

State of Misconsin 2001 - 2002 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 2, TO 2001 ASSEMBLY BILL 360

December 17, 2001 – Offered by Representative KEDZIE.

1 AN ACT *to create* 895.68 of the statutes; **relating to:** immunity in cases 2 involving wrongful birth or wrongful life.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 895.68 of the statutes is created to read: 3 895.68 Liability exemption; wrongful birth and wrongful life. (1) In 4 5this section: 6 (a) "Abortion" has the meaning given in s. 253.10 (2) (a). 7 (b) "Wrongful birth action" means a cause of action that is brought by a parent 8 or other person who is legally required to provide for the support of a child and that 9 seeks economic or noneconomic damages resulting from a condition of the child that 10 existed at the time of the child's birth.

2001 – 2002 Legislature – 2 –

- 1 (c) "Wrongful life action" means a cause of action that is brought by or on behalf 2 of a child and that seeks the child's economic or noneconomic damages resulting from 3 a condition of the child that existed at the time of the child's birth.
- 4 (2) In a wrongful birth action or a wrongful life action, a person is immune from 5 civil liability for damages resulting from any condition that existed at the time of the 6 child's birth if the cause of action is based on a claim that the person's negligent act 7 or omission contributed to the mother's decision not to undergo an abortion.

8

(END)