

§2931. Wrongful birth; wrongful life

1. Intent. It is the intent of the Legislature that the birth of a normal, healthy child does not constitute a legally recognizable injury and that it is contrary to public policy to award damages for the birth or rearing of a healthy child.

[PL 1985, c. 804, §§16, 22 (NEW).]

2. Birth of healthy child; claim for damages prohibited. A person may not maintain a claim for relief or receive an award for damages based on the claim that the birth and rearing of a healthy child resulted in damages to that person. A person may maintain a claim for relief based on a failed sterilization procedure resulting in the birth of a healthy child and receive an award of damages for the hospital and medical expenses incurred for the sterilization procedures and pregnancy, the pain and suffering connected with the pregnancy and the loss of earnings by the mother during pregnancy.

[PL 2023, c. 646, Pt. A, §32 (AMD).]

3. Birth of unhealthy child; damages limited. Damages for the birth of an unhealthy child born as the result of professional negligence are limited to damages associated with the disease, defect or disability suffered by the child.

[PL 2021, c. 348, §34 (AMD).]

4. Other causes of action. This section does not preclude causes of action based on claims that, but for a wrongful act or omission, maternal death or injury would not have occurred or disability, disease, defect or deficiency of an individual prior to birth would have been prevented, cured or ameliorated in a manner that preserved the health and life of the affected individual.

[PL 2021, c. 348, §35 (AMD).]

SECTION HISTORY

PL 1985, c. 804, §§16,22 (NEW). PL 2021, c. 348, §§34, 35 (AMD). PL 2023, c. 646, Pt. A, §32 (AMD).

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