

SENATE BILL NO. 210

INTRODUCED BY B. TUTVEDT

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A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO OBTAIN OR ATTEMPT TO OBTAIN A DANGEROUS DRUG BY MAKING CERTAIN COMMUNICATIONS WITH A PERSON AUTHORIZED TO WRITE PRESCRIPTIONS FOR OR DISPENSE DANGEROUS DRUGS; AND AMENDING SECTIONS 26-1-805 AND 45-9-104, MCA."

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

Section 1. Section 26-1-805, MCA, is amended to read:

"26-1-805. Doctor-patient privilege. Except as provided in Rule 35, Montana Rules of Civil Procedure, a licensed physician, surgeon, or dentist may not, without the consent of the patient, be examined in a civil action as to any information acquired in attending the patient that was necessary to enable the physician, surgeon, or dentist to prescribe or act for the patient. A communication described in 45-9-104(7) is not a privileged communication."

Section 2. Section 45-9-104, MCA, is amended to read:

"45-9-104. Fraudulently obtaining dangerous drugs. A person commits the offense of fraudulently obtaining dangerous drugs if the person obtains or attempts to obtain a dangerous drug, as defined in 50-32-101, by:

- (1) fraud, deceit, misrepresentation, or subterfuge;
- (2) falsely assuming the title of or representing that the person is a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to possess dangerous drugs;
- (3) the use of a forged, altered, or fictitious prescription;
- (4) the use of a false name or a false address on a prescription; or
- (5) the concealment of a material fact;
- (6) knowingly or purposefully failing to disclose to a practitioner, as defined in 50-32-101, that the person has received the same or a similar dangerous drug or prescription for a dangerous drug from another source within the prior 30 days; or

