

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2814

6 By: Sullivan

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; stating
9 legislative intent; defining terms; prohibiting
10 recovery of damages in certain circumstances for
11 wrongful birth and wrongful life actions; excepting
12 specific circumstances; providing for codification;
13 and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-741.11 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. It is the intent of the Legislature that the birth of a
19 child does not constitute a legally recognizable injury and that it
20 is contrary to public policy to award damages because of the birth
21 of a child or for the rearing of that child.

22 B. For the purposes of this section:

23 1. "Abortion" means the term as is defined in Section 1-730 of
24 Title 63 of the Oklahoma Statutes;

1 2. "Wrongful life action" means a cause of action that is
2 brought by or on behalf of a child, which seeks economic or
3 noneconomic damages for the child because of a condition of the
4 child that existed at the time of the child's birth, and which is
5 based on a claim that a person's act or omission contributed to the
6 mother's not having obtained an abortion; and

7 3. "Wrongful birth action" means a cause of action that is
8 brought by a parent or other person who is legally required to
9 provide for the support of a child, which seeks economic or
10 noneconomic damages because of a condition of the child that existed
11 at the time of the child's birth, and which is based on a claim that
12 a person's act or omission contributed to the mother's not having
13 obtained an abortion.

14 C. In a wrongful life action or a wrongful birth action, no
15 damages may be recovered for any condition that existed at the time
16 of a child's birth if the claim is that the defendant's act or
17 omission contributed to the mother's not having obtained an
18 abortion.

19 D. This section shall not preclude causes of action based on
20 claims that, but for a wrongful act or omission, maternal death or
21 injury would not have occurred, or handicap, disease, or disability
22 of an individual prior to birth would have been prevented, cured, or
23 ameliorated in a manner that preserved the health and life of the
24 affected individual.

1 SECTION 2. This act shall become effective November 1, 2008.

2
3 51-2-10339 MMP 02/26/08
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24