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DAMAGES/LIMITATIONS FOR INJURIES DUE TO ABORTION

House Bills 5972 and 5973

Sponsor: Rep. Jerry Vander Roest

Committee: Civil Law and the Judiciary
Complete to 8-2-02

A SUMMARY OF HOUSE BILLS 5972 AND 5973 AS INTRODUCED 4-30-02

The bills would amend the Revised Judicature Act of 1961 to add provisions eliminating the period of limitations for seeking damages for personal injuries sustained as the result of an abortion and expanding the types of damages that a person who has sustained such injuries is entitled to.

House Bill 5972 would amend the act (MCL 600.5805) to specify that an action to recover damages for personal injury sustained as the result of an abortion could be brought at any time without limitation, despite any other period of limitation set by law. The bill would refer to the Public Health Code's definition of abortion—i.e., the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. As defined in the health code, abortion does not include the use or prescription of a drug or device intended as a contraceptive.

House Bill 5973 would amend the act (MCL 600.2973) to state that in an action to recover damages for personal injuries sustained as the result of an abortion, a party determined to be entitled to ordinary damages would also be entitled to punitive and exemplary damages.

Proposed MCL 600.2973 (Note: Public Act 209 of 2002 already added Section 2973 to the Revised Judicature Act.)

House Bills 5972 and 5973 (8-2-02)

Analyst: J. Caver

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.