

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE: 2-9-07

| <u>NAME</u> | <u>PRESENT</u> | <u>ABSENT/ EXCUSED</u> |
|---------------------------------|----------------|----------------------------|
| REP. RON STOKER, CHAIR | ✓ | |
| REP. TOM MCGILLVRAY, VICE CHAIR | ✓ | |
| REP. ARLENE BECKER, VICE CHAIR | ✓ | |
| REP. MARY CAFERRO | ✓ | |
| REP. ERNIE DUTTON | ✓ | |
| REP. JULIE FRENCH | ✓ | |
| REP. PAT INGRAHAM | ✓ | |
| REP. BILL JONES | | ✓ |
| REP. KRAYTON KERNS | ✓ | |
| REP. DAVE MCALPIN | | ✓ |
| REP. MIKE MILBURN | | ✓ |
| REP. KEN PETERSON | ✓ | |
| REP. MICHELE REINHART | ✓ | |
| REP. DIANE SANDS | ✓ | ABSENT |

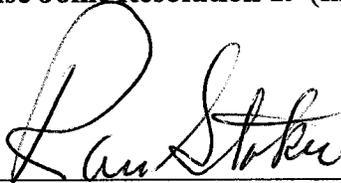


HOUSE STANDING COMMITTEE REPORT

February 12, 2007
Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Joint Resolution 19** (first reading copy -- white) **be adopted as amended.**

Signed: 
Representative Ron Stoker, Chair

And, that such amendments read:

1. Title, page 1, line 7 and line 8.

Following: "INFORMATION"

Strike: "OR TO BRING" on line 7 through "ATTORNEY GENERAL" on line 8

2. Page 2, line 12 through line 15.

Strike: line 12 through line 15

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required _____

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2/12/07

2-9-07
HB 445

CHAPTER 41

LAETRILE

Part 1

General Provisions

Law Review Articles:

Laetrile--Of Choice and Effectiveness, Cooper, 38 Food Drug Cosm. L.J. 417 (1983).

Laetrile: May the State Intervene on Behalf of a Minor?, Ainsworth & Wall, 30 U. Kan. L. Rev. 409 (1982).

Laetrile and the Privacy Right in Decisional Responsibility, Volzer, 26 Med. Trial Tech. Q. 395 (1980).

50-41-101. Laetrile defined. As used in this chapter, "laetrile", also known as B-17, means a cyanogenetic glycoside, which is processed from the seeds of certain fruits, including apricots, peaches, and plums.

History: En. Sec. 1, Ch. 454, L. 1979.

50-41-102. Laetrile authorized. The manufacture, sale, possession, and distribution of laetrile is lawful within this state.

History: En. Sec. 2, Ch. 454, L. 1979.

Collateral References:

Right of medical patient to obtain, or physician to prescribe, laetrile for treatment of illness--state cases. 5 ALR 4th 219.

50-41-103. Hospital may not interfere. A hospital or health care facility may not interfere with the physician-patient relationship by restricting or forbidding the use of laetrile when prescribed or administered by a physician and requested by a patient.

History: En. Sec. 3, Ch. 454, L. 1979.

Cross References:

Health care facility and hospital defined, 50-5-101.

50-41-104. Health care facility liability. No hospital, health care facility, or employee thereof shall be held liable for the administration of laetrile to any person at the direction of a licensed physician.

History: En. Sec. 4, Ch. 454, L. 1979.

Cross References:

Liability, Title 27, ch. 1, part 7.

50-41-105. Physician not subject to disciplinary action. A physician may not be subjected to disciplinary action by the board of medical examiners for prescribing or administering laetrile to a patient under his care as an adjunct to recognized, customary, or accepted modes of therapy in the treatment of any malignancy, disease, illness, or physical condition.

History: En. Sec. 5, Ch. 454, L. 1979.

Cross References:

Board of Medical Examiners, Title 37, ch. 3, part 2.

50-41-106. Laetrile not endorsed -- permitted as a dietary supplement. This chapter:

(1) is not an endorsement of laetrile for the treatment of any malignancy, disease, illness, or physical condition;

(2) does not prevent a physician from prescribing laetrile as a dietary supplement to a patient not suffering from any known malignancy, disease, illness, or physical condition.

History: En. Sec. 6, Ch. 454, L. 1979.

50-41-107. Laetrile optional. This chapter does not require:

(1) a physician, pharmacist, pharmacy, manufacturer, or distributor to manufacture, sell, or distribute laetrile;

(2) a physician to prescribe laetrile for any patient.

History: En. Sec. 7, Ch. 454, L. 1979.

Cross References:

Regulation of practice of medicine, Title 37, ch. 3.

Regulation of practice of pharmacy, Title 37, ch. 7.

CHAPTER 42

DIMETHYL SULFOXIDE (DMSO)

Part 1

General Provisions

Cross References:

Drugs and devices, Title 50, ch. 31, part 3.

50-42-101. DMSO defined. As used in this part, "DMSO" means dimethyl sulfoxide.

History: En. Sec. 2, Ch. 333, L. 1981.

