

115TH CONGRESS
1ST SESSION

H. R. 684

To prohibit recovery of damages in certain wrongful birth and wrongful life civil actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2017

Mr. PALAZZO (for himself, Mr. PALMER, Mr. WEBER of Texas, and Mr. HARPER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit recovery of damages in certain wrongful birth and wrongful life civil actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child is a Bless-
5 ing Act of 2017”.

6 **SEC. 2. PROHIBITION OF RECOVERY IN CERTAIN WRONG-**
7 **FUL LIFE AND WRONGFUL BIRTH CIVIL AC-**
8 **TIONS.**

9 (a) GENERAL RULE.—Except as otherwise provided
10 in this section, a person may not recover damages in any

1 designated civil action (as defined in subsection (d)) based
2 on a claim that, but for the conduct of the defendant, a
3 child, once conceived, would not or should not have been
4 born.

5 (b) APPLICATION TO CERTAIN CLAIMS.—Subsection
6 (a) applies, among others, to a claim based in whole or
7 in part on disability, defect, abnormality, race, sex, or
8 other inborn characteristic of the child.

9 (c) RULE OF CONSTRUCTION.—Subsection (a) shall
10 not be construed—

11 (1) to provide a defense against charges of in-
12 tentional misrepresentation in any proceeding under
13 State law regulating the professional practices of
14 health care providers and practitioners;

15 (2) to provide a defense in any criminal action,
16 including cases of rape or incest; or

17 (3) to limit the recovery of damages in cases
18 where the conduct of the defendant caused personal
19 injury or death to the child or gestational mother.

20 (d) DEFINITIONS.—In this section—

21 (1) the term “State” includes the District of
22 Columbia, the Commonwealth of Puerto Rico, and
23 any other territory or possession of the United
24 States; and

1 (2) the term “designated civil action” means a
2 civil action, in Federal or State court—

3 (A) arising under Federal law; or

4 (B) based on a claim involving health care
5 services affecting interstate or foreign com-
6 merce.

○