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SFA

BILL ANALYSIS

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House Bill 4524 (Substitute H-1 as passed by the House)
Sponsor: Representative Nick Ciaramitaro
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-28-98

CONTENT

The bill would amend the Revised Judicature Act to specify that a person who committed a wrongful or negligent act against a pregnant woman would be liable for damages if the act resulted in a miscarriage or stillbirth or physical injury to the embryo or fetus. The bill would not prohibit a civil action under any other applicable law. The bill would take effect on January 1, 1999.

The bill would not apply to any of the following:

- An act committed by the pregnant woman.
- A medical procedure performed by a "physician or other licensed medical professional" within the scope of his or her practice and with the pregnant woman's consent, or the consent of a person who could lawfully provide consent on her behalf, or without consent if necessary due to a medical emergency.
- The lawful dispensation, administration, or prescription of medication.

"Physician or other licensed medical professional" would mean a person licensed under Article 15 of the Public Health Code. (Article 15 provides for the licensure of various health professionals, including medical doctors, osteopaths, nurses, chiropractors, dentists, optometrists, pharmacists, physical therapists, podiatrists, counselors, psychologists, occupational therapists, sanitarians, and veterinarians.)

Proposed MCL 600.2922a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. The amount of civil litigation that would result from the bill is not determinable.

Fiscal Analyst: B. Bowerman

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