

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 360**

May 31, 2001 – Offered by Representative KEDZIE.

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

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

3 **SECTION 1.** 895.68 of the statutes is created to read:

4 **895.68 Liability exemption; wrongful birth and wrongful life. (1)** In
5 this section:

6 (a) “Abortion” has the meaning given in s. 253.10 (2) (a).

7 (b) “Birth defect” has the meaning given in s. 253.12 (1) (a).

8 (c) “Developmental disability” has the meaning given in s. 51.01 (5) (a).

9 (d) “Physical disability” has the meaning given in s. 15.197 (4) (a) 2.

10 (e) “Wrongful birth action” means a cause of action that is brought by a parent,
11 legal custodian, or legal guardian and that seeks damages for the costs of raising a

1 child who has any birth defect or any physical disability or developmental disability
2 that existed at the time of the child's birth.

3 (f) "Wrongful life action" means a cause of action that is brought by or on behalf
4 of a child and that seeks the child's economic or noneconomic damages resulting from
5 any birth defect or any physical disability or developmental disability that existed
6 at the time of the child's birth.

7 (2) In a wrongful birth action or a wrongful life action, a person is immune from
8 civil liability for damages resulting from any birth defect or any physical disability
9 or developmental disability that existed at the time of the child's birth if the person's
10 act or omission contributed to a woman's decision not to undergo an abortion.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to acts or omissions occurring on the effective date of
13 this subsection.

14 (END)