

HOUSE BILL NO. 50

INTRODUCED BY R. MARSHALL

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTIONS TO PARENTS AND PREGNANT WOMEN WITH SUBSTANCE USE DISORDER; REVISING THE HELP SAVE LIVES FROM OVERDOSE ACT; AND AMENDING SECTION 50-32-609, MCA."

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

Section 1. Section 50-32-609, MCA, is amended to read:

"50-32-609. Good Samaritan and parental protections. (1) The provisions of 45-5-626, 45-9-102, 45-9-107, and 45-10-103 do not apply to:

(a) a person who, acting in good faith, seeks medical assistance for another person who is experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person; or

(b) a person who experiences a drug-related overdose and is in need of medical assistance if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.

(2) The provisions of 45-9-102, 45-9-107, and 45-10-103 do not apply to:

(a) a pregnant woman seeking or receiving:

(a)(i) evaluation, treatment, or support services for a substance use disorder; or

(b)(ii) prenatal health care; or

(b) a woman seeking postpartum health care up to 12 months after the delivery of her child.

(3) The provisions of 45-5-601(2)(a) do not apply to a person reporting a crime under 45-5-502 or 45-5-503.

(4) A person's pretrial release, probation, furlough, supervised release, or parole may not be

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Drafter: Milly Allen,