
SUBSTITUTE SENATE BILL 5318

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; ~~((e))~~ (ii) a fire station during its hours of
11 operation and while fire personnel are present; or (iii) any medical
12 clinic during its hours of operation.

13 (b) "Medical clinic" means a federally designated rural health
14 clinic or a federally qualified health center.

15 ~~((b))~~ (c) "Newborn" means a live human being who is less than
16 seventy-two hours old.

17 ~~((e))~~ (d) "Qualified person" means (i) any person that the parent
18 transferring the newborn reasonably believes is a bona fide employee,
19 volunteer, or medical staff member of the hospital or medical clinic

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

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

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

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

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

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

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

36 (4)(a) An appropriate location shall have a sign, visible to the
37 public outside the location, that contains a clearly discernable

1 message that a person may transfer a newborn to the location under RCW
2 13.34.360.

3 (b) The information contained on the sign shall be restricted to
4 that set forth in (a) of this subsection and may contain information
5 about how to obtain further information on the provisions of this
6 section.

7 (c) An appropriate location shall have the sign posted not later
8 than July 1, 2011, or at the time it becomes an appropriate location,
9 whichever is later.

10 (d) An appropriate location is authorized to accept nonpublic funds
11 and donations to acquire and place its sign.

12 NEW SECTION. Sec. 2. The department of social and health services
13 shall collect and compile information concerning the number and medical
14 condition of newborns transferred under RCW 13.34.360 after the
15 effective date of this act and the number and medical condition of
16 newborns abandoned within the state who were not transferred under RCW
17 13.34.360 after the effective date of this act. The department shall
18 report its findings to the legislature annually, beginning on January
19 1, 2011.

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