
SENATE BILL 6357

State of Washington

59th Legislature

2006 Regular Session

By Senators Kohl-Welles, Keiser, Brandland, Regala, Eide, Stevens, Oke and McAuliffe

Read first time 01/11/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the safety of newborn children; amending RCW
2 13.34.360; and creating a new section.

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

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

6 (1) For purposes of this section:

7 (a) "Appropriate location" means (i) the emergency department of a
8 hospital licensed under chapter 70.41 RCW during the hours the hospital
9 is in operation; ~~((or))~~ (ii) a fire station during its hours of
10 operation and while fire personnel are present; or (iii) any additional
11 location designated by the legislative authority of a county to be a
12 location qualified to receive the transfer of a newborn.

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 and who represents
18 to the parent transferring the newborn that he or she can and will
19 summon appropriate resources to meet the newborn's immediate needs;

1 ((~~or~~)) (ii) a fire fighter, volunteer, or emergency medical technician
2 at a fire station who represents to the parent transferring the newborn
3 that he or she can and will summon appropriate resources to meet the
4 newborn's immediate needs; or (iii) any person who the parent
5 transferring the newborn reasonably believes is a bona fide employee,
6 volunteer, or staff member of a location designated by the legislative
7 authority of a county to be an appropriate location to receive the
8 transfer of a newborn.

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

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

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

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

30 (d)(i) A hospital or fire station, its employees, volunteers, and
31 medical staff are immune from any criminal or civil liability for
32 accepting or receiving a newborn under this section.

33 (ii) Employees, volunteers, and staff members of a location
34 designated by the legislative authority of a county to be an
35 appropriate location to receive the transfer of a newborn are immune
36 from any criminal or civil liability for accepting or receiving a
37 newborn under this section.

1 NEW SECTION. **Sec. 2.** The department of social and health services
2 shall collect and compile information concerning the number and medical
3 condition of newborns transferred under RCW 13.34.360 and the number
4 and medical condition of newborns abandoned within the state who were
5 not transferred under RCW 13.34.360. The department shall make a
6 preliminary report to the legislature by January 1, 2007, and a final
7 report to the legislature by January 1, 2008.

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