

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1802 Session of  
1983

INTRODUCED BY FREIND, E. Z. TAYLOR, MORRIS, DIETZ,  
A. C. FOSTER, JR., WOGAN, WESTON, VROON, TIGUE, SERAFINI,  
PHILLIPS, O'BRIEN, OLASZ, MRKONIC, McMONAGLE, STEVENS, ARTY,  
CIVERA, GANNON, LESCOVITZ, JAROLIN, KOSINSKI, TELEK,  
MACKOWSKI, JOHNSON, HALUSKA, GRUPPO, FEE, CLYMER, CIMINI,  
CAWLEY, BOYES, BLAUM, BELARDI, ALDERETTE, PITTS, PRATT,  
PETRARCA, MARKOSEK, SIRIANNI AND TRELLO, DECEMBER 13, 1983

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 13, 1983

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, precluding a defense in  
3 actions for support; precluding actions for wrongful birth  
4 and wrongful life; and precluding a defense against claims  
5 for injuries sustained in utero.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 42 of the Pennsylvania Consolidated  
9 Statutes is amended by adding sections to read:

10 § 6714. Defense to claim of duty of support barred.

11 It shall not be a defense to, or factor in mitigation of, any  
12 claim for the payment of support that the person on whose behalf  
13 the support is claimed failed or refused to submit or consent to  
14 an abortion, or could or should have been aborted.

15 § 8304. Actions for wrongful birth and wrongful life.

16 (a) Wrongful birth.--There shall be no cause of action or

1 award of damages on behalf of any person based on a claim that,  
2 but for an act or omission of the defendant, a person once  
3 conceived would or should have been aborted.

4 (b) Wrongful life.--There shall be no cause of action on  
5 behalf of any person based on a claim of that person that, but  
6 for an act or omission of the defendant, the person would not  
7 have been conceived or, once conceived, would or should have  
8 been aborted.

9 § 8305. Defense against claim for injury sustained in utero  
10 barred.

11 Where a person has, by reason of the wrongful act or  
12 negligence of another, sustained injury while in utero, it shall  
13 not be a defense to any action brought to recover damages for  
14 the injury, or a factor in mitigation of damages, that the  
15 person could or should have been aborted.

16 Section 2. This act shall not apply to any case in which a  
17 final award of damages has been made and with regard to which  
18 the time to take an appeal has expired without an appeal being  
19 taken.

20 Section 3. This act shall have retroactive effect including  
21 application to any case pending or on appeal.

22 Section 4. This act shall take effect immediately.