

HOUSE BILL NO. 477

INTRODUCED BY G. BENNETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AIDING OR SOLICITING SUICIDE LAWS; PROVIDING THAT PHYSICIAN-ASSISTED SUICIDE IS AGAINST PUBLIC POLICY AND IS PROHIBITED; REVISING THE OFFENSE OF AIDING OR SOLICITING SUICIDE; PROVIDING A DEFINITION; AMENDING SECTION 45-5-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Physician-assisted suicide -- against public policy.** (1)

Physician-assisted suicide is against public policy for the purpose of 45-2-211 and is prohibited as provided in 45-5-105.

(2) (a) For purposes of this section, "physician-assisted suicide" means any act by a physician or a person acting at the direction of a physician of purposely aiding or soliciting another person to end that person's life, including prescribing a drug, compound, or substance, providing a medical procedure, or directly or indirectly participating in an act with the purpose of aiding or soliciting that person's suicide.

(b) The term "physician-assisted suicide" does not include end-of-life palliative care in which a dying person receives medication to alleviate pain that may incidentally hasten the dying person's death or any act to withhold or withdraw life-sustaining treatment authorized pursuant to Title 50, chapters 9 and 10.

Section 2. Section 45-5-105, MCA, is amended to read:

"45-5-105. Aiding or soliciting suicide. (1) A person who purposely aids or solicits another to commit suicide, ~~but such suicide does not occur,~~ including physician-assisted suicide as defined in [section 1], commits the offense of aiding or soliciting suicide.

(2) A person convicted of the offense of aiding or soliciting a suicide shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 1, and the provisions of Title 45, chapter 5, part 1, apply to [section 1].

