

SENATE BILL NO. 210

INTRODUCED BY B. TUTVEDT

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

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

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11 **Section 1.** Section 26-1-805, MCA, is amended to read:
12 **"26-1-805. Doctor-patient privilege.** Except as provided in Rule 35, Montana Rules of Civil Procedure,
13 a licensed physician, surgeon, or dentist may not, without the consent of the patient, be examined in a civil action
14 as to any information acquired in attending the patient that was necessary to enable the physician, surgeon, or
15 dentist to prescribe or act for the patient. A communication described in 45-9-104(7) is not a privileged
16 communication."

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18 **Section 2.** Section 45-9-104, MCA, is amended to read:
19 **"45-9-104. Fraudulently obtaining dangerous drugs.** A person commits the offense of fraudulently
20 obtaining dangerous drugs if the person obtains or attempts to obtain a dangerous drug, as defined in 50-32-101,
21 by:
22 (1) fraud, deceit, misrepresentation, or subterfuge;
23 (2) falsely assuming the title of or representing that the person is a manufacturer, wholesaler,
24 practitioner, pharmacist, owner of a pharmacy, or other person authorized to possess dangerous drugs;
25 (3) the use of a forged, altered, or fictitious prescription;
26 (4) the use of a false name or a false address on a prescription; or
27 (5) the concealment of a material fact;
28 (6) knowingly or purposefully failing to disclose to a practitioner, as defined in 50-32-101, that the person
29 has received the same or a similar dangerous drug or prescription for a dangerous drug from another source
30 within the prior 30 days; or

