

113TH CONGRESS
2D SESSION

H. R. 4698

To prohibit recovery of damages in certain wrongful birth and wrongful life civil actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2014

Mr. PALAZZO (for himself, Mr. HARPER, Mr. FRANKS of Arizona, Mrs. BACHMANN, Mr. JONES, Mr. GOWDY, Mr. LONG, Mr. KELLY of Pennsylvania, Mr. POMPEO, Mr. HUIZENGA of Michigan, Mr. MILLER of Florida, Mr. NUNNELEE, Mrs. BLACK, Mr. FLEMING, Mr. BRADY of Texas, Mr. SCALISE, Mr. PITTS, Mr. LIPINSKI, Mr. WOODALL, Mr. STOCKMAN, Mr. STUTZMAN, Mr. HARRIS, Mr. WEBER of Texas, Mr. MARINO, Mr. FLORES, Mr. SMITH of New Jersey, Mr. HUELSKAMP, Mr. PITTENGER, Mr. BARTON, Mr. CONAWAY, Mr. LAMBORN, Mr. CHABOT, and Mr. MCHENRY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit recovery of damages in certain wrongful birth and wrongful life civil actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child is a Bless-
5 ing Act of 2014”.

1 **SEC. 2. PROHIBITION OF RECOVERY IN CERTAIN WRONG-**
2 **FUL LIFE AND WRONGFUL BIRTH CIVIL AC-**
3 **TIONS.**

4 (a) **GENERAL RULE.**—Except as otherwise provided
5 in this section, a person may not recover damages in any
6 designated civil action (as defined in subsection (d)) based
7 on a claim that, but for the conduct of the defendant, a
8 child, once conceived, would not or should not have been
9 born.

10 (b) **APPLICATION TO CERTAIN CLAIMS.**—Subsection
11 (a) applies, among others, to a claim based in whole or
12 in part on disability, defect, abnormality, race, sex, or
13 other inborn characteristic of the child.

14 (c) **RULE OF CONSTRUCTION.**—Subsection (a) shall
15 not be construed—

16 (1) to provide a defense against charges of in-
17 tentional misrepresentation in any proceeding under
18 State law regulating the professional practices of
19 health care providers and practitioners;

20 (2) to provide a defense in any criminal action,
21 including cases of rape or incest; or

22 (3) to limit the recovery of damages in cases
23 where the conduct of the defendant caused personal
24 injury or death to the child or gestational mother.

25 (d) **DEFINITIONS.**—In this section—

1 (1) the term “State” includes the District of
2 Columbia, the Commonwealth of Puerto Rico, and
3 any other territory or possession of the United
4 States; and

5 (2) the term “designated civil action” means a
6 civil action, in Federal or State court—

7 (A) arising under Federal law; or

8 (B) based on a claim involving health care
9 services affecting interstate or foreign com-
10 merce.

○