

HOUSE BILL NO. 661

INTRODUCED BY RICE

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 13, 1989	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 98; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 7 STATUTES RELATING TO SEXUALLY TRANSMITTED DISEASES; CHANGING  
 8 THE REFERENCES TO "VENEREAL DISEASES" TO "SEXUALLY  
 9 TRANSMITTED DISEASES"; ADDING AIDS AND CHLAMYDIA GENITAL  
 10 INFECTIONS TO THE LIST OF SEXUALLY TRANSMITTED DISEASES  
 11 DEFINED; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND  
 12 ENVIRONMENTAL SCIENCES IS NOT RESPONSIBLE FOR PROVIDING  
 13 TREATMENT TO THOSE WITH SEXUALLY TRANSMITTED DISEASES;  
 14 ALLOWING THE DEPARTMENT TO KEEP FALSE POSITIVE SYPHILIS TEST  
 15 RESULTS; ELIMINATING THE REQUIREMENT THAT A PHYSICIAN REPORT  
 16 DIRECTLY TO THE DEPARTMENT; ALLOWING PERSONS AUTHORIZED BY  
 17 STATE PHARMACY LAWS TO SIGN A PRESCRIPTION TO PRESCRIBE,  
 18 SELL, OR RECOMMEND DRUGS FOR TREATMENT OF SEXUALLY  
 19 TRANSMITTED DISEASES; CLARIFYING THE CIRCUMSTANCES UNDER  
 20 WHICH INFORMATION CONCERNING SEXUALLY TRANSMITTED DISEASES  
 21 MAY BE RELEASED; AMENDING SECTIONS 41-1-402, 41-1-403,  
 22 50-18-101 THROUGH 50-18-104, 50-18-106 THROUGH 50-18-113,  
 23 50-19-102, 50-19-105, AND 50-31-303, MCA; AND REPEALING  
 24 SECTION 45-8-204, MCA."  
 25

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

2 **Section 1.** Section 50-18-101, MCA, is amended to read:  
 3 "50-18-101. Veneraeal Sexually transmitted diseases  
 4 defined. Syphilitis Acquired immunodeficiency syndrome (AIDS),  
 5 syphilis, gonorrhoea, chancroid, chlamydia genital  
 6 infections, lympho-granuloma, venereum, and granuloma  
 7 inguinale are veneraeal sexually transmitted diseases.  
 8 Veneraeal Sexually transmitted diseases are contagious,  
 9 infectious, communicable, and dangerous to public health."

10 **Section 2.** Section 50-18-102, MCA, is amended to read:  
 11 "50-18-102.--~~Department~~----to----~~undertake~~----~~control~~;  
 12 prevention;--and--treatment--of--veneraeal--diseases Powers and  
 13 duties of department. The department of health and  
 14 environmental sciences shall undertake to prevent, control,  
 15 and prescribe treatments for veneraeal sexually transmitted  
 16 diseases and may conduct education campaigns for this  
 17 purpose."

18 **Section 3.** Section 50-18-103, MCA, is amended to read:  
 19 "50-18-103. Cooperation with federal agencies --  
 20 federal funds. (1) The department of health and  
 21 environmental sciences shall cooperate with federal agencies  
 22 and may expend federal funds made available to the state for  
 23 the prevention, control, and treatment of veneraeal sexually  
 24 transmitted diseases.

25 (2) The department may accept federal funds available



1 for the prevention, control, and treatment of ~~venereal~~  
2 sexually transmitted diseases, deposit funds in the state  
3 treasury, and disburse the funds."

4 **Section 4.** Section 50-18-104, MCA, is amended to read:

5 "50-18-104. Serological test for syphilis. (1) The  
6 department of health and environmental sciences shall  
7 approve a standard serological test for syphilis. It shall  
8 also approve laboratories which may make such tests.

9 (2) On request the department shall make laboratory  
10 tests required by this chapter.

