

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

Committee Substitute for
House Bill No. 2814

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2814 - By: SULLIVAN AND MCCULLOUGH of the House and CRAIN of the Senate.

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

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

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

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

7 B. For the purposes of this section:

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

10 2. "Wrongful life action" means a cause of action that is brought by or on behalf of a
11 child, which seeks economic or noneconomic damages for the child because of a condition

1 of the child that existed at the time of the child's birth, and which is based on a claim
2 that a person's act or omission contributed to the mother's not having obtained an
3 abortion; and

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
19 dated 02-27-08 - DO PASS, As Amended and Coauthored.