

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~~ 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; ~~AND~~

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