



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:

- 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 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.

**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].

- END -

I hereby certify that the within bill,  
HB 397, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

HOUSE BILL NO. 397

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

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