

1 *Senate* BILL NO. *346*
 2 INTRODUCED BY *Thomas Lemuel*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
 5 PRESCRIBING OR GIVING OF A DRUG UNDER CONDITIONS OF MEDICAL
 6 NECESSITY AND IN A MEDICALLY REASONABLE AND COMPETENT MANNER
 7 IS A COMPLETE DEFENSE TO A CRIMINAL ACTION BROUGHT FOR
 8 FAILURE TO REPORT DRUG ADDICTION INFORMATION TO THE COUNTY
 9 ATTORNEY; AMENDING SECTION 66-1516, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 66-1516, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-1516. Physicians to report prescriptions issued to
 15 drug addicts. ~~11~~ A duly licensed physician duly licensed to
 16 practice medicine in Montana, who prescribes for, dispenses,
 17 administers, or in any manner gives any of the drugs
 18 mentioned in this act, to a person known to him or believed
 19 by him to be an habitual user or a drug addict, shall,
 20 within forty-eight hours, report to the county attorney of
 21 the county in which said physician prescribes for,
 22 dispenses, administers, or in any manner gives any of the
 23 drugs mentioned in this act, the name, address, physical and
 24 mental condition, and any necessary substantial information
 25 regarding such person. "An habitual user of such drugs" or

1 "drug addict" is defined as follows: "Any person who has
 2 needed or demanded the prescribing for, dispensing or
 3 administering, or in any manner the giving of opium or coca
 4 leaves or any of their derivatives, salts, preparations, or
 5 compounds, at more or less regular intervals for thirty
 6 consecutive days prior to the day such person applies to a
 7 physician or to a physician of any institution for the
 8 prescribing for, dispensing, administering, or the giving in
 9 any way of any such drugs or their derivatives." If a
 10 physician shall prescribe for, dispense, administer, or in
 11 any manner give any of the drugs mentioned in this act,
 12 daily for more than thirty days to a patient, such physician
 13 shall register with the county attorney the name of such
 14 person, together with a statement of the physical and mental
 15 condition of such person, and a prognosis as to the probable
 16 future necessity for continuing the prescribing, dispensing,
 17 administering, or the giving of such drugs to such patient,
 18 and such prognosis shall include an estimate as to the
 19 length of time which, according to the judgment of the
 20 physician, will be required to remove the necessity of
 21 administering the aforesaid narcotic drugs to such patient.
 22 It shall be the duty of the county attorney upon receipt of
 23 such notice to immediately file a complaint against such
 24 habitual user of drugs or drug addict in the district court
 25 of his county.

INTRODUCED BILL

SB 346

1 (2) The prescribing, dispensing, administering, or
2 giving of a drug under conditions of medical necessity and
3 in a medically reasonable and competent manner is a complete
4 defense to any criminal action brought as a result of a
5 physician's failure to report or register information
6 pursuant to subsection (1)."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

Senate BILL NO. *346*

INTRODUCED BY

Thomas Lewis

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
PRESCRIBING OR GIVING OF A DRUG UNDER CONDITIONS OF MEDICAL
NECESSITY AND IN A MEDICALLY REASONABLE AND COMPETENT MANNER
IS A COMPLETE DEFENSE TO A CRIMINAL ACTION BROUGHT FOR
FAILURE TO REPORT DRUG ADDICTION INFORMATION TO THE COUNTY
ATTORNEY; AMENDING SECTION 66-1516, R.C.M. 1947."

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

Section 1. Section 66-1516, R.C.M. 1947, is amended to
read as follows:

"66-1516. Physicians to report prescriptions issued to
drug addicts. (1) A duly licensed physician duly licensed to
practice medicine in Montana, who prescribes for, dispenses,
administers, or in any manner gives any of the drugs
mentioned in this act, to a person known to him or believed
by him to be an habitual user or a drug addict, shall,
within forty-eight hours, report to the county attorney of
the county in which said physician prescribes for,
dispenses, administers, or in any manner gives any of the
drugs mentioned in this act, the name, address, physical and
mental condition, and any necessary substantial information
regarding such person. "An habitual user of such drugs" or

