

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE RESOLUTION

No. 177

Session of  
1975

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

AS REPORTED FROM COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,  
AS AMENDED, MAY 12, 1976

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~~ HARM BEING DONE TO CHILDREN by various substances, <—  
4 such as drugs, tobacco, and alcohol, consumed by the mother

5 during pregnancy, or used by the 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 barbiturates 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, METHADONE IS USED IN THE TREATMENT OF MORPHINE AND <—  
16 HEROIN DEPENDENCE OF THE MOTHER AND IS ADDICTIVE TO THE FETUS;

1 AND

2 WHEREAS, The effects of lysergic acid diethylamide on the  
3 fetus are not fully known, although some studies have shown  
4 severe infant deformities; and

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

9 WHEREAS, Smoking is related to decreased fetal growth and low  
10 birth weights; and

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

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

19 ~~WHEREAS, The largest legal barrier to such a suit by a child~~  
20 ~~in the past was parental immunity, which was abolished in 1971~~  
21 ~~by the Pennsylvania Supreme Court; and~~

22 ~~WHEREAS, The State has the power to intervene to protect the~~  
23 ~~child in an emergency health situation; and~~

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

28 WHEREAS, THE COMMONWEALTH OF PENNSYLVANIA HAS THE INHERENT <—  
29 RIGHT TO PROMOTE AND PROTECT THE HEALTH, WELFARE AND SAFETY OF  
30 ALL ITS CITIZENS, INCLUDING CHILDREN; THEREFORE BE IT

1       RESOLVED (the Senate concurring), That the General Assembly  
2 of the Commonwealth of Pennsylvania directs the Joint State  
3 Government Commission to organize a task force to conduct an in-  
4 depth study of the ~~legal redress available to a child for~~ <—  
5 ~~damages inflicted before birth~~ INJURIES BEING INFLICTED UPON <—  
6 CHILDREN as a result of harmful substances consumed by his or  
7 her mother during pregnancy, or used by ~~his or her father prior~~ <—  
8 ~~to conception~~ THEIR PARENTS EITHER PRIOR TO CONCEPTION OR DURING <—  
9 A MOTHER'S PREGNANCY; and be it further

10       RESOLVED, That the Joint State Government Commission report  
11 the findings of the task force, along with its recommendations  
12 for appropriate legislation, to the General Assembly as soon as  
13 possible.