

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MEDICAL PRACTITIONERS TO BE PHYSICALLY
5 PRESENT WHEN PERFORMING AN ABORTION ON A PREGNANT WOMAN; AND PROVIDING A
6 PENALTY."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **NEW SECTION. Section 1. Physical presence required -- penalty.** (1) A medical practitioner may
11 not perform or attempt to perform an abortion on a pregnant woman except in the physical presence of the
12 woman.

13 (2) (a) A person who purposely or knowingly violates this section is guilty of a misdemeanor and shall
14 be fined an amount not to exceed \$500, imprisoned for a term not to exceed 6 months, or both.

15 (b) For a second offense, the person is guilty of a felony and shall be fined an amount not less than
16 \$500 or more than \$1,000, imprisoned for a term of not less than 6 months or more than 2 years, or both.

17 (c) For a third or subsequent offense, the person is guilty of a felony and shall be fined an amount not
18 less than \$1,000 or more than \$10,000, imprisoned for a term of not less than 1 year or more than 5 years, or
19 both.

20 (3) As used in this section, the following definitions apply:

21 (a) "Knowingly" has the meaning provided in 45-2-101.

22 (b) "Medical practitioner" means a person authorized under 50-20-109 to perform an abortion.

23 (c) "Physical presence" means present in person and does not include the use of telehealth services.

24 (d) "Purposely" has the meaning provided in 45-2-101.

25
26 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
27 integral part of Title 50, chapter 20, part 4, and the provisions of Title 50, chapter 20, part 4, apply to [section 1].

28 - END -