"drug addict" is defined as follows: "Any person who has
needed or demanded the prescribing for, dispensing or
administering, or in any manner the giving of opium or coca
leaves or any of their derivatives, salts, preparations, or
compounds, at more or less regular intervals for thirty
consecutive days prior to the day such person applies to a
physician or to a physician of any institution for the
prescribing for, dispensing, administering, or the giving in
any way of any such drugs or their derivatives." If a
physician shall prescribe for, dispense, administer, or in
any manner give any of the drugs mentioned in this act,
daily for more than thirty days to a patient, such physician
shall register with the county attorney the name of such
person, together with a statement of the physical and mental
condition of such person, and a prognosis as to the probable
future necessity for continuing the prescribing, dispensing,
administering, or the giving of such drugs to such patient,
and such prognosis shall include an estimate as to the
length of time which, according to the judgment of the
physician, will be required to remove the necessity of
administering the aforesaid narcotic drugs to such patient.
It shall be the duty of the county attorney upon receipt of
such notice to immediately file a complaint against such
habitual user of drugs or drug addict in the district court
of his county.

SB 346

1 ~~(2) The authorities dispensing, administering, or~~
2 ~~giving of a drug under conditions of medical necessity and~~
3 ~~in a medically reasonable and competent manner is a complete~~
4 ~~defense to any criminal action brought as a result of a~~
5 ~~physician's failure to report or register information~~
6 ~~pursuant to subsection (1)."~~

-End-

1 *Senate* BILL NO. *346*
 2 INTRODUCED BY *Thomas Lewis*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
 5 PRESCRIBING OR GIVING OF A DRUG UNDER CONDITIONS OF MEDICAL
 6 NECESSITY AND IN A MEDICALLY REASONABLE AND COMPETENT MANNER
 7 IS A COMPLETE DEFENSE TO A CRIMINAL ACTION BROUGHT FOR
 8 FAILURE TO REPORT DRUG ADDICTION INFORMATION TO THE COUNTY
 9 ATTORNEY; AMENDING SECTION 66-1516, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 66-1516, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-1516. Physicians to report prescriptions issued to
 15 drug addicts. (1) A duly licensed physician duly licensed to
 16 practice medicine in Montana, who prescribes for, dispenses,
 17 administers, or in any manner gives any of the drugs
 18 mentioned in this act, to a person known to him or believed
 19 by him to be an habitual user or a drug addict, shall,
 20 within forty-eight hours, report to the county attorney of
 21 the county in which said physician prescribes for,
 22 dispenses, administers, or in any manner gives any of the
 23 drugs mentioned in this act, the name, address, physical and
 24 mental condition, and any necessary substantial information
 25 regarding such person. "An habitual user of such drugs" or

1 "drug addict" is defined as follows: "Any person who has
 2 needed or demanded the prescribing for, dispensing or
 3 administering, or in any manner the giving of opium or coca
 4 leaves or any of their derivatives, salts, preparations, or
 5 compounds, at more or less regular intervals for thirty
 6 consecutive days prior to the day such person applies to a
 7 physician or to a physician of any institution for the
 8 prescribing for, dispensing, administering, or the giving in
 9 any way of any such drugs or their derivatives." If a
 10 physician shall prescribe for, dispense, administer, or in
 11 any manner give any of the drugs mentioned in this act,
 12 daily for more than thirty days to a patient, such physician
 13 shall register with the county attorney the name of such
 14 person, together with a statement of the physical and mental
 15 condition of such person, and a prognosis as to the probable
 16 future necessity for continuing the prescribing, dispensing,
 17 administering, or the giving of such drugs to such patient,
 18 and such prognosis shall include an estimate as to the
 19 length of time which, according to the judgment of the
 20 physician, will be required to remove the necessity of
 21 administering the aforesaid narcotic drugs to such patient.
 22 It shall be the duty of the county attorney upon receipt of
 23 such notice to immediately file a complaint against such
 24 habitual user of drugs or drug addict in the district court
 25 of his county.

SB 346

1 (2) The prescribing, dispensing, administering, or
2 giving of a drug under conditions of medical necessity and
3 in a medically reasonable and competent manner is a complete
4 defense to any criminal action brought as a result of a
5 physician's failure to report or register information
6 pursuant to subsection (1)."

-End-