## ASSEMBLY SUBSTITUTE AMENDMENT 3, TO 2001 ASSEMBLY BILL 360

January 16, 2002 – Offered by Representative KEDZIE.

1	AN ACT <i>to create</i> 895.68 of the statutes; <b>relating to:</b> recovery in cases involving
2	wrongful birth or wrongful life.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
3	<b>SECTION 1.</b> 895.68 of the statutes is created to read:
4	895.68 Limit on recovery; wrongful birth and wrongful life. (1) In this
5	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, seeks
9	economic or noneconomic damages resulting from a condition of the child that existed
10	at the time of the child's birth, and is based on a claim that a person's act or omission
11	contributed to the mother's decision not to undergo an abortion.

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

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- 6 (2) In a wrongful birth action or a wrongful life action, no person may recover 7 damages from another person resulting from any condition that existed at the time 8 of a child's birth if that other person's negligent act or omission contributed to the 9 mother's decision not to undergo an abortion.
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## (END)