

1 HOUSE BILL NO. 446
2 INTRODUCED BY K. SULLIVAN, A. BUCKLEY, K. KORTUM, K. BOGNER, D. ZOLNIKOV, D. HARVEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HEALTH PRIVACY LAWS;
5 ESTABLISHING CONFIDENTIALITY STANDARDS FOR DIGITAL HEALTH CARE; PROVIDING FOR
6 REMEDIES FOR NONCOMPLIANCE; AND PROVIDING DEFINITIONS."

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

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

13 (2) A violation of this section may be enforced as provided in 50-16-552, and a person whose
14 information is disclosed in violation of Title 50, chapter 16, part 5, may pursue the remedies allowed in 50-16-
15 553.

16 (3) "Mental health digital service" means a mobile-based application or internet website that
17 collects, obtains, uses, possesses, or accesses information related to an individual's inferred or diagnosed
18 mental health or substance use disorder, markets itself as facilitating mental health or substance use disorder
19 services to an individual, and uses the information provided to facilitate mental health services, including
20 diagnosis, treatment, suggested therapies, or management of the mental health or substance use disorder to
21 an individual.

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23 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
24 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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