
68th Legislature 2023 SB 210.1

1	SENATE BILL NO. 210	
2	INTRODUCED BY C. GLIMM	
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4	BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING CONSENT AS	Ą
5	EGAL DEFENSE; PROVIDING THAT PHYSICIAN AID IN DYING IS CONTRARY TO PUBLIC POLICY;	
6	ROVIDING THAT CONSENT TO PHYSICIAN AID IN DYING IS NOT A DEFENSE TO A CHARGE OF	
7	OMICIDE; DEFINING "PHYSICIAN AID IN DYING"; AND AMENDING SECTION 45-2-211, MCA."	
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9	E IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
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11	Section 1. Section 45-2-211, MCA, is amended to read:	
12	"45-2-211. Consent as defense. (1) The consent of the victim to conduct charged to constitute a	ın
13	ffense or to the result-thereof of it is a defense.	
14	(2) Consent is ineffective if:	
15	(a) it is given by a person who is legally incompetent to authorize the conduct charged to cons	titute
16	ne offense;	
17	(b) it is given by a person who by reason of youth, mental disease or disorder, or intoxication i	S
18	nable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute	e the
19	ffense;	
20	(c) it is induced by force, duress, or deception;	
21	(d) it is against public policy to permit the conduct or the resulting harm, even though consented	ed to
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23	(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	5,
24	hapter 5, part 7, it is given by a person who the offender knew or reasonably should have known was a vio	ctim
25	f human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which	
26	aused the person to be in the situation where the offense occurred.	
27	(3) (a) For the purposes of subsection (2)(d), physician aid in dying is against public policy, an	<u>d a</u>
28	atient's consent to physician aid in dying is not a defense to a charge of homicide against the aiding physi	ician.



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(b) (i) For the purposes of this subsection (3), "physician aid in dying" means an act by a physician
of purposefully prescribing a lethal dose of medication to a patient that the patient may self-administer to end
the patient's life.
(ii) The term does not include an act of withholding or withdrawing a life-sustaining treatment or
procedure authorized pursuant to Title 50, chapter 9 or 10."
END -

