

ASSEMBLY, No. 1273

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

SYNOPSIS

Provides immunity against "wrongful birth" and "wrongful life" suits.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain civil actions and supplementing Title
2 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. No person or entity, including any physician or health care
8 professional licensed in this State, shall be liable for damages in
9 any action which alleges the "wrongful birth" or "wrongful life" of a
10 child, including, but not limited to, actions arising out of the
11 following circumstances:

12 a. The failure to suggest or advise that a person undergo an
13 abortion; or

14 b. The failure to suggest or advise that a person undergo genetic
15 testing of a fetus.

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17 2. This act shall take effect immediately.

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20 STATEMENT

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22 This bill would eliminate lawsuits against any person or entity,
23 including physicians and other health care providers, on grounds of
24 "wrongful birth" or "wrongful life." The bill also bans lawsuits
25 arising out of a failure to suggest or advise that a person undergo an
26 abortion, or that a person undergo genetic testing of a fetus.

27 Currently, "wrongful birth" and "wrongful life" lawsuits may be
28 brought by parents of children with birth defects and genetic
29 diseases on grounds that the doctors' negligence in failing to
30 diagnose the condition before birth deprived the parents of the
31 option to abort the fetus.

32 The sponsor believes that doctors and other persons should never
33 be penalized for failing to suggest an abortion, or for failing to
34 perform genetic testing which may lead to an abortion.