

1 House BILL NO. 256  
 2 INTRODUCED BY Finley  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MONTANA  
 5 CITIZENS TO CHOOSE FOR THEMSELVES HOW THEY SHALL DIE WHEN  
 6 THEIR TIMES COME TO DIE; PROVIDING FOR A LEGAL, QUICK, AND  
 7 PAINLESS DEATH FOR THOSE WHO QUALIFY AND REQUEST IT; AND  
 8 PROVIDING PENALTIES FOR VIOLATION OF THE ACT."

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

11 Section 1. Short title. This act may be cited as the  
 12 "Montana Self-Determination of Death Act of 1975".

13 Section 2. Purpose of act. In cognizance of the  
 14 profusion of laws and the discernible lack of compassionate  
 15 justice prevalent in our world as we enter the last quarter  
 16 of the twentieth century, the sponsors of this bill, in  
 17 order to protect its intention, want to go on record as  
 18 follows: (1) This legislation is written for the primary  
 19 purpose of giving to every citizen the right to choose for  
 20 himself now he wishes to die, so that those of the dying who  
 21 wish to escape the tortures of dying can legally do so, as  
 22 there is no societal imperative for keeping such people  
 23 alive against their wishes; to insure that not one person's  
 24 life is shortened against his will; and to guard the  
 25 beliefs, the wishes and the comfort of the dying as well as

1 the moral and ethical values of those who deal with the  
 2 dying.

3 (2) We direct that this legislation be always  
 4 administered with compassion and with common (good) sense.

5 Section 3. Declaration of right. With the firm  
 6 conviction that any citizen capable of making the important  
 7 decisions of daily living after he has reached majority  
 8 should also be allowed to make the crucial, final decision  
 9 as to the manner in which he dies, it is hereby declared  
 10 that such citizens shall now have this right.

11 Section 4. Definitions. For the purposes of this act:

12 (1) "Physician" means a duly licensed medical  
 13 practitioner;

14 (2) "Euthanasia" means the painless inducement of  
 15 death;

16 (3) "Qualified patient" means an individual, over the  
 17 age of eighteen (18), who has signed the declaration  
 18 provided in section 7, in respect of whom two (2) physicians  
 19 have certified in writing that the patient appears to be  
 20 suffering from an irremediable condition; and

21 (4) "Irremediable condition" means either:

22 (a) a serious physical disability which is diagnosed  
 23 as incurable and terminal, with no expectation of regaining  
 24 health; or

25 (b) a condition of brain damage or deterioration such

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1 that a person's normal mental faculties are severely and  
 2 irreparably impaired to the extent that he has been rendered  
 3 incapable of leading a rational existence. (If the  
 4 statements on brain damage and mental incapacity would seem  
 5 to be contradictory to the voluntary nature of this  
 6 legislation let it here be noted that those who sign the  
 7 declaration in section 7 asking for the right to euthanasia  
 8 when they might need it are making their will known before  
 9 brain deterioration so that they might escape the ravages  
 10 caused by it.)

11 Section 5. When declaration is effective. Subject to  
 12 the provisions of this act a declaration may be made by any  
 13 individual, preferably years ahead of necessity, in the  
 14 manner that wills are executed, on the form described in  
 15 section 7 of this act. The declaration shall become  
 16 effective when:

- 17 (1) it has been recorded by the county clerk and filed
- 18 in the sheriff's office in the county of the individual's
- 19 residence;
- 20 (2) it has been filed at least fifteen (15) days prior
- 21 to euthanasia administration;
- 22 (3) it has not been subsequently revoked; and
- 23 (4) it contains the individual's fingerprints.

24 Section 6. Wallet copies -- limit of one revocation.  
 25 (1) When a person records a declaration or a revocation of a

1 declaration, the county clerk and recorder shall give him a  
 2 copy of the instrument suitable for carrying in a wallet.

3 (2) A person may make only one (1) revocation. (He  
 4 can make one (1) declaration, one (1) revocation, and  
 5 another declaration, but may make no second revocation.)

