

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 -



Authorized Print Version – HB 342

I hereby certify that the within bill,

HB 342, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this	day
of	, 2025.

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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