

~~(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 1 year.~~

~~(c) (1) THIS SECTION DOES NOT APPLY WHEN A PERSON LEAVES AN UNHARMED NEWBORN WITH A HOSPITAL, LAW ENFORCEMENT, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE AND RESCUE EMPLOYEE RESPONSIBLE PERSON WITHIN 3 DAYS AFTER THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, AND THE PERSON DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN.~~

~~(2) WHEN 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.~~

~~(3) A HOSPITAL, LAW ENFORCEMENT, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE AND RESCUE EMPLOYEE WHO ACCEPTS OR TREATS A NEWBORN UNDER THIS SUBSECTION SHALL HAVE THE IMMUNITY DESCRIBED UNDER § 5-621.1 OF THE COURTS ARTICLE FROM CIVIL LIABILITY OR CRIMINAL PENALTY.~~

~~(4) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SHALL DEVELOP AND ESTABLISH APPROPRIATE PROTOCOL PROCEDURES FOR FIRE AND RESCUE EMPLOYEES WHO ACCEPT OR TREAT A NEWBORN UNDER THIS SUBSECTION.~~

~~(5) A PERSON WITH WHOM A NEWBORN IS LEFT UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 3 DAYS AFTER THE NEWBORN WAS LEFT, SHALL TAKE THE NEWBORN TO A HOSPITAL, LAW ENFORCEMENT AGENCY, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE AND RESCUE COMPANY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act shall apply only to a person who leaves a newborn on or after the effective date of this Act~~ *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 and only to an act or omission related to the leaving of a newborn that occurs on or after the effective date of this Act.*

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

Approved May 16, 2002.