

HOUSE BILL NO. 397

INTRODUCED BY K. SULLIVAN, J. SECKINGER, P. ELVERUM, D. ZOLNIKOV, E. MATTHEWS, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PRIVACY IN MENTAL HEALTH DIGITAL SERVICE; ESTABLISHING CONFIDENTIALITY STANDARDS FOR MENTAL HEALTH DIGITAL SERVICE; PROVIDING FOR REMEDIES FOR NONCOMPLIANCE; AND PROVIDING A DEFINITION."

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

NEW SECTION. Section 1. Digital health care information -- confidentiality -- penalties -- additional requirements. (1) A mental health digital service is subject to the disclosure and confidentiality provisions of Title 50, chapter 16, part 5, when handling health care information as defined in 50-16-504 on behalf of an individual.

(2) A violation of this section may be enforced as provided in 50-16-552, and a person whose information is disclosed in violation of Title 50, chapter 16, part 5, may pursue the remedies allowed in 50-16-553.

(3) "Mental health digital service" means a mobile-based application or internet website that:

(a) collects, obtains, uses, possesses, or accesses information related to an individual's inferred or diagnosed mental health or substance use disorder;

(b) markets itself as facilitating mental health or substance use disorder services to an individual; and

(c) uses the information provided to facilitate mental health services, including diagnosis, treatment, suggested therapies, and management of the mental health or substance use disorder for an individual.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 5, and the provisions of Title 50, chapter 16, part 5, apply to [section 1].

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