

HOUSE BILL No. 2889

By Representative D. Williams

2-13

AN ACT concerning civil procedure and civil actions; prohibiting claims based upon wrongful birth and wrongful life of a healthy child.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The birth of a normal, healthy child does not constitute a legally recognizable injury and that it is contrary to public policy to award damages for the birth or rearing of a healthy child.

(b) No person may maintain a claim for relief or receive an award for damages based on the claim that the birth and rearing of a healthy child resulted in damages to the parents or legal guardian. A person may maintain a claim for relief based on a failed sterilization procedure resulting in the birth of a healthy child and receive an award of damages for the hospital and medical expenses incurred for the sterilization procedures and pregnancy, the pain and suffering connected with the pregnancy and the loss of earnings by the mother during pregnancy.

(c) Damages for the birth of an unhealthy child born as the result of professional negligence shall be limited to damages associated with the disease, defect or handicap suffered by the child.

(d) This section shall not preclude causes of action based on claims that, but for a wrongful act or omissions, maternal death or injury would not have occurred or handicap, disease, defect or deficiency of an individual prior to birth would have been prevented, cured or ameliorated in a manner that preserved the health and life of the affected individual.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.