

HOUSE BILL NO. 419

INTRODUCED BY Z. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRESCRIBER COUNSELING RELATING TO OPIOID-CONTAINING PRESCRIPTIONS; AND AMENDING SECTION 37-2-101, MCA."

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

NEW SECTION. **Section 1. Patient counseling on opioid-containing prescriptions.** (1) A medical practitioner or naturopathic physician prescribing an opioid-containing drug in a course of treatment for acute or chronic pain shall discuss with the patient or with the parent or guardian of a patient who is an unemancipated minor the risks associated with the drug being prescribed.

(2) The medical practitioner or naturopathic physician shall inform the patient or the patient's parent or guardian of:

- (a) the risks of addiction and overdose associated with opioid drugs;
- (b) the dangers of using alcohol, benzodiazepines, or other central nervous system depressants while taking a prescription drug containing opioids, including the potential for fatal respiratory depression if a person takes more opioids than prescribed or mixes the drug with sedatives, benzodiazepines, or alcohol;
- (c) the reasons why the medical practitioner or naturopathic physician believes the prescription is necessary;
- (d) alternative treatments that may be available; and
- (e) the risks associated with the use of the drug being prescribed. The information must indicate that opioids are highly addictive, even when taken as prescribed, and that a risk exists of developing a physical or psychological dependence on the drug.

(3) The information required under this section must be provided:

- (a) before the initial prescription is written for the course of treatment; and
- (b) before a third prescription is written for the course of treatment.

(4) The medical practitioner or naturopathic physician shall include a note in the patient's medical record to confirm that the provider has discussed the risks of physical or psychological dependence on the prescribed drug and the alternative treatments that may be available.



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2 **Section 2.** Section 37-2-101, MCA, is amended to read:

3 **"37-2-101. Definitions.** As used in this part, the following definitions apply:

4 (1) "Community pharmacy", when used in relation to a medical practitioner, means a pharmacy situated
5 within 10 miles of any place at which the medical practitioner maintains an office for professional practice.

6 (2) "Device" means any instrument, apparatus, or contrivance intended:

7 (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans;

8 (b) to affect the structure or any function of the body of humans.

9 (3) "Drug" has the same meaning as provided in 37-7-101.

10 (4) "Drug company" means any person engaged in the manufacturing, processing, packaging, or
11 distribution of drugs. The term does not include a pharmacy.

12 (5) "Medical practitioner" means any person licensed by the state of Montana to engage in the practice
13 of medicine, dentistry, osteopathy, podiatry, optometry, or a nursing specialty as described in 37-8-202 and in
14 the licensed practice to administer or prescribe drugs.

15 (6) "Opioid" has the meaning of "opiate" in 50-32-101.

16 ~~(6)~~(7) "Person" means any individual and any partnership, firm, corporation, association, or other
17 business entity.

18 ~~(7)~~(8) "Pharmacy" has the same meaning as provided in 37-7-101.

19 ~~(8)~~(9) "State" means the state of Montana or any political subdivision of the state."
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21 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 37, chapter 2, part 1, and the provisions of Title 37, chapter 2, part 1, apply to [section 1].

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