

HOUSE BILL NO. 174

INTRODUCED BY N. DURAM, S. KELLY, T. SHARP, E. TILLEMAN, C. HINKLE, B. LER, R. MINER, J. SCHILLINGER, K. ZOLNIKOV, L. DEMING, B. USHER, T. FALK, B. MITCHELL, K. SEEKINS-CROWE, S.

MANESS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ASSAULT; PROVIDING THAT AN ASSAULT IS COMMITTED WHEN A PERSON PROVIDES CERTAIN DRUGS TO ANOTHER PERSON WITHOUT THEIR CONSENT; AND AMENDING SECTION 45-5-201, MCA."

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

**Section 1.** Section 45-5-201, MCA, is amended to read:

**"45-5-201. Assault.** (1) ~~(a)~~ A person commits the offense of assault if the person:

~~(a)(i)~~ (A) purposely or knowingly causes bodily injury to another;

~~(b)(iii)~~ (B) negligently causes bodily injury to another with a weapon;

~~(c)(iii)~~ (C) purposely or knowingly makes physical contact of an insulting or provoking nature with any individual;

~~(d)(iv)~~ (D) purposely or knowingly causes reasonable apprehension of bodily injury in another; or

~~(e)(v)~~ (E) except as provided in subsections (1)(b)(i) through (1)(b)(iv)(iii), purposely or knowingly provides an individual with rohypnol, flunitrazolam, or gamma-hydroxybutyrate, specific dangerous drugs included in Schedules I, II, III, IV, and V as provided in 50-32-222, 50-32-224, 50-32-226, 50-32-229, and 50-32-232, alcohol, ANY VACCINE, and diphenhydramine, without the individual's EXPRESS, INFORMED, OR IMPLIED consent OR THE EXPRESS, INFORMED, OR IMPLIED CONSENT OF THE INDIVIDUAL'S PARENT, GUARDIAN, OR MEDICAL POWER OF ATTORNEY.

~~(b)~~ For prescription medication, subsection (1)(a)(v) does not apply to the following:

~~(i)~~ medical providers with the authority to prescribe or administer medication;

~~(ii)~~ patients of medical providers described in subsection (1)(b)(i);

~~(iii)~~ parents or guardians who have valid prescriptions for their minor children and minor children

1 ~~who are unable to consent under their care ; and~~

2 ~~(iv)(iii) guardians of adults who are incapacitated and who cannot consent or make their own health~~  
3 ~~care decisions.~~

4 ~~(c) Subsection (1)(a)(v) does not apply to the administration of an opioid overdose reversal~~  
5 ~~medication, including but not limited to naloxone and nalmefene.~~

6 (2) A person convicted of assault shall be fined not to exceed \$500 or be imprisoned in the county  
7 jail for any term not to exceed 6 months, or both."

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