

**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:

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) “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.

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)**