



AN ACT REVISING LAWS RELATING TO MEDICAL MALPRACTICE AND HEALTH CARE PROVIDERS RELATING TO THE DUTY OF CARE; PROVIDING THAT A SPECIFIC RISK DOES NOT CHANGE OR HEIGHTEN THE DUTY BEYOND THE REASONABLE STANDARD OF CARE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

**Section 1. Medical malpractice -- duty of care -- foreseeability of risks.** In medical malpractice actions, the foreseeability of risks or of a specific risk does not change or heighten the duty owed beyond the reasonable standard of care applicable to the medical provider.

**Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

**Section 3. Effective date.** [This act] is effective on passage and approval.

**Section 4. Applicability.** [This act] applies to medical malpractice actions filed on or after [the effective date of this act] and is intended to clarify any court ruling to the contrary.

- END -

I hereby certify that the within bill,  
HB 342, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

HOUSE BILL NO. 342

INTRODUCED BY B. MERCER, E. BUTTREY, S. FITZPATRICK

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