

Article - Courts and Judicial Proceedings

5-641.

(A) (1) A PERSON WHO LEAVES AN UNHARMED NEWBORN WITH A RESPONSIBLE ADULT WITHIN 3 DAYS AFTER THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, AND DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION FOR THE ACT.

(2) IF THE PERSON LEAVING A NEWBORN UNDER THIS SUBSECTION IS NOT THE MOTHER OF THE NEWBORN, THE PERSON SHALL HAVE THE APPROVAL OF THE MOTHER TO DO SO.

(B) (1) A PERSON WITH WHOM A NEWBORN IS LEFT UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION AS SOON AS REASONABLY POSSIBLE SHALL TAKE THE NEWBORN TO A HOSPITAL OR OTHER FACILITY DESIGNATED BY THE SECRETARY OF HUMAN RESOURCES BY REGULATION.

(2) A HOSPITAL OR OTHER DESIGNATED FACILITY THAT ACCEPTS A NEWBORN UNDER THIS SUBSECTION SHALL NOTIFY THE LOCAL DEPARTMENT OF SOCIAL SERVICES WITHIN 24 HOURS AFTER ACCEPTING THE NEWBORN.

(C) A RESPONSIBLE ADULT AND A HOSPITAL OR OTHER DESIGNATED FACILITY THAT ACCEPTS A NEWBORN UNDER THIS SECTION AND AN EMPLOYEE OR AGENT OF THE HOSPITAL OR FACILITY SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION FOR GOOD FAITH ACTIONS TAKEN RELATED TO THE ACCEPTANCE OF OR MEDICAL TREATMENT OR CARE OF THE NEWBORN UNLESS INJURY TO THE NEWBORN WAS CAUSED BY GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.

(D) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 16, 2002.