

HOUSE No. 1937

By Mr. Howarth of Springfield, petition of Robert L. Howarth for legislation to prohibit a cause of legal action or award of damages based on the claim of wrongful life. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-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
3 the conduct of another person he or she would not have been
4 permitted to 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
4 a person shall not be considered in awarding damages or in
5 imposing 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.

