

# SENATE BILL REPORT

## SSB 5318

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As Amended by House, April 7, 2009

**Title:** An act relating to adding additional appropriate locations for the transfer of newborn children.

**Brief Description:** Adding additional appropriate locations for the transfer of newborn children.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/06/09, 2/23/09 [DPS, w/oRec].

Passed Senate: 3/11/09, 40-7.

Passed House: 4/07/09, 93-5.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Kauffman and McAuliffe.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Carrell.

**Staff:** Jennifer Strus (786-7316)

**Background:** A parent who transfers a newborn child to a qualified person at the emergency room of a hospital during operating hours or to a fire station during operating hours and while fire personnel are present is not guilty of a crime. A qualified person is one the parent reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital or a firefighter, volunteer or emergency medical technician at a fire station who represents to the parent that the qualified person can and will summon appropriate resources to meet the newborn's needs.

A hospital or fire station, its employees, volunteers, and medical staff are immune from criminal or civil liability for accepting or receiving a newborn under the act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Substitute Bill:** “Medical clinic” is added as a location at which a parent can transfer a newborn. “Medical clinic” is defined as a federally-designated rural health clinic or a federally-qualified health center. The immunity provisions would also apply to the medical clinic and its employees and volunteers. The medical clinic need not provide ongoing medical care to a transferred newborn and may transfer the newborn to a hospital.

Those locations accepting transfer of newborns, by July 1, 2011, must post an external sign explaining that a person may transfer a newborn at that location and how to obtain further information.

The Department of Social and Health Services (DSHS) is to collect and compile information on the number and medical condition of newborns transferred under this act, as well as the number and medical condition of newborns abandoned and not transferred. DSHS is to report to the Legislature annually starting January 1, 2011.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Stakeholders in eastern Washington are concerned that there are so few appropriate locations for the transfer of newborns. Because of sparse population and distance to fire stations, there is a real need for additional locations. With the increase in abandonment of newborns in the state recently, this bill is needed to provide additional options to parents in rural areas.

**Persons Testifying:** PRO: Michelle Welsh, Joan Dedmon, Safe Place for Newborns of Washington.

**House Amendment(s):** Removes "medical clinics" and "federally qualified health centers" from the permissible locations for transfer of a newborn. Adds federally-designated rural health clinics to the list of permissible locations for transfer of a newborn. Removes the requirements relating to the location and content of the signs required to be posted at the appropriate locations.