

By Mr. Mullins of Ludlow, petition of Martin T. Reilly, other members of the General Court and another for legislation to prohibit a cause of action based on wrongful life. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO PROHIBIT A CAUSE OF ACTION BASED ON WRONGFUL LIFE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 228 of the General Laws is hereby  
2 amended by a new section to be designated section 1A: —

3 *Section 1A.* There shall be no cause of action or award of  
4 damages on behalf of any person based on the claim of that person  
5 that but for the conduct of another he or she would not have been  
6 conceived or, once conceived, would not have been permitted to  
7 have been born alive.

1 SECTION 2. There shall be no cause of action or award of  
2 damages on behalf of any person based on the claim that but for the  
3 conduct of another a person would not have been permitted to  
4 have been born alive.

1 SECTION 3. The failure or the refusal of any person to prevent  
2 the live birth of a person shall not be a defense in any action: the  
3 failure or the refusal of any person to prevent the live birth of a  
4 person shall not be considered in awarding damages or in imposing  
5 a penalty in any action.

1 SECTION 4. "Conception" means the fertilization of a human  
2 ovum by a human sperm, which shall be deemed to have occurred  
3 when the sperm has penetrated the cell membrane of the ovum.

The House of Representatives of the United States of America, in Congress assembled, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the House of Representatives.

**The Constitution of the United States**

Article I. Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

SECTION 2. (1) The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. (2) No Person shall be a Representative who shall not, when elected, have seven Years Residence in the United States, and who, when elected, shall not, when he takes the Oath or Oaths of Office, have attained to the Age of twenty five Years, and seven Years of Citizenship, which he must have actually enjoyed in the State in which he shall be chosen, and in which he must, when he takes the Oath or Oaths of Office, have been seven Years a Citizen of the United States.

SECTION 3. (1) The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have the Qualifications requisite for Senators of the most numerous Branch of the State Legislature. (2) No Person shall be a Senator who shall not, when elected, have nine Years Residence in the United States, and who, when elected, shall not, when he takes the Oath or Oaths of Office, have attained to the Age of thirty Years, and seven Years of Citizenship, which he must have actually enjoyed in the State in which he shall be chosen, and in which he must, when he takes the Oath or Oaths of Office, have been seven Years a Citizen of the United States.

SECTION 4. (1) The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and the Electors in each State, shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. (2) No Person shall be a Representative or Senator before mentioned, who shall not, when he takes the Oath or Oaths of Office, be a Citizen of the United States at the Time of the taking of such Oath or Oaths.

SECTION 5. (1) The Senate shall have the sole Power to try all Impeachments, when the House of Representatives shall have impeached; and no Trial shall take Place without the Presence of a Majority of the Members present. (2) The Senate shall determine the Rules and Proceedings of its own Affairs, and may punish its Members for Disobedience of its Orders, for Contempt of its Authority, and for any Breach of the Peace, which they may be guilty of; and may expel a Member for Misconduct.