
SENATE BILL 5747

State of Washington

64th Legislature

2015 Regular Session

By Senators Padden and Miloscia

Read first time 02/02/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting actions for wrongful life and
2 wrongful birth, and expanding the beneficiaries in an action for
3 wrongful death; amending RCW 4.20.020; and adding a new section to
4 chapter 4.24 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
7 to read as follows:

8 (1) No person may maintain a civil cause of action or receive an
9 award of damages for wrongful life based on the claim that, but for
10 an act or omission of another person, the person would not or should
11 not have been born.

12 (2) No person may maintain a civil cause of action or receive an
13 award of damages for wrongful birth based on the claim that, but for
14 an act or omission of another person, a child would not or should not
15 have been born.

16 (3) This section applies to any claim regardless of whether the
17 person or child is born healthy or with a birth defect or other
18 adverse medical condition.

19 (4) Nothing in this section applies to any civil cause of action
20 for damages based on:

1 (a) The failure of a contraceptive method or sterilization
2 procedure; or

3 (b) A claim that, but for the negligent conduct of another, tests
4 or treatment would have been provided properly which would have made
5 possible the prevention, cure, or amelioration of any disease,
6 defect, deficiency, or handicap. Abortion shall not be considered a
7 means of preventing, curing, or ameliorating any disease, defect,
8 deficiency, or handicap.

9 (5) The failure or refusal of any person to perform or have an
10 abortion is not a defense in any action, nor shall that failure or
11 refusal be considered in awarding damages or in imposing any other
12 sanction or penalty.

13 **Sec. 2.** RCW 4.20.020 and 2011 c 336 s 90 are each amended to
14 read as follows:

15 Every such action shall be for the benefit of the wife, husband,
16 state registered domestic partner, child or children, including
17 stepchildren, of the person whose death shall have been so caused. If
18 there be no wife, husband, state registered domestic partner, or such
19 child or children, such action may be maintained for the benefit of
20 the parents, sisters, or brothers, who may be dependent upon the
21 deceased person for support, and who are resident within the United
22 States at the time of his or her death. If no other beneficiary would
23 otherwise be qualified to maintain such an action, a parent or
24 parents of the deceased person may maintain such an action to recover
25 for the loss of the society and companionship of the deceased person
26 and for destruction of the parent-child relationship. If no such
27 parents are qualified to maintain such an action, the personal
28 representative of the decedent may recover such damages as are
29 authorized by RCW 4.20.046.

30 In every such action the jury may give such damages as, under all
31 circumstances of the case, may to them seem just.

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