

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4524

(As passed the House, May 27, 1998)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2922a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 2922A. (1) A PERSON WHO COMMITS A WRONGFUL OR NEGLI-
2 GENT ACT AGAINST A PREGNANT INDIVIDUAL IS LIABLE FOR DAMAGES IF
3 THE ACT RESULTS IN A MISCARRIAGE OR STILLBIRTH BY THAT INDIVIDUAL
4 OR PHYSICAL INJURY TO THE EMBRYO OR FETUS.
- 5 (2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
- 6 (A) AN ACT COMMITTED BY THE PREGNANT INDIVIDUAL.
- 7 (B) A MEDICAL PROCEDURE PERFORMED BY A PHYSICIAN OR OTHER
8 LICENSED MEDICAL PROFESSIONAL WITHIN THE SCOPE OF HIS OR HER
9 PRACTICE AND WITH THE PREGNANT INDIVIDUAL'S CONSENT OR THE
10 CONSENT OF AN INDIVIDUAL WHO MAY LAWFULLY PROVIDE CONSENT ON HER

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1 BEHALF OR WITHOUT CONSENT AS NECESSITATED BY A MEDICAL

2 EMERGENCY.

3 (C) THE LAWFUL DISPENSATION, ADMINISTRATION, OR PRESCRIPTION
4 OF MEDICATION.

5 (3) THIS SECTION DOES NOT PROHIBIT A CIVIL ACTION UNDER ANY
6 OTHER APPLICABLE LAW.

7 (4) AS USED IN THIS SECTION, "PHYSICIAN OR OTHER LICENSED
8 MEDICAL PROFESSIONAL" MEANS A PERSON LICENSED UNDER ARTICLE 15 OF
9 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

10 Enacting section 1. This amendatory act takes effect
11 January 1, 1999.