6 Section 7. Form of declaration. The declaration shall  
 7 be a sworn statement, executed in the presence of two (2)  
 8 witnesses who shall sign the declaration. It shall be made  
 9 on the following form:

10 DECLARATION made this day of.....:.....  
 11 by.....  
 12 of.....

13 I, ....., DECLARE that I voluntarily subscribe to  
 14 the code set out under the following articles:

15 A. If I should at any time suffer from a serious  
 16 physical illness or impairment reasonably thought in my case  
 17 to be incurable and expected to cause me severe distress or  
 18 render me incapable of rational existence, I request the  
 19 administration of euthanasia at a time or in circumstances  
 20 to be indicated or specified by me, or if it is apparent  
 21 that I have become incapable of giving directions, at the  
 22 discretion of my spouse or a person of first degree of  
 23 kinship, and/or the physician in charge of my case.

24 B. In the event of my suffering from any of the  
 25 conditions specified above, I request that no active steps



1 suffering to those of their family who qualify for and  
 2 request it. Therefore, it shall be legal in these cases for  
 3 each patient's physician to prescribe a medication which can  
 4 be administered by a layman and for the willing relative to  
 5 give it to the qualified patient under the supervision of  
 6 the physician.

7 (6) No person shall be under any duty, whether by  
 8 contract or by statutory or other legal requirement, to  
 9 participate in any aspect of treatment or euthanasia  
 10 authorized by this act to which he has a conscientious  
 11 objection.

12 (7) Institutions and physicians who do not agree with  
 13 the concept of an individual's right to determine for  
 14 himself how he dies, will sometimes find themselves caring  
 15 for terminally ill patients who do hold this concept. These  
 16 institutions and physicians must release such patients at  
 17 their request, or at the request of those people responsible  
 18 for and loving them, to their homes or to other institutions  
 19 or physicians who will be willing to comply with the  
 20 patients' wishes.

21 Section 9. Non-liability. (1) A physician or nurse  
 22 who, acting in good faith, caused euthanasia to be  
 23 administered to a qualified patient, in accordance with this  
 24 act, shall not be guilty of any offense.

25 (2) A family member who, acting in good faith and in

1 accordance with the provisions of this act, gives the death  
 2 medication to his loved one, shall not be guilty of any  
 3 offense.

4 (3) Physicians and nurses who have taken part in the  
 5 administration of euthanasia shall be deemed not to be in  
 6 breach of any professional oath or affirmation.

7 Section 10. Revocation. A declaration may be revoked  
 8 only once, but at any time. Any person wishing to revoke an  
 9 application shall file a request with the county clerk where  
 10 he then resides. When the county clerk is satisfied that  
 11 the person requesting the revocation is the same person who  
 12 made the declaration, he shall send the revocation to the  
 13 sheriff's office where the original declaration is on file.  
 14 There, the declaration shall be marked "REVOKED" in large  
 15 letters across the face of it, and the signed revocation  
 16 request shall be filed with the revoked declaration.

17 Section 11. Penalties. (1) Any person who willfully  
 18 conceals, destroys, falsifies, or forges a declaration or  
 19 revocation is guilty of an offense punishable by life  
 20 imprisonment.

21 (2) Any person who wrongfully witnesses a declaration  
 22 or revocation shall be deemed to have committed perjury and  
 23 will be so prosecuted.

24 Section 12. Insurance policies not impaired. No  
 25 policy of insurance that has been in force for more than

1 twelve (12) months shall be vitiated or legally impaired in  
2 any way by the administration of euthanasia to the insured.

3 Section 13. Medication for relief of pain. For the  
4 removal of doubt, it is declared that a patient suffering  
5 from an irremediable condition reasonably thought in his  
6 case to be terminal shall be entitled to the administration  
7 of whatever quantity of drugs may be required to keep him  
8 free from pain, and such a patient in whose case severe  
9 distress cannot be otherwise relieved, shall, if he so  
10 requests, be entitled to drugs rendering him continuously  
11 unconscious.

12 Section 14. Right to prolong dying guaranteed. (1)  
13 For the removal of all doubt, a person who wishes to prolong  
14 his dying regardless of the apparent hopelessness of his  
15 case, still has the right to the care and treatment to do  
16 so, just as he did before the effective date of this act.

17 (2) The state, however, is no more responsible for the  
18 care and treatment of a person exercising his right under  
19 subsection (1) than it is made so responsible by laws in  
20 force upon the effective date of this act.

21 Section 15. No additional bureaus or employees. Legal  
22 procedures relating to euthanasia will be handled by  
23 existing state and county facilities. No new bureaus or  
24 offices will be established, and no new personnel positions  
25 may be created to implement this act.

-End-  
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