50-42-102. DMSO authorized. The manufacture, sale, possession, and distribution of DMSO are lawful within this state. However, distribution or sale of DMSO for human use must be by prescription in accordance with 50-31-307. A person who violates this section is subject to the penalties provided for in 50-31-506.

History: En. Sec. 3, Ch. 333, L. 1981.

50-42-103. Hospital not to interfere. A hospital or health care facility may not interfere with the physician-patient relationship by restricting or forbidding the use of DMSO when requested by a patient and prescribed or administered by a physician.

History: En. Sec. 4, Ch. 333, L. 1981.

Cross References:

Health care facility and hospital defined, 50-5-101.

50-42-104. Health care facility nonliability. No hospital, health care facility, pharmacy, or employee thereof shall be held liable for the administration of DMSO to any person at the direction of a physician licensed in Montana.

History: En. Sec. 5, Ch. 333, L. 1981.

Cross References:

Liability, Title 27, ch. 1, part 7.

50-42-105. Physician not subject to disciplinary action. A physician may not be subjected to disciplinary action by the board of medical examiners for prescribing or administering DMSO to a patient under his care as an adjunct to recognized, customary, or accepted modes of therapy in the treatment of any malignancy, disease, illness, or physical condition.

History: En. Sec. 6, Ch. 333, L. 1981.

Cross References:

Board of Medical Examiners, Title 37, ch. 3, part 2.

50-42-106. DMSO not endorsed. This part is not an endorsement of DMSO for the treatment of any malignancy, disease, illness, or physical condition.

History: En. Sec. 7, Ch. 333, L. 1981.

50-42-107. DMSO optional. This part does not require:

(1) a physician, pharmacist, pharmacy, manufacturer, or distributor to manufacture, sell, or distribute DMSO; or

(2) a physician to prescribe DMSO for any patient.

History: En. Sec. 8, Ch. 333, L. 1981.

Cross References:

Regulation of practice of medicine, Title 37, ch. 3.

Regulation of practice of pharmacy, Title 37, ch. 7.

CHAPTER 43

CALCIUM-EAP, HARNOSAL, AND PHOSETAMIN

Part 1

General Provisions

Cross References:

Regulation of practice of medicine, Title 37, ch. 3.

Regulation of practice of pharmacy, Title 37, ch. 7.

50-43-101. Purpose. The purpose of this part is to provide for the continuation of medication initiated by a physician for multiple sclerosis. This medication includes the substances described in this part and has been found to be effective in alleviating the symptoms of multiple sclerosis.

History: En. Sec. 1, Ch. 430, L. 1987.

50-43-102. Definitions. In this part, the following definitions apply:

- (1) "Calcium-EAP" means a calcium salt of the monoester (2-ethylamine) of phosphoric acid.
- (2) "Harnosal" means a compound of sulfamethizole and sulfaethidole. A 500-milligram tablet contains 350 milligrams of sulfamethizole and 150 milligrams of sulfaethidole.
- (3) "Phosetamin" means a compound of potassium salt of the monoester (2-ethylamine) of phosphoric acid, magnesium salt of the monoester (2-ethylamine) of phosphoric acid, and calcium salt of the monoester (2-ethylamine) of phosphoric acid. A 350-milligram tablet contains 145.8 milligrams of the potassium salt, 145.8 milligrams of the magnesium salt, and 58.4 milligrams of the calcium salt.

History: En. Sec. 2, Ch. 430, L. 1987.

50-43-103. Authorization of medication. The manufacture, sale, possession, and distribution of calcium-EAP, harnosal, and phosetamin to provide for the continuation of medication initiated by a physician for multiple sclerosis are lawful within this state.

History: En. Sec. 3, Ch. 430, L. 1987.

50-43-104. Health care facility may not interfere. A health care facility may not interfere with the physician-patient relationship by restricting or forbidding the use of calcium-EAP, harnosal, or phosetamin when prescribed or administered by a physician.

History: En. Sec. 4, Ch. 430, L. 1987.

50-43-105. Health care facility immunity. No health care facility or employee thereof may be held liable for the administration of calcium-EAP, harnosal, or phosetamin to any person.

History: En. Sec. 5, Ch. 430, L. 1987.

50-43-106. Physician not subject to disciplinary action. A physician may not be disciplined by the board of medical examiners for prescribing or administering calcium-EAP, harnosal, or phosetamin to a patient under his care in the treatment of any malignancy, disease, illness, or physical condition.

History: En. Sec. 6, Ch. 430, L. 1987.

50-43-107. Medication not endorsed -- permitted as dietary supplement. This part:

- (1) is not an endorsement of calcium-EAP, harnosal, or phosetamin for the treatment of any malignancy, disease, illness, or physical condition; and
- (2) does not prohibit use of calcium-EAP, harnosal, or phosetamin as a dietary supplement.

History: En. Sec. 7, Ch. 430, L. 1987.

50-43-108. Medication not required. This part does not require:

- (1) a physician to prescribe calcium-EAP, harnosal, or phosetamin for any patient; or
- (2) a physician, pharmacist, pharmacy, manufacturer, or distributor to manufacture, sell, or distribute calcium-EAP, harnosal, or phosetamin.

History: En. Sec. 8, Ch. 430, L. 1987.