

House File 2405 - Reprinted

HOUSE FILE 2405
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2165)

(As Amended and Passed by the House February 27, 2018)

A BILL FOR

1 An Act prohibiting a cause of action for wrongful birth
2 or wrongful life, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 613.15B Wrongful birth or wrongful
2 life cause of action — prohibitions — exceptions.

3 1. A cause of action shall not arise and damages shall not
4 be awarded, on behalf of any person, based on a wrongful birth
5 claim that, but for an act or omission of the defendant, a
6 child would not or should not have been born.

7 2. A cause of action shall not arise and damages shall not
8 be awarded, on behalf of any person, based on a wrongful life
9 claim that, but for an act or omission of the defendant, the
10 person bringing the action would not or should not have been
11 born.

12 3. The prohibitions specified in this section apply to any
13 claim regardless of whether the child is born healthy or with a
14 birth defect or disorder or other adverse medical condition.
15 However, the prohibitions specified in this section shall not
16 apply to any of the following:

17 a. A civil action for damages for an intentional or grossly
18 negligent act or omission, including any act or omission that
19 constitutes a public offense.

20 b. A civil action for damages for the intentional failure
21 of a physician to comply with the duty imposed by licensure
22 pursuant to chapter 148 to provide a patient with all
23 information reasonably necessary to make decisions about a
24 pregnancy.

25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
26 importance, takes effect upon enactment.

27 Sec. 3. APPLICABILITY. This Act applies on or after the
28 effective date of this Act to causes of action that accrue on
29 or after that date. A cause of action that accrues before the
30 effective date of this Act is governed by the law in effect
31 prior to the effective date of this Act.