

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5318

Chapter 290, Laws of 2009
(partial veto)
61st Legislature
2009 Regular Session

TRANSFER OF NEWBORN CHILDREN--LOCATIONS

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 20, 2009
YEAS 40 NAYS 7

BRAD OWEN

President of the Senate

Passed by the House April 7, 2009
YEAS 93 NAYS 5

FRANK CHOPP

Speaker of the House of Representatives

Approved April 30, 2009, 10:44 a.m.,
with the exception of Section 2 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5318** as passed by the Senate
and the House of Representatives
on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 1, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5318

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Kauffman, Kohl-Welles, Keiser, Jarrett, and Franklin)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to adding additional appropriate locations for the
2 transfer of newborn children; amending RCW 13.34.360; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.34.360 and 2002 c 331 s 2 are each amended to read
6 as follows:

7 (1) For purposes of this section:

8 (a) "Appropriate location" means (i) the emergency department of a
9 hospital licensed under chapter 70.41 RCW during the hours the hospital
10 is in operation; ~~((or))~~ (ii) a fire station during its hours of
11 operation and while fire personnel are present; or (iii) a federally
12 designated rural health clinic during its hours of operation.

13 (b) "Newborn" means a live human being who is less than seventy-two
14 hours old.

15 (c) "Qualified person" means (i) any person that the parent
16 transferring the newborn reasonably believes is a bona fide employee,
17 volunteer, or medical staff member of the hospital or federally
18 designated rural health clinic and who represents to the parent
19 transferring the newborn that he or she can and will summon appropriate

1 resources to meet the newborn's immediate needs; or (ii) a firefighter,
2 volunteer, or emergency medical technician at a fire station who
3 represents to the parent transferring the newborn that he or she can
4 and will summon appropriate resources to meet the newborn's immediate
5 needs.

6 (2) A parent of a newborn who transfers the newborn to a qualified
7 person at an appropriate location is not subject to criminal liability
8 under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

9 (3)(a) The qualified person at an appropriate location shall not
10 require the parent transferring the newborn to provide any identifying
11 information in order to transfer the newborn.

12 (b) The qualified person at an appropriate location shall attempt
13 to protect the anonymity of the parent who transfers the newborn, while
14 providing an opportunity for the parent to anonymously give the
15 qualified person such information as the parent knows about the family
16 medical history of the parents and the newborn. The qualified person
17 at an appropriate location shall provide referral information about
18 adoption options, counseling, appropriate medical and emotional
19 aftercare services, domestic violence, and legal rights to the parent
20 seeking to transfer the newborn.

21 (c) If a parent of a newborn transfers the newborn to a qualified
22 person at an appropriate location pursuant to this section, the
23 qualified person shall cause child protective services to be notified
24 within twenty-four hours after receipt of such a newborn. Child
25 protective services shall assume custody of the newborn within twenty-
26 four hours after receipt of notification.

27 (d) A federally designated rural health clinic is not required to
28 provide ongoing medical care of a transferred newborn beyond that
29 already required by law and may transfer the newborn to a hospital
30 licensed under chapter 70.41 RCW. The federally designated rural
31 health clinic shall notify child protective services of the transfer of
32 the newborn to the hospital.

33 (e) A hospital, federally designated rural health clinic, or fire
34 station, its employees, volunteers, and medical staff are immune from
35 any criminal or civil liability for accepting or receiving a newborn
36 under this section.

37 (4)(a) Beginning July 1, 2011, an appropriate location shall post

1 a sign indicating that the location is an appropriate place for the
2 safe and legal transfer of a newborn.

3 (b) To cover the costs of acquiring and placing signs, appropriate
4 locations may accept nonpublic funds and donations.

5 ****NEW SECTION. Sec. 2. The department of social and health services***
6 ***shall collect and compile information concerning the number and medical***
7 ***condition of newborns transferred under RCW 13.34.360 after the***
8 ***effective date of this act and the number and medical condition of***
9 ***newborns abandoned within the state who were not transferred under RCW***
10 ***13.34.360 after the effective date of this act. The department shall***
11 ***report its findings to the legislature annually, beginning on January***
12 ***1, 2011.***

**Sec. 2 was vetoed. See message at end of chapter.*

Passed by the Senate April 20, 2009.
Passed by the House April 7, 2009.
Approved by the Governor April 30, 2009, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 1, 2009.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 2, Substitute Senate Bill 5318 entitled:

"AN ACT Relating to adding additional appropriate locations for the transfer of newborn children."

Section 2 of this bill requires the Department of Social and Health Services to collect and compile information, and to report annually to the Legislature beginning January 1, 2011 regarding the number and medical condition of newborns transferred at appropriate locations and newborns who are abandoned.

Legislators may well wish to request ad hoc reports from the department on this topic for the next few years to monitor the implementation of this legislation, but it is likely that, over time, the data in the report will not vary much from year to year. Legislative members and staff are likely to be uninterested in reading such a report even as the department must continue to produce it. I do not believe it is necessary to require this reporting requirement in statute.

For these reasons, I have vetoed Section 2 of Substitute Senate Bill 5318.

With the exception of Section 2, Substitute Senate Bill 5318 is approved."