

By: Senator(s) Williamson, Dawkins

To: Judiciary

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2311

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 to an emergency medical services  
32 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) a licensed hospital, as  
35 defined in Section 41-9-3, which operates an emergency department;  
36 (b) a fire department, or its personnel; (c) a police department,  
37 or its personnel; (d) a sheriff's department, or its personnel; or  
38 (e) an adoption agency duly licensed by the Department of Human  
39 Services. An emergency medical services provider does not include  
40 the offices, clinics, surgeries or treatment facilities of private  
41 physicians or dentists. No individual licensed healthcare  
42 provider, including physicians, dentists, nurses, physician  
43 assistants or other health professionals shall be deemed to be an  
44 emergency medical services provider under this act unless such  
45 individual voluntarily assumes responsibility for the custody of  
46 the child.

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

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

