

2018 -- H 7113

LC003556

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Perez, Vella-Wilkinson, and Ucci

Date Introduced: January 11, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by  
2 adding thereto the following section:

3 **11-9-22. Care of babies born preterm.**

4 (a) Except as provided in subsection (b) of this section, any physician, nurse, or other  
5 licensed medical person who knowingly and intentionally fails to provide reasonable medical care  
6 and treatment to an infant born alive, as described in subsection (c) of this section, shall:

7 (1) Be guilty of a felony and upon conviction shall be fined not exceeding five thousand  
8 dollars (\$5,000), or imprisoned not exceeding five (5) years, or both; and,

9 (2) If, as a result of that failure, the infant dies, shall be guilty of the crime of  
10 manslaughter.

11 (b) The requirements of this section shall not be construed to prevent an infant's parent(s)  
12 or guardian(s) from refusing to give consent to medical treatment or care which is not medically  
13 necessary or reasonable, including care or treatment which either:

14 (1) Is not necessary to save the life of the infant;

15 (2) Has a potential risk to the infant's life or health that outweighs the potential benefit to  
16 the infant of the treatment or care; or

17 (3) Is treatment that will do no more than temporarily prolong the act of dying when  
18 death is imminent.

19 (c) As used in this section, the term "born alive," with respect to a member of the species

1 homo sapiens, means the complete expulsion or extraction from the mother of that member, at  
2 any stage of development, who after such expulsion or extraction breathes or has a beating heart,  
3 pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether  
4 the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a  
5 result of natural or induced labor, cesarean section, or by any other means.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would criminalize the knowing and intentional failure of a physician, nurse, or  
2 other licensed medical person to provide reasonable medical care and treatment to an infant born  
3 alive as a felony. If the infant dies as a result of that failure to provide reasonable care, the  
4 medical person would be guilty of manslaughter.

5           This act would take effect upon passage.

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