

HB 680 INTRODUCED BY HANNAH
PROHIBIT WRONGFUL LIFE AND BIRTH ACTIONS

2/09 INTRODUCED
2/09 REFERRED TO JUDICIARY
2/18 HEARING
2/23 TABLED IN COMMITTEE

1 House BILL NO. 680
2 INTRODUCED BY Hand

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CAUSES OF
5 ACTION FOR WRONGFUL LIFE AND WRONGFUL BIRTH; AND PROHIBITING
6 A DEFENSE, AWARD OF DAMAGES, OR PENALTY BASED ON THE FAILURE
7 OR REFUSAL TO PREVENT A LIVE BIRTH."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Wrongful life -- cause of action
11 prohibited. No person may maintain a cause of action or
12 receive an award of damages on behalf of himself based on
13 the claim that but for the negligent conduct of another, he
14 would have been aborted.

15 Section 2. Wrongful birth -- cause of action
16 prohibited. No person may maintain a cause of action or
17 receive an award of damages based on the claim that but for
18 the negligent conduct of another, a child would have been
19 aborted.

20 Section 3. Medical malpractice -- actions allowed --
21 limitations. (1) Nothing in [sections 1 through 3] may be
22 construed to preclude a cause of action for intentional or
23 negligent malpractice or any other action arising in tort
24 based on the failure of a contraceptive method or
25 sterilization procedure or based on a claim that, but for

1 the negligent conduct of another, tests or treatment would
2 have been provided or would have been provided properly that
3 would have made possible the prevention, cure, or
4 amelioration of any disease, defect, deficiency, or
5 handicap. In such cases, abortion may not be considered a
6 prevention, cure, or amelioration of any disease, defect,
7 deficiency, or handicap.

8 (2) The failure or refusal of any person to perform or
9 have an abortion is not a defense in any action, and such
10 failure or refusal may not be considered in awarding damages
11 or in imposing a penalty in any action.

-End-