11 ~~{3}--The department shall destroy the results of a test~~  
12 ~~if an erroneous report is made."~~

13 **Section 5.** Section 50-18-106, MCA, is amended to read:

14 "50-18-106. Duty to report cases. ~~{1}--A physician who~~  
15 ~~diagnoses or treats a venereal disease shall make a record~~  
16 ~~and report the case to the department of health and~~  
17 ~~environmental sciences in the way and on forms provided by~~  
18 ~~the department.~~

19 ~~{2}~~ If a physician or other person knows or has reason  
20 to suspect that a person who has ~~venereal~~ a sexually  
21 transmitted disease is conducting himself in a way which  
22 might expose another to infection, he shall immediately  
23 notify the local health officer of the name and address of  
24 the diseased person and the essential facts in the case."

25 **Section 6.** Section 50-18-107, MCA, is amended to read:

1 "50-18-107. Powers and duties of health officers. (1)  
2 If found necessary or desirable to protect public health,  
3 state and local health officers or their authorized deputies  
4 or agents shall:

5 (a) examine or have examined persons reasonably  
6 suspected of being infected with ~~venereal~~ a sexually  
7 transmitted disease;

8 (b) require persons infected to report for treatment to  
9 a reputable physician and continue treatment, which may be  
10 at public expense, until cured;

11 (c) isolate or quarantine persons who refuse  
12 examination or treatment;

13 (d) investigate sources of infection of ~~venereal~~ a  
14 sexually transmitted disease.

15 (2) No one but the state or local health officer may  
16 terminate the isolation or quarantine. Examinations may be  
17 made repeatedly as deemed advisable or desirable."

18 **Section 7.** Section 50-18-108, MCA, is amended to read:

19 "50-18-108. Examination and treatment of prisoners. Any  
20 person confined or imprisoned in any state, county, or  
21 municipal prison within the state may be examined for  
22 ~~venereal~~ a sexually transmitted disease. If infected, the  
23 person shall must be treated by health authorities."

24 **Section 8.** Section 50-18-109, MCA, is amended to read:

25 "50-18-109. Permissible release of information

1 concerning infected persons. (1) Information concerning  
 2 persons infected or reasonably suspected to be infected with  
 3 ~~venereal~~ a sexually transmitted disease may only be released  
 4 to only:

5 (a) to personnel of the department of health and  
 6 environmental sciences; or

7 (b) to a physician who has written consent of the  
 8 person whose record is requested;

9 (c) to a local health officer; or

10 (d) by the department of health and environmental  
 11 sciences or a local health officer or board under the  
 12 circumstances allowed by [ Bill No. (LC 864)].

13 (2) For the purposes of this section, the term  
 14 "information" includes all knowledge or intelligence and all  
 15 communications of all knowledge or intelligence, oral or  
 16 written or in record form, and also includes but is not  
 17 limited to information concerning the location or nature of  
 18 the activities or work of all local, state, or federal  
 19 employees or officers engaged in ~~venereal~~ sexually  
 20 transmitted disease eradication work, and such personnel are  
 21 ~~privileged and shall not be required to testify concerning~~  
 22 ~~anything within their knowledge or work activities having~~  
 23 ~~any relation to venereal disease work.~~

24 (3) The purpose of this section is to protect and  
 25 preserve the principle of confidentiality in ~~venereal~~

1 sexually transmitted disease work by public personnel,  
 2 local, state, and federal, such confidentiality being all  
 3 important to the success of all ~~venereal~~ sexually  
 4 transmitted disease eradication work and endeavor, and to  
 5 require that the principle of confidentiality in such work  
 6 remain inviolate."

7 **Section 9.** Section 50-18-110, MCA, is amended to read:  
 8 "50-18-110. Unlawful dispensation dispensing of drugs  
 9 for cure or alleviation of venereal sexually transmitted  
 10 disease. It is unlawful to prescribe, sell, or recommend any  
 11 drugs, medicines, or other substances for the cure or  
 12 alleviation of ~~venereal~~ a sexually transmitted disease  
 13 except upon prescription signed by a physician person  
 14 legally authorized to ~~practice medicine in~~ do so by the  
 15 pharmacy laws of this state."

