HOUSE BILL NO. 797

INTRODUCED BY BENNETT, MENAHAN, AZZARA, SEIFERT, HEMSTAD, CONN, KEYSER, DEVLIN, SWITZER, WINSLOW, SIVERTSEN, GOULD, NILSON, PAVLOVICH

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on Human Services.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass.
	On motion rules suspended and bill placed on third reading this day.
February 25, 1981	Third reading, passed. Ayes, 89; Noes, 7. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 26, 1981	Committee recommend bill be not concurred in. Report adopted.

IN THE HOUSE

March 27, 1981	Returned from Senate not concurred in.
	On motion the Senate request for return of HB 797 for further consideration be granted. Motion adopted.
	Returned to Senate.

IN THE SENATE

March 27, 1981	On motion Senate reconsider its action taken on adverse committee report. Motion adopted.
	On motion Senate requests return of House Bill No. 797 from House for further consideration.
March 28, 1981	Returned from House.
	On motion placed on second reading.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in.
	On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted.
	Third reading, concurred in. Ayes, 33; Noes, 16.

IN THE HOUSE

April 1, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE SALE BY PRESCRIPTION OF DIMETHYL SULFOXIDE (DMSO); AMENDING SECTION 50-31-311, MCA."

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

Section 1. Section 50-31-311, MCA, is amended to read:

"50-31-311. New drug application required. (1) No Except as provided in [sections 2 through 8], no person ~~shall~~ may sell, deliver, offer for sale, hold for sale, or give away any new drug unless:

(a) an application with respect thereto has been approved and said approval has not been withdrawn under section 505 of the federal act; or

(b) when not subject to the federal act, such drug has been tested and has been found to be safe for use and effective in use under the conditions prescribed, recommended, or suggested in the labeling thereof and, prior to selling or offering for sale such drug, there has been filed with the department an application setting forth:

(i) full reports of investigations which have been made to show whether or not such drug is safe for use and whether such drug is effective in use;

(ii) a full list of the articles used as components of such drug;

(iii) a full statement of the composition of such drug;

(iv) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug;

(v) such samples of such drug and of the articles used as components thereof as the department may require; and

(vi) specimens of the labeling proposed to be used for such drug.

(2) An application provided for in subsection (1)(b) shall become effective on the 180th day after the filing thereof, except that, if the department finds, after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe or not effective for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, it shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(3) An order refusing to permit an application under this section to become effective may be revoked by the department."

NEW SECTION. Section 2. DMSO defined. As used in [sections 2 through 8], "DMSO" means dimethyl sulfoxide.

NEW SECTION. Section 3. DMSO authorized. The

INTRODUCED BILL

HB 797

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.

NEW SECTION. Section 4. 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.

NEW SECTION. Section 5. Health care facility nonliability. No hospital, health care facility, or employee thereof shall be held liable for the administration of DMSO to any person at the direction of a physician licensed in Montana.

NEW SECTION. Section 6. 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.

NEW SECTION. Section 7. DMSO not endorsed. [Sections 2 through 8] are not an endorsement of DMSO for the treatment of any malignancy, disease, illness, or physical

condition.

NEW SECTION. Section 8. DMSO optional. [Sections 2 through 8] do not require:

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

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Approved by Comm. On Human Services

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