

**SUBSTITUTE FOR
SENATE BILL NO. 1170**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2971.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2971. (1) A PERSON SHALL NOT BRING A CIVIL ACTION ON A
2 WRONGFUL BIRTH CLAIM THAT, BUT FOR AN ACT OR OMISSION OF THE
3 DEFENDANT, A CHILD OR CHILDREN WOULD NOT OR SHOULD NOT HAVE BEEN
4 BORN.

5 (2) A PERSON SHALL NOT BRING A CIVIL ACTION FOR DAMAGES ON A
6 WRONGFUL LIFE CLAIM THAT, BUT FOR THE NEGLIGENT ACT OR OMISSION
7 OF THE DEFENDANT, THE PERSON BRINGING THE ACTION WOULD NOT OR
8 SHOULD NOT HAVE BEEN BORN.

9 (3) A PERSON SHALL NOT BRING A CIVIL ACTION FOR DAMAGES FOR
10 DAILY LIVING, MEDICAL, EDUCATIONAL, OR OTHER EXPENSES NECESSARY
11 TO RAISE A CHILD TO THE AGE OF MAJORITY, ON A WRONGFUL PREGNANCY

SB 1170, As Passed Senate, May 30, 2000

Senate Bill No. 1170 as amended May 23, 2000

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1 OR WRONGFUL CONCEPTION CLAIM THAT, BUT FOR AN ACT OR OMISSION OF
2 THE DEFENDANT, THE CHILD WOULD NOT OR SHOULD NOT HAVE BEEN
3 CONCEIVED.

4 (4) THE PROHIBITION STATED IN SUBSECTION (1), (2), OR (3)
5 APPLIES REGARDLESS OF WHETHER THE CHILD IS BORN HEALTHY OR WITH A
6 BIRTH DEFECT OR OTHER ADVERSE MEDICAL CONDITION. THE PROHIBITION
STATED IN SUBSECTION (1), (2), OR (3) DOES NOT APPLY TO A CIVIL
ACTION FOR DAMAGES FOR AN INTENTIONAL OR GROSSLY NEGLIGENT ACT OR
OMISSION, INCLUDING, BUT NOT LIMITED TO, AN ACT OR OMISSION THAT
VIOLATES THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.1 TO 750.568.