16 **Section 10.** Section 50-18-111, MCA, is amended to read:  
 17 "50-18-111. Certificate of freedom from ~~venereal~~  
 18 sexually transmitted disease not to be issued. No person  
 19 shall issue a certificate of freedom from ~~venereal~~ a  
 20 sexually transmitted disease. However, a physician or  
 21 health officer may issue a statement of freedom from  
 22 diseases in an infectious state only if it is written in  
 23 such form or given under safeguards that will prevent its  
 24 use in solicitation for sexual intercourse. These statements  
 25 shall not be used for solicitation for immoral purposes."

1       **Section 11.** Section 50-18-112, MCA, is amended to read:

2       "50-18-112. Infected person not to expose another to  
3       ~~venereal~~ sexually transmitted disease. A person infected  
4       with a ~~venereal~~ sexually transmitted disease ~~shall~~ may not  
5       knowingly expose another person to infection."

6       **Section 12.** Section 50-18-113, MCA, is amended to read:

7       "50-18-113. Violation a misdemeanor. A person who  
8       violates provisions of this chapter or rules adopted by the  
9       department of health and environmental sciences concerning  
10       ~~venereal~~ a sexually transmitted disease or who fails or  
11       refuses to obey any lawful order issued by a state or local  
12       health officer is guilty of a misdemeanor."

13       **Section 13.** Section 50-19-105, MCA, is amended to read:

14       "50-19-105. Report of positive test results. All  
15       positive laboratory tests for any ~~venereal~~ sexually  
16       transmitted diseases ~~shall~~ must be reported to the  
17       department by the laboratory preparing the test. The  
18       department shall prescribe the form and way of reporting."

19       **Section 14.** Section 41-1-402, MCA, is amended to read:

20       "41-1-402. Validity of consent of minor for health  
21       services. (1) The consent to the provision of medical or  
22       surgical care or services by a hospital, public clinic, or  
23       the performance of medical or surgical care or services by a  
24       physician licensed to practice medicine in this state may be  
25       given by a minor who professes or is found to meet any of

1       the following descriptions:

2       (a) a minor who is or was ever married or has had a  
3       child or graduated from high school or is emancipated;

4       (b) a minor who has been separated from his parent,  
5       parents, or legal guardian for whatever reason and is  
6       supporting himself by whatever means;

7       (c) a minor who professes or is found to be pregnant or  
8       afflicted with any reportable communicable disease,  
9       including ~~venereal~~ a sexually transmitted disease, or drug  
10       and substance abuse, including alcohol. This self-consent  
11       only applies to the prevention, diagnosis, and treatment of  
12       those conditions specified in this subsection. The  
13       self-consent in the case of pregnancy, ~~venereal~~ a sexually  
14       transmitted disease, and drug and substance abuse also  
15       obliges the health professional, if he accepts the  
16       responsibility for treatment, to counsel the minor by  
17       himself or by referral to another health professional for  
18       counseling.

19       (d) a minor who needs emergency care, including  
20       transfusions, without which his health will be jeopardized.  
21       If emergency care is rendered, the parent, parents, or legal  
22       guardian shall be informed as soon as practical except under  
23       the circumstances mentioned in this subsection (1).

24       (2) A minor who has had a child may give effective  
25       consent to health service for his child.

1 (3) A minor may give consent for health care for his  
2 spouse if his spouse is unable to give consent by reason of  
3 physical or mental incapacity."

