

1 SENATE BILL NO. 136
2 INTRODUCED BY C. GLIMM

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CONSENT TO PHYSICIAN AID IN DYING IS
5 NOT A DEFENSE TO A CHARGE OF HOMICIDE; PROVIDING A DEFINITION; AMENDING SECTION 45-2-
6 211, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

9
10 **Section 1.** Section 45-2-211, MCA, is amended to read:

11 **"45-2-211. Consent as defense.** (1) The consent of the victim to conduct charged to constitute an
12 offense or to the result thereof is a defense.

13 (2) Consent is ineffective if:

14 (a) it is given by a person who is legally incompetent to authorize the conduct charged to constitute
15 the offense;

16 (b) it is given by a person who by reason of youth, mental disease or disorder, or intoxication is
17 unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the
18 offense;

19 (c) it is induced by force, duress, or deception;

20 (d) it is against public policy to permit the conduct or the resulting harm, even though consented to;

21 or

22 (e) for offenses under 45-5-502, 45-5-503, 45-5-508, 45-5-601, or Title 45, chapter 5, part 7, it is
23 given by a person who the offender knew or reasonably should have known was a victim of human trafficking,
24 as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in
25 the situation where the offense occurred.

26 (3) (a) For the purposes of subsection (2)(d), physician aid in dying is against public policy, and a
27 patient's consent to physician aid in dying is not a defense to a charge of homicide against the aiding physician.

28 (b) (i) For the purposes of this subsection (3), "physician aid in dying" means an act by a physician

Amendment - 1st Reading-white - Requested by: Carl Glimm - (S) Judiciary

- 2025

69th Legislature 2025

Drafter: Alexis Sandru,

SB0136.001.001

1 of purposely and knowingly prescribing a lethal dose of medication to a patient that the patient may self-
2 administer to end the patient's life.

3 (ii) _____ The term does not include an act of withholding or withdrawing a life-sustaining treatment or
4 procedure authorized pursuant to Title 50, chapter 9 or 10, or the provision of comfort care medication and
5 treatment and other treatments in accord with reasonable medical standards pursuant to 50-9-204."

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7 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2025.

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