physical health or safety of the child.

18 SECTION 2. (1) No later than the close of the first
 19 business day after the date on which an emergency medical services
 20 provider takes possession of a child pursuant to Section 1 of this
 21 act, the provider shall notify the Department of Human Services
 22 that the provider has taken possession of the child.

23 (2) The department shall assume the care, control and
 24 custody of the child immediately on receipt of notice pursuant to
 25 subsection (1). The department shall be responsible for all
 26 medical and other costs associated with the child and shall
 27 reimburse the hospital for any costs incurred prior to the child
 28 being placed in the care of the department.

29 SECTION 3. It shall be an absolute affirmative defense to
30 prosecution under Sections 97-5-1, 97-5-3 and 97-5-9 if the parent
31 voluntarily delivers the child unharmed to an emergency medical
32 services provider pursuant to Section 1 of this act.

33 SECTION 4. For the purposes of this act, an emergency
34 medical services provider shall mean a licensed hospital, as
35 defined in Section 41-9-3, which operates an emergency department
36 or an adoption agency duly licensed by the Department of Human
37 Services. An emergency medical services provider does not include
38 the offices, clinics, surgeries or treatment facilities of private
39 physicians or dentists. No individual licensed healthcare
40 provider, including physicians, dentists, nurses, physician
41 assistants or other health professionals shall be deemed to be an
42 emergency medical services provider under this act unless such
43 individual voluntarily assumes responsibility for the custody of
44 the child.

45 SECTION 5. A person or entity taking possession of a child
46 under the provisions of this act shall be immune from liability
47 for any civil action arising out of any act or omission resulting
48 from taking possession of the child unless the act or omission was
49 the result of the person's or entity's gross negligence or willful
50 misconduct.

51 SECTION 6. This act shall take effect and be in force from
52 and after July 1, 2001.