4 **Section 15.** Section 41-1-403, MCA, is amended to read:

5 "41-1-403. Release of information by physician. (1) A  
6 treating physician or other health professional may, but  
7 shall not be obligated to, inform the spouse, parent,  
8 custodian, or guardian of any such minor in the  
9 circumstances as enumerated in 41-1-402 of any treatment  
10 given or needed when:

11 (a) in the judgment of the health professional, severe  
12 complications are present or anticipated;

13 (b) major surgery or prolonged hospitalization is  
14 needed;

15 (c) failure to inform the parent, parents, or legal  
16 guardian would seriously jeopardize the safety and health of  
17 the minor patient, younger siblings, or the public;

18 (d) to inform them would benefit the minor's physical  
19 and mental health and family harmony; or

20 (e) the hospital desires a third-party commitment to  
21 pay for services rendered or to be rendered.

22 (2) Notification or disclosure to the spouse, parent,  
23 parents, or legal guardian by the health professional shall  
24 not constitute libel or slander, a violation of the right of  
25 privacy, a violation of the rule of privileged

1 communication, or any other legal basis of liability. When  
2 the minor is found not to be pregnant or not afflicted with  
3 ~~venereal~~ a sexually transmitted disease or not suffering  
4 from a drug- or substance-abuse, including alcohol, then no  
5 information with respect to any appointment, examination,  
6 test, or other health procedure shall be given to the  
7 parent, parents, or legal guardian, if they have not been  
8 already informed as permitted in this part, without the  
9 consent of the minor."

10 **Section 16.** Section 50-19-102, MCA, is amended to read:

11 "50-19-102. Duties of department. (1) The department  
12 shall provide all necessary printing and pay all necessary  
13 expenses relative to administration of this part.

14 (2) Reasonable rules for reports to be submitted by any  
15 laboratory making tests and the manner of furnishing the  
16 reports to the physician and the state shall be adopted by  
17 the department.

18 (3) The department may use information derived from  
19 reports of positive tests for ~~venereal~~ sexually transmitted  
20 diseases for follow-up procedures required by law or  
21 considered necessary by the department for the protection of  
22 public health."

23 **Section 17.** Section 50-31-303, MCA, is amended to read:

24 "50-31-303. Certain drug advertisements considered  
25 false. (1) For the purpose of this chapter, the

1 advertisement of a drug or device representing it to have  
 2 any effect in albuminuria, appendicitis, arteriosclerosis,  
 3 blood poison, bone disease, Bright's disease, cancer,  
 4 carbuncles, cholecystitis, diabetes, diphtheria, dropsy,  
 5 erysipelas, gallstones, heart and vascular diseases, high  
 6 blood pressure, mastoiditis, measles, meningitis, mumps,  
 7 nephritis, otitis media, paralysis, pneumonia, poliomyelitis  
 8 (infantile paralysis), prostate gland disorders, pyelitis,  
 9 scarlet fever, sexual impotence, sinus infection, smallpox,  
 10 tuberculosis, tumors, typhoid, uremia, or ~~venereal~~ a  
 11 sexually transmitted disease shall also be deemed to be  
 12 false, except that no advertisement not in violation of  
 13 50-31-107(1) shall be deemed to be false under this section  
 14 if it is disseminated only to members of the medical,  
 15 dental, or veterinary professions or appears only in the  
 16 scientific periodicals of these professions or is  
 17 disseminated only for the purpose of public health education  
 18 by persons not commercially interested, directly or  
 19 indirectly, in the sale of such drugs or devices.

20 (2) Whenever the department determines that an advance  
 21 in medical science has made any type of self-medication safe  
 22 as to any of the diseases named above, the department shall  
 23 by regulation authorize the advertisement of drugs having  
 24 curative or therapeutic effect for such disease, subject to  
 25 such conditions and restrictions as the department may deem

1 necessary in the interests of public health.

2 (3) This section shall not be construed as indicating  
 3 that self-medication for diseases other than those named  
 4 herein is safe or efficacious."

5 NEW SECTION. Section 18. Repealer. Section 45-8-204,  
 6 MCA, is repealed.

7 NEW SECTION. Section 19. Extension of authority. Any  
 8 existing authority to make rules on the subject of the  
 9 provisions of [this act] is extended to the provisions of  
 10 [this act].

