



AN ACT PROHIBITING CLAIMS AND DAMAGES BASED ON THE BIRTH OF A CHILD.

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

**Section 1. Claims and damages based on birth of child prohibited.** (1) A cause of action or award of damages is prohibited if the cause of action or award of damages is based on the claim that, but for the conduct of a health care provider, a parent would not have permitted the parent's child to have been born.

(2) For the purposes of this section, the term "health care provider" means a health care facility as defined in 50-5-101 or a physician, physician assistant, registered nurse, advanced practice registered nurse, or direct-entry midwife licensed under Title 37.

(3) This section does not apply to instances of gross negligence or willful or wanton acts or omissions.

**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. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

- END -

I hereby certify that the within bill,  
HB 0310, 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 \_\_\_\_\_, 2013.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

HOUSE BILL NO. 310

INTRODUCED BY C. SMITH, G. BENNETT, BERRY, BLYTON, BRODEHL, DOANE, EDMUNDS, FISCUS,  
FITZPATRICK, FLYNN, GLIMM, HAGAN, HALVORSON, HANSEN, HERTZ, HOWARD, D. JONES,  
KNUDSEN, LANG, LASZLOFFY, LENZ, MCNIVEN, O'HARA, OSMUNDSON, REDFIELD, REGIER,  
SALOMON, SHAW, VANCE, WAGONER, WELBORN, WHITE, A. WITTICH

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