

Senate File 362 - Introduced

SENATE FILE 362

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A BILL FOR

1 An Act relating to the definition of person for the purposes of
2 survival of causes of action.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 611.20, Code 2015, is amended to read as
2 follows:

3 **611.20 Actions survive.**

4 1. All causes of action shall survive and may be brought
5 notwithstanding the death of the person entitled or liable to
6 the same.

7 2. For the purposes of this section, "person" includes an
8 unborn child who has reached viability as defined in section
9 702.20.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the survival of a civil cause of
14 action and provides that for the purposes of a cause of action
15 surviving, notwithstanding the death of the person entitled
16 or liable, "person" includes an unborn child who has reached
17 viability. "Viability" is defined in Code section 702.20 as
18 that stage of fetal development when the life of the unborn
19 child may be continued indefinitely outside the womb by natural
20 or artificial life support systems. The time when viability is
21 achieved may vary with each pregnancy, and the determination of
22 whether a particular fetus is viable is a matter of responsible
23 medical judgment.