11 NEW SECTION. Section 20. Coordination instruction. If  
 12 Bill No. [LC 864] is not passed and approved, the  
 13 portions of [section 8 of this act] are void that add a new  
 14 subsection (1)(d) to 50-18-109 and that strike the phrase  
 15 "and shall not be required to testify concerning anything  
 16 within their knowledge or work activities having any  
 17 relation to venereal disease work" from subsection (2) of  
 18 50-18-109.

19 NEW SECTION. Section 21. Saving clause. [This act]  
 20 does not affect rights and duties that matured, penalties  
 21 that were incurred, or proceedings that were begun before  
 22 [the effective date of this act].

23 NEW SECTION. Section 22. Severability. If a part of  
 24 [this act] is invalid, all valid parts that are severable  
 25 from the invalid part remain in effect. If a part of [this

LC 0860/01

1 act] is invalid in one or more of its applications, the part  
2 remains in effect in all valid applications that are  
3 severable from the invalid applications.

-End-

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 12 circumstances allowed by [HOUSE Bill No. 668 (LC 864)].

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 14 "information" includes all knowledge or intelligence and all  
 15 communications of all knowledge or intelligence, oral or  
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25 services. (1) The consent to the provision of medical or

1 surgical care or services by a hospital, public clinic, or  
2 the performance of medical or surgical care or services by a  
3 physician licensed to practice medicine in this state may be  
4 given by a minor who professes or is found to meet any of  
5 the following descriptions:

6 (a) a minor who is or was ever married or has had a  
7 child or graduated from high school or is emancipated;

8 (b) a minor who has been separated from his parent,  
9 parents, or legal guardian for whatever reason and is  
10 supporting himself by whatever means;

11 (c) a minor who professes or is found to be pregnant  
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25 If emergency care is rendered, the parent, parents, or legal

1 guardian shall be informed as soon as practical except under  
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9 "41-1-403. Release of information by physician. (1) A  
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15 (a) in the judgment of the health professional, severe  
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5 "50-31-303. Certain drug advertisements considered  
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8 any effect in albuminuria, appendicitis, arteriosclerosis,  
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10 carbuncles, cholecystitis, diabetes, diphtheria, dropsy,  
11 erysipelas, gallstones, heart and vascular diseases, high  
12 blood pressure, mastoiditis, measles, meningitis, mumps,  
13 nephritis, otitis media, paralysis, pneumonia, poliomyelitis  
14 (infantile paralysis), prostate gland disorders, pyelitis,  
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16 tuberculosis, tumors, typhoid, uremia, or ~~venereal~~ a  
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18 false, except that no advertisement not in violation of  
19 50-31-107(1) shall be deemed to be false under this section  
20 if it is disseminated only to members of the medical,  
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22 scientific periodicals of these professions or is  
23 disseminated only for the purpose of public health education  
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1 (2) Whenever the department determines that an advance  
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8 (3) This section shall not be construed as indicating  
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20 subsection (1)(d) to 50-18-109 and that strike the phrase  
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23 relation to venereal disease work" from subsection (2) of  
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-End-

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2                   INTRODUCED BY RICE  
3                   BY REQUEST OF THE DEPARTMENT OF HEALTH  
4                   AND ENVIRONMENTAL SCIENCES  
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6    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
7    STATUTES RELATING TO SEXUALLY TRANSMITTED DISEASES; CHANGING  
8    THE REFERENCES TO "VENEREAL DISEASES" TO "SEXUALLY  
9    TRANSMITTED DISEASES"; ADDING AIDS AND CHLAMYDIA GENITAL  
10   INFECTIONS TO THE LIST OF SEXUALLY TRANSMITTED DISEASES  
11   DEFINED; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND  
12   ENVIRONMENTAL SCIENCES IS NOT RESPONSIBLE FOR PROVIDING  
13   TREATMENT TO THOSE WITH SEXUALLY TRANSMITTED DISEASES;  
14   ALLOWING THE DEPARTMENT TO KEEP FALSE POSITIVE SYPHILIS TEST  
15   RESULTS; ELIMINATING THE REQUIREMENT THAT A PHYSICIAN REPORT  
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21   MAY BE RELEASED; AMENDING SECTIONS 41-1-402, 41-1-403,  
22   50-18-101 THROUGH 50-18-104, 50-18-106 THROUGH 50-18-113,  
23   50-19-102, 50-19-105, AND 50-31-303, MCA; AND REPEALING  
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There is no change on HB 661 and will not  
be reprinted. Please refer to second reading  
(yellow) for complete text.

