

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1359

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING
SECTION 12-718; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-718, to read:

4 12-718. Civil liability: wrongful birth, life or conception
5 claims: application

6 A. A PERSON IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION FOR WRONGFUL
7 BIRTH BASED ON A CLAIM THAT, BUT FOR AN ACT OR OMISSION OF THE DEFENDANT, A
8 CHILD OR CHILDREN WOULD NOT OR SHOULD NOT HAVE BEEN BORN.

9 B. A PERSON IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION FOR WRONGFUL
10 LIFE BASED ON A CLAIM THAT, BUT FOR AN ACT OR OMISSION OF THE DEFENDANT, THE
11 PERSON BRINGING THE ACTION WOULD NOT OR SHOULD NOT HAVE BEEN BORN.

12 C. THIS SECTION APPLIES TO ANY CLAIM REGARDLESS OF WHETHER THE CHILD
13 IS BORN HEALTHY OR WITH A BIRTH DEFECT OR OTHER ADVERSE MEDICAL CONDITION.

14 D. THIS SECTION DOES NOT APPLY TO ANY CIVIL ACTION FOR DAMAGES FOR AN
15 INTENTIONAL OR GROSSLY NEGLIGENT ACT OR OMISSION, INCLUDING AN ACT OR
16 OMISSION THAT VIOLATES A CRIMINAL LAW.