1	HOUSE BILL NO. 50	
2	INTRODUCED BY R. MARSHALL	
3	BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES INTERIM COMMITTEE	
4		
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTIONS TO PARENTS AND PREGNANT	
6	WOMEN WITH SUBSTANCE USE DISORDER; REVISING THE HELP SAVE LIVES FROM OVERDOSE ACT;	
7	AND AMENDING SECTION 50-32-609, MCA."	
8		
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
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11	Section 1. Section 50-32-609, MCA, is amended to read:	
12	"50-32-609. Goo	d Samaritan and parental protections. (1) The provisions of 45-5-626, 45-9-102,
13	45-9-107, and 45-10-103 do not apply to:	
14	(a) a person v	who, acting in good faith, seeks medical assistance for another person who is
15	experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest,	
16	charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person;	
17	or	
18	(b) a person v	who experiences a drug-related overdose and is in need of medical assistance if the
19	evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose	
20	and the need for medical assistance.	
21	(2) The provis	sions of 45-9-102, 45-9-107, and 45-10-103 do not apply to <u>:</u>
22	(A) a pregnan	t woman seeking or receiving:
23	(<u>a)(ı)</u> evaluation	, treatment, or support services for a substance use disorder; or
24	(b)<u>(</u>⊫) prenatal h	ealth care; OR
25	(B) A WOMAN S	SEEKING POSTPARTUM HEALTH CARE UP TO 12 MONTHS AFTER THE DELIVERY OF HER CHILD.
26	(3) The provis	sions of 45-5-601(2)(a) do not apply to a person reporting a crime under 45-5-502 or
27	45-5-503.	
28	(4) A person's	s pretrial release, probation, furlough, supervised release, or parole may not be



1 revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under

2 this section.

3 (5) A person's act of providing first aid or other medical assistance to a person who is experiencing

4 an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal

5 prosecution for which immunity is not provided under this section.

6 (6) A parent's positive drug test may not be the sole factor used to:

- 7 (a) begin a child abuse and neglect investigation under Title 41, chapter 3, part 2;
- 8 (b) place a child in protective care pursuant to Title 41, chapter 3, part 3;
- 9 (c) initiate abuse and neglect proceedings as provided for in Title 41, chapter 3, part 4; or
- 10 (d) terminate parental rights as provided for in Title 41, chapter 3, part 6.
- 11 (6)(7) This section may not be construed to:
- 12 (a) bar the admissibility of evidence obtained in connection with the investigation and prosecution

13 of other crimes or violations committed by a person who otherwise qualified for limited immunity under this

14 section;

15 (b) limit, modify, or remove immunity from liability currently available to public entities, public

16 employees, or prosecutors or by law; or

17 (c) create a new cause of action or other source of criminal liability for a pregnant woman with a
18 substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance

19 use disorder."

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