1   HOUSE BILL NO. 397

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

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4   A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PRIVACY IN

5   MENTAL HEALTH DIGITAL SERVICE; ESTABLISHING CONFIDENTIALITY STANDARDS FOR MENTAL

6   HEALTH DIGITAL SERVICE; PROVIDING FOR REMEDIES FOR NONCOMPLIANCE; AND PROVIDING A

7   DEFINITION."

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

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11   NEW SECTION. **Section 1.   Digital health care information -- confidentiality -- penalties --**

12   **additional requirements.** (1) A mental health digital service is subject to the disclosure and confidentiality

13   provisions of Title 50, chapter 16, part 5, when handling health care information as defined in 50-16-504 on

14   behalf of an individual.

15   (2)   A violation of this section may be enforced as provided in 50-16-552, and a person whose

16   information is disclosed in violation of Title 50, chapter 16, part 5, may pursue the remedies allowed in 50-16-

17   553.

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

19   (a)   collects, obtains, uses, possesses, or accesses information related to an individual's inferred or

20   diagnosed mental health or substance use disorder;

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

22   ~~and~~

23   (c)   uses the information provided to facilitate mental health services, including diagnosis,

24   treatment, suggested therapies, and management of the mental health or substance use disorder for an

25   individual; AND

26   (D)   IS NOT A HEALTH CARE SERVICE PROVIDED BY MEANS OF TELEHEALTH AS DEFINED IN 33-22-138.

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28   NEW SECTION. **Section 2.   Codification instruction.** [Section 1] is intended to be codified as an

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1   integral part of Title 50, chapter 16, part 5, and the provisions of Title 50, chapter 16, part 5, apply to [section 1].

2   - END -

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