

HOUSE BILL No. 2322

By Committee on Federal and State Affairs

2-10

9 AN ACT concerning civil procedure; relating to wrongful death; amend-
10 ing K.S.A. 60-1901 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 60-1901 is hereby amended to read as follows: 60-
14 1901. (a) If the death of a person is caused by the wrongful act or omission
15 of another, an action may be maintained for the damages resulting there-
16 from if the former might have maintained the action had ~~he or she~~ *such*
17 *person* lived, in accordance with the provisions of this article, against the
18 wrongdoer, or ~~his or her~~ *such wrongdoer's* personal representative if ~~he~~
19 ~~or she~~ *such wrongdoer* is deceased.

20 (b) *As used in article 19 of chapter 60 of the Kansas Statutes Anno-*
21 *tated, and amendments thereto, a person also means an unborn child.*

22 (c) *As used in this section, "unborn child" means a living individual*
23 *organism of the species homo sapiens, in utero, at any state of gestation*
24 *from fertilization to birth.*

25 (d) *This section shall not apply to a wrongful death action if the death*
26 *is of an unborn child by means of:*

27 (1) *Any act committed by the mother of the unborn child;*

28 (2) *any medical procedure, including abortion, performed by a phy-*
29 *sician or other licensed medical professional at the request of the pregnant*
30 *woman or her legal guardian; or*

31 (3) *the lawful dispensation or administration of lawfully prescribed*
32 *medication.*

33 Sec. 2. K.S.A. 60-1901 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.