

House File 621 - Introduced

HOUSE FILE 621

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.

3 1. An action seeking damages for personal injury to a viable
4 fetus must be brought by a parent, court-appointed guardian, or
5 conservator, as the real party in interest. Such claims may
6 be brought as an independent action or joined with a parental
7 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

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.