

HB 604 INTRODUCED BY HANNAH, ET AL.  
REVISE LIVING WILL ACT

2/04 INTRODUCED  
2/04 REFERRED TO JUDICIARY  
2/18 HEARING  
2/23 TABLED IN COMMITTEE

1 House BILL NO. 604  
 2 INTRODUCED BY Clayton Rasmussen, Hyman Kato  
 3 Fachruke O'Rannell, Bob Wallace, Kating

4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING  
 5 LIFE-SUSTAINING PROCEDURE IN THE LIVING WILL ACT TO EXCLUDE  
 6 THE PROVISION OF NUTRITION OR HYDRATION AND THEREBY LIMITING  
 7 THE TYPES OF LIFE-SUSTAINING PROCEDURES THAT MAY BE  
 8 WITHDRAWN THROUGH OPERATION OF A LIVING WILL; AND AMENDING  
 9 SECTION 50-9-102, MCA."

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

12 Section 1. Section 50-9-102, MCA, is amended to read:  
 13 "50-9-102. Definitions. As used in this chapter, the  
 14 following definitions apply:

15 (1) "Attending physician" means the physician selected  
 16 by or assigned to the patient, who has primary  
 17 responsibility for the treatment and care of the patient.

18 (2) "Declaration" means a document executed in  
 19 accordance with the requirements of 50-9-103.

20 (3) "Health care provider" means a person who is  
 21 licensed or otherwise authorized by the law of this state to  
 22 administer health care in the ordinary course of business or  
 23 practice of a profession.

24 (4) "Life-sustaining procedure" means any medical  
 25 procedure or intervention that, when administered to a

1 qualified patient, will serve only to prolong the dying  
 2 process. This term does not include the provision of food,  
 3 water, or other forms of nutrition or hydration.

4 (5) "Physician" means a person licensed under Title  
 5 37, chapter 3, to practice medicine in this state.

6 (6) "Qualified patient" means a patient who has  
 7 executed a declaration in accordance with this chapter and  
 8 who has been determined by the attending physician to be in  
 9 a terminal condition.

10 (7) "Terminal condition" means an incurable or  
 11 irreversible condition that, without the administration of  
 12 life-sustaining procedures, will, in the opinion of the  
 13 attending physician, result in death within a relatively  
 14 short time."

-End-



-2- INTRODUCED BILL  
 HB 604