

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 177

Session of  
1975

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INTRODUCED BY FAWCETT, DiCARLO, A. P. KELLY, TOLL, HILL,  
McCLATCHY, CRAWFORD, McGINNIS, PYLES, POLITE, SIRIANNI,  
RENNINGER, PITTS, REED, BEREN AND M. E. MILLER, OCTOBER  
16, 1975

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REFERRED TO COMMITTEE ON RULES, OCTOBER 16, 1975

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In the House of Representatives, October 16, 1975

1 WHEREAS, The medical profession and the general public have  
2 become increasingly aware of the possibility of the unborn child  
3 being harmed by various substances, such as drugs, tobacco, and  
4 alcohol, consumed by the mother during pregnancy, or used by the  
5 father prior to conception; and

6 WHEREAS, Studies have shown that maternal alcohol consumption  
7 causes small birth-size with unusually small heads and other  
8 minor abnormalities, as well as infantile suffering from alcohol  
9 withdrawal syndrome; and

10 WHEREAS, Studies have also shown that maternal use of certain  
11 drugs such as amphetamines and barbituates might have  
12 teratogenic effects; and

13 WHEREAS, Maternal addiction to heroin can cause stillbirths,  
14 premature births, low-birth weights or withdrawal symptoms; and

15 WHEREAS, The effects of lysergic acid diethylamide on the  
16 fetus are not fully known, although some studies have shown

1 severe infant deformities; and

2 WHEREAS, The possibility exists that the use of L.S.D. causes  
3 chromosomic damage, which may be transmitted to subsequent  
4 generations, and the use of the drug by the father, prior to  
5 conception, could be harmful to the child; and

6 WHEREAS, Smoking is related to decreased fetal growth and low  
7 birth weights; and

8 WHEREAS, Certain prescribed medications, normally harmless or  
9 beneficial to an adult, may have teratogenic effects on the  
10 fetus, especially in early development stages; and

11 WHEREAS, The legal rights of the unborn, damaged by the  
12 consumption of these substances, have become a subject of  
13 popular concern and recent trials have dealt with the legal  
14 redress available to a child for damages inflicted before birth;  
15 and

16 WHEREAS, The largest legal barrier to such a suit by a child  
17 in the past was parental immunity, which was abolished in 1971  
18 by the Pennsylvania Supreme Court; and

19 WHEREAS, The State has the power to intervene to protect the  
20 child in an emergency health situation; and

21 WHEREAS, The United States Supreme Court has held that the  
22 State has a compelling interest in the welfare of the unborn  
23 during the final trimester of pregnancy, and can establish  
24 reasonable regulations to attain such a goal; therefore be it

25 RESOLVED (the Senate concurring), That the General Assembly  
26 of the Commonwealth of Pennsylvania directs the Joint State  
27 Government Commission to organize a task force to conduct an in-  
28 depth study of the legal redress available to a child for  
29 damages inflicted before birth as a result of harmful substances  
30 consumed by his or her mother during pregnancy, or used by his

1 or her father prior to conception; and be it further

2       RESOLVED, That the Joint State Government Commission report  
3 the findings of the task force, along with its recommendations  
4 for appropriate legislation, to the General Assembly as soon as  
5 possible.