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

2 **Section 1.** Section 50-18-101, MCA, is amended to read:

3 "50-18-101. ~~Venerae~~ Sexually transmitted diseases  
4 defined. Syphilis Acquired immunodeficiency syndrome (AIDS),  
5 syphilis, gonorrhea, chancroid, chlamydia genital  
6 infections, lympho-granuloma, venereum, and granuloma  
7 inguinale are ~~venerae~~ sexually transmitted diseases.  
8 ~~Venerae~~ Sexually transmitted diseases are contagious,  
9 infectious, communicable, and dangerous to public health."

10 **Section 2.** Section 50-18-102, MCA, is amended to read:

11 "~~50-18-102.--Department----to----undertake----control,~~  
12 ~~prevention,--and--treatment--of--venerae--diseases~~ Powers and  
13 duties of department. The department of health and  
14 environmental sciences shall undertake to prevent, control,  
15 and prescribe treatments for ~~venerae~~ sexually transmitted  
16 diseases and may conduct education campaigns for this  
17 purpose."

18 **Section 3.** Section 50-18-103, MCA, is amended to read:

19 "50-18-103. Cooperation with federal agencies --  
20 federal funds. (1) The department of health and  
21 environmental sciences shall cooperate with federal agencies  
22 and may expend federal funds made available to the state for  
23 the prevention, control, and treatment of ~~venerae~~ sexually  
24 transmitted diseases.

25 (2) The department may accept federal funds available

1 for the prevention, control, and treatment of venereal  
 2 sexually transmitted diseases, deposit funds in the state  
 3 treasury, and disburse the funds."

4 **Section 4.** Section 50-18-104, MCA, is amended to read:

5 **"50-18-104. Serological test for syphilis.** (1) The  
 6 department of health and environmental sciences shall  
 7 approve a standard serological test for syphilis. It shall  
 8 also approve laboratories which may make such tests.

9 (2) On request the department shall make laboratory  
 10 tests required by this chapter.

11 ~~{3}--The department shall destroy the results of a test~~  
 12 ~~if an erroneous report is made."~~

13 **Section 5.** Section 50-18-106, MCA, is amended to read:

14 **"50-18-106. Duty to report cases.** ~~{1}--A physician who~~  
 15 ~~diagnoses--or--treats--a--venereal--disease--shall--make--a--record~~  
 16 ~~and--report--the--case--to--the--department--of--health--and~~  
 17 ~~environmental--sciences--in--the--way--and--on--forms--provided--by~~  
 18 ~~the--department.~~

19 {2} If a physician or other person knows or has reason  
 20 to suspect that a person who has venereal a sexually  
 21 transmitted disease is conducting himself in a way which  
 22 might expose another to infection, he shall immediately  
 23 notify the local health officer of the name and address of  
 24 the diseased person and the essential facts in the case."

25 **Section 6.** Section 50-18-107, MCA, is amended to read:

1 **"50-18-107. Powers and duties of health officers.** (1)  
 2 If found necessary or desirable to protect public health,  
 3 state and local health officers or their authorized deputies  
 4 or agents shall:

5 (a) examine or have examined persons reasonably  
 6 suspected of being infected with venereal a sexually  
 7 transmitted disease;

8 (b) require persons infected to report for treatment  
 9 to a reputable physician and continue treatment, which may  
 10 be at public expense, until cured;

11 (c) isolate or quarantine persons who refuse  
 12 examination or treatment;

13 (d) investigate sources of infection of venereal a  
 14 sexually transmitted disease.

