

**House File 2352 - Introduced**

HOUSE FILE 2352

BY JACOBSEN

**A BILL FOR**

1 An Act relating to personal injury to a viable fetus.

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

1     Section 1. NEW SECTION. 613.15C Personal injury to a viable  
2 fetus — due process and equal protection of the law.

1. An action seeking damages for personal injury to a viable fetus must be brought by a parent, court-appointed guardian, or conservator, as the real party in interest. Such claims may be brought as an independent action or joined with a parental claim for loss of consortium.

8       2. A court shall not adjudicate the issue of viability of a  
9 fetus under this section without affording the fetus, through  
10 the real party in interest, due process and equal protection  
11 of the law.

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

15 This bill provides that an action seeking damages for  
16 personal injury to a viable fetus must be brought by a  
17 parent, court-appointed guardian, or conservator, as the  
18 real party in interest. Such claims may be brought as an  
19 independent action or joined with a parental claim for loss  
20 of consortium. Additionally, the bill provides that a court  
21 shall not adjudicate the issue of viability of a fetus under  
22 the bill without affording the fetus, through the real party in  
23 interest, due process and equal protection of the law.