

HOUSE BILL NO. 310

INTRODUCED BY C. SMITH, G. BENNETT, BERRY, BLYTON, BRODEHL, DOANE, EDMUNDS, FISCUS, FITZPATRICK, FLYNN, GLIMM, HAGAN, HALVORSON, HANSEN, HERTZ, HOWARD, D. JONES, KNUDSEN, LANG, LASZLOFFY, LENZ, MCNIVEN, O'HARA, OSMUNDSON, REDFIELD, REGIER, SALOMON, SHAW, VANCE, WAGONER, WELBORN, WHITE, A. WITTICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT NO CLAIMS FOR THE TORT OF WRONGFUL BIRTH OR WRONGFUL LIFE MAY BE FILED AND NO DAMAGES MAY BE RECOVERED FOR A CLAIM OF WRONGFUL BIRTH OR WRONGFUL LIFE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Civil actions for wrongful birth or wrongful life prohibited.** (1) A person may not bring a civil action and may not be awarded any damages on a wrongful birth claim that, but for any act or omission of the defendant or other party, a child or children would not or should not have been born.

(2) A person may not bring a civil action and may not be awarded any damages on a wrongful life claim that, but for any act or omission of the defendant or other party, the person or persons bringing the action would not or should not have been born.

(3) THIS SECTION DOES NOT APPLY TO INSTANCES OF GROSS NEGLIGENCE OR WILLFUL OR WANTON ACTS OR OMISSIONS.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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