Т	SENATE BILL NO. 210		
2	INTRODUCED BY C. GLIMM, T. MCGILLVRAY, K. REGIER, D. LENZ, B. BROWN, J. HINKLE, T.		
3	MANZELLA, M. NOLAND, S. HINEBAUCH, D. BARTEL, B. USHER, J. FULLER, T. MOORE, B. LER, B.		
4		PHALEN, K. SEEKINS-CROWE, J. GILLETTE, D. EMRICH, A. REGIER	
5			
6	A BILL FOR AN	ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING CONSENT AS A	
7	LEGAL DEFENSE; PROVIDING THAT PHYSICIAN AID IN DYING IS CONTRARY TO PUBLIC POLICY;		
8	PROVIDING THAT CONSENT TO PHYSICIAN AID IN DYING IS NOT A DEFENSE TO A CHARGE OF		
9	HOMICIDE; DE	FINING "PHYSICIAN AID IN DYING"; AND AMENDING SECTION 45-2-211, MCA."	
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
12			
13	Section	1. Section 45-2-211, MCA, is amended to read:	
14	"45-2-211. Consent as defense. (1) The consent of the victim to conduct charged to constitute an		
15	offense or to the result-thereof of it is a defense.		
16	(2)	Consent is ineffective if:	
17	(a)	it is given by a person who is legally incompetent to authorize the conduct charged to constitute	
18	the offense;		
19	(b)	it is given by a person who by reason of youth, mental disease or disorder, or intoxication is	
20	unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the		
21	offense;		
22	(c)	it is induced by force, duress, or deception;	
23	(d)	it is against public policy to permit the conduct or the resulting harm, even though consented to	
24	or		
25	(e)	for offenses under 45-5-502, 45-5-503, 45-5-508, 45-5-601, 45-5-602, 45-5-603, or Title 45,	
26	chapter 5, part 7, it is given by a person who the offender knew or reasonably should have known was a victim		
27	of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which		
28	caused the person to be in the situation where the offense occurred.		



1	(3) (a) For the purposes of subsection (2)(d), physician aid in dying is against public policy, and a
2	patient's consent to physician aid in dying is not a defense to a charge of homicide against the aiding physician.
3	(b) (i) For the purposes of this subsection (3), "physician aid in dying" means an act by a physician
4	of purposefully AND KNOWINGLY prescribing a lethal dose of medication to a patient that the patient may self-
5	administer to end the patient's life.
6	(ii) The term does not include an act of withholding or withdrawing a life-sustaining treatment or
7	procedure authorized pursuant to Title 50, chapter 9 or 10, OR THE PROVISION OF COMFORT CARE MEDICATION AND
8	TREATMENT AND OTHER TREATMENTS IN ACCORD WITH REASONABLE MEDICAL STANDARDS PURSUANT TO 50-9-204."
9	- END -

