

1 H BILL NO. 371
2 INTRODUCED BY Hayes

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE CERTAIN
5 CRITERIA FOR THE DETERMINATION OF DEATH; TO PROVIDE FOR
6 INDEPENDENT CONFIRMATION OF DEATH; AND TO PROVIDE THAT
7 PERSONS ACTING IN GOOD FAITH UNDER THE PROVISIONS OF THIS
8 ACT ARE NOT LIABLE FOR CIVIL DAMAGES OR CRIMINAL
9 PROSECUTION."

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

12 Section 1. Definition of death. (1) A person is
13 medically and legally dead if, in the announced opinion of a
14 physician based on ordinary standards of medical practice,
15 the person has experienced the total and irreversible
16 cessation of spontaneous respiratory and circulatory
17 functions.

18 (2) If artificial life-sustaining procedures,
19 supportive maintenance, or resuscitation preclude a
20 determination that the functions specified in [subsection
21 (1)] have ceased, a person is medically and legally dead if,
22 in the announced opinion of a physician based on ordinary
23 standards of medical practice, the person has experienced
24 the total and irreversible cessation of spontaneous brain
25 function. Death occurs at the time the relevant functions

1 cease.

2 Section 2. Confirmation by second physician. An
3 independent confirmation of death by a second physician must
4 be made before the pronouncement of death and the
5 termination of artificial life-sustaining procedures if a
6 person is being maintained by such procedures.

7 Section 3. Death pronouncement. Death is to be
8 pronounced before artificial life-sustaining procedures are
9 withdrawn and before a vital organ is removed for the
10 purposes of transplantation.

11 Section 4. Good faith — nonliability. A person who
12 acts in good faith in accordance with the provisions of this
13 act is not liable for damages in a civil action or subject
14 to prosecution in a criminal proceeding for such act.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

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 9 FOR A DEFINITION OF DEATH."

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 18 (2) If artificial life-sustaining procedures
 19 supportive maintenance or resuscitation preclude a
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 11 Section 4. Good faith nontiability. A person who
 12 acts in good faith in accordance with the provisions of this
 13 act is not liable for damages in a civil action or subject
 14 to prosecution in a criminal proceeding for such acts. A
 15 HUMAN BODY WITH IRREVERSIBLE CESSATION OF TOTAL BRAIN
 16 FUNCTION AS DETERMINED ACCORDING TO USUAL AND CUSTOMARY
 17 STANDARDS OF MEDICAL PRACTICE IS DEAD FOR ALL LEGAL
 18 PURPOSES.

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