HOUSE BILL No. 5718

May 2, 2000, Introduced by Reps. Cameron Brown, Bradstreet, Patterson, Middaugh, Vander Roest, Kuipers, Koetje, Gilbert, Richardville, Howell, Sanborn, Pappageorge, Voorhees, Kukuk, Jellema, Hart, Bishop, Tabor, O'Neil, Jansen, Shackleton and Birkholz and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled

"Revised judicature act of 1961,"

(MCL 600.101 to 600.9948) by adding sections 2970 and 2971.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2970. (1) A PERSON SHALL NOT BRING A CIVIL ACTION ON A

2 WRONGFUL BIRTH CLAIM THAT, BUT FOR AN ACT OR OMISSION OF THE

3 DEFENDANT, A CHILD OR CHILDREN WOULD NOT OR SHOULD NOT HAVE BEEN

4 BORN.

5 (2) A PERSON SHALL NOT BRING A CIVIL ACTION FOR DAMAGES ON A

6 WRONGFUL LIFE CLAIM THAT, BUT FOR THE NEGLIGENT ACT OR OMISSION

7 OF THE DEFENDANT, THE PERSON BRINGING THE ACTION WOULD NOT OR

8 SHOULD NOT HAVE BEEN BORN.

9 (3) THE PROHIBITIONS STATED IN SUBSECTIONS (1) AND (2) APPLY

10 REGARDLESS OF WHETHER THE CHILD IS BORN HEALTHY OR WITH A

11 DISABILITY. THE PROHIBITIONS IN SUBSECTIONS (1) AND (2) DO NOT

1 APPLY TO A CIVIL ACTION FOR DAMAGES FOR AN INTENTIONAL OR GROSSLY

2 NEGLIGENT ACT OR OMISSION, INCLUDING, BUT NOT LIMITED TO, AN ACT

3 OR OMISSION THAT VIOLATES THE MICHIGAN PENAL CODE, 1931 PA 328,

4 MCL 750.1 TO 750.568.

5   SEC. 2971. (1) A PERSON SHALL NOT BRING A CIVIL ACTION FOR

6 DAMAGES FOR DAILY LIVING, MEDICAL, EDUCATIONAL, OR OTHER EXPENSES

7 NECESSARY TO RAISE A CHILD TO THE AGE OF MAJORITY, ON A WRONGFUL

8 PREGNANCY OR WRONGFUL CONCEPTION CLAIM THAT, BUT FOR AN ACT OR

9 OMISSION OF THE DEFENDANT, THE CHILD WOULD NOT OR SHOULD NOT HAVE

10 BEEN CONCEIVED.

11   (2) THE PROHIBITION IN SUBSECTION (1) DOES NOT APPLY TO A

12 CIVIL ACTION FOR DAMAGES FOR AN INTENTIONAL OR GROSSLY NEGLIGENT

13 ACT OR OMISSION, INCLUDING, BUT NOT LIMITED TO, AN ACT OR OMIS-

14 SION THAT VIOLATES THE MICHIGAN PENAL CODE, 1931 PA 328, MCL

15 750.1 TO 750.568.