15 (2) No one but the state or local health officer may  
 16 terminate the isolation or quarantine. Examinations may be  
 17 made repeatedly as deemed advisable or desirable."

18 **Section 7.** Section 50-18-108, MCA, is amended to read:

19 **"50-18-108. Examination and treatment of prisoners.**  
 20 Any person confined or imprisoned in any state, county, or  
 21 municipal prison within the state may be examined for  
 22 venereal a sexually transmitted disease. If infected, the  
 23 person shall must be treated by health authorities."

24 **Section 8.** Section 50-18-109, MCA, is amended to read:

25 **"50-18-109. Permissible release of information**

1 concerning infected persons. (1) Information concerning  
 2 persons infected or reasonably suspected to be infected with  
 3 ~~venereal~~ a sexually transmitted disease may only be released  
 4 to only:

5 (a) to personnel of the department of health and  
 6 environmental sciences; or

7 (b) to a physician who has written consent of the  
 8 person whose record is requested;

9 (c) to a local health officer; or

10 (d) by the department of health and environmental  
 11 sciences or a local health officer or board under the  
 12 circumstances allowed by [HOUSE Bill No. 668 (LC 864)].

13 (2) For the purposes of this section, the term  
 14 "information" includes all knowledge or intelligence and all  
 15 communications of all knowledge or intelligence, oral or  
 16 written or in record form, and also includes but is not  
 17 limited to information concerning the location or nature of  
 18 the activities or work of all local, state, or federal  
 19 employees or officers engaged in ~~venereal~~ sexually  
 20 transmitted disease eradication work, and such personnel are  
 21 ~~privileged and shall not be required to testify concerning~~  
 22 ~~anything within their knowledge or work activities having~~  
 23 ~~any relation to venereal disease work.~~

24 (3) The purpose of this section is to protect and  
 25 preserve the principle of confidentiality in ~~venereal~~

1 sexually transmitted disease work by public personnel,  
 2 local, state, and federal, such confidentiality being all  
 3 important to the success of all ~~venereal~~ sexually  
 4 transmitted disease eradication work and endeavor, and to  
 5 require that the principle of confidentiality in such work  
 6 remain inviolate."

7 **Section 9.** Section 50-18-110, MCA, is amended to read:

8 **"50-18-110. Unlawful dispensation dispensing of drugs**  
 9 **for cure or alleviation of ~~venereal~~ sexually transmitted**  
 10 **disease. It is unlawful to prescribe, sell, or recommend any**  
 11 **drugs, medicines, or other substances for the cure or**  
 12 **alleviation of ~~venereal~~ a sexually transmitted disease**  
 13 **except upon prescription signed by a physician person**  
 14 **legally authorized to practice medicine--in do so by the**  
 15 **pharmacy laws of this state."**

16 **Section 10.** Section 50-18-111, MCA, is amended to  
 17 read:

18 **"50-18-111. Certificate of freedom from ~~venereal~~**  
 19 **sexually transmitted disease not to be issued. No person**  
 20 **shall issue a certificate of freedom from ~~venereal~~ a**  
 21 **sexually transmitted disease. However, a physician or**  
 22 **health officer may issue a statement of freedom from**  
 23 **diseases in an infectious state only if it is written in**  
 24 **such form or given under safeguards that will prevent its**  
 25 **use in solicitation for sexual intercourse. These statements**

1 shall not be used for solicitation for immoral purposes."

2 **Section 11.** Section 50-18-112, MCA, is amended to  
3 read:

4 "50-18-112. Infected person not to expose another to  
5 venereal sexually transmitted disease. A person infected  
6 with a venereal sexually transmitted disease shall may not  
7 