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69th Legislature 2025 HB 342.1

1	HOUSE BILL NO. 342
2	INTRODUCED BY B. MERCER, E. BUTTREY, S. FITZPATRICK
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO MEDICAL MALPRACTICE AND
5	HEALTH CARE PROVIDERS RELATING TO THE DUTY OF CARE; PROVIDING THAT A SPECIFIC RISK
6	DOES NOT CHANGE OR HEIGHTEN THE DUTY BEYOND THE REASONABLE STANDARD OF CARE; AND
7	PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	NEW SECTION. Section 1. Medical malpractice duty of care foreseeability of risks. In
12	medical malpractice actions, the foreseeability of risks or of a specific risk does not change or heighten the duty
13	owed beyond the reasonable standard of care applicable to the medical provider.
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15	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
16	integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].
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18	NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.
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20	NEW SECTION. Section 4. Applicability. [This act] applies to medical malpractice actions filed on or
21	after [the effective date of this act] and is intended to clarify any court ruling to the contrary.
22	- END -

