

HOUSE BILL NO. 446

INTRODUCED BY K. SULLIVAN, D. ZOLNIKOV, D. HARVEY, K. BOGNER, A. BUCKLEY, K. KORTUM

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HEALTH PRIVACY LAWS;
ESTABLISHING CONFIDENTIALITY STANDARDS FOR DIGITAL HEALTH CARE; PROVIDING FOR
REMEDIES FOR NONCOMPLIANCE; PROVIDING ADDITIONAL REQUIREMENTS FOR A MENTAL
HEALTH DIGITAL SERVICE; AND PROVIDING DEFINITIONS."

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 IN A CIVIL ACTION 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. A PERSON AGGRIEVED BY THE SALE OR PURCHASE OF HEALTH CARE INFORMATION IN VIOLATION
OF THIS SECTION MAY RECOVER STATUTORY DAMAGES OF UP TO \$100,000 FOR EACH SALE OR PURCHASE OF THE
HEALTH CARE INFORMATION IN ADDITION TO DAMAGES FOR ANY PECUNIARY LOSS UNDER 50-16-553.

(3) A PERSON WHO PURPOSELY OR KNOWINGLY SELLS HEALTH CARE INFORMATION IN VIOLATION OF THIS
SECTION IS GUILTY OF A FELONY AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT
EXCEEDING 5 YEARS.

(4) A PERSON WHO PURPOSELY OR KNOWINGLY PURCHASES HEALTH CARE INFORMATION SOLD IN
VIOLATION OF THIS SECTION IS GUILTY OF A FELONY AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR A
PERIOD NOT EXCEEDING 5 YEARS.

(5) IF APPLICABLE, A PROSECUTOR SHALL SEEK EXTRADITION OF A VIOLATOR OF THIS SECTION FROM A
FOREIGN COUNTRY THROUGH THE UNITED STATES DEPARTMENT OF STATE AND THE UNITED STATES DEPARTMENT OF
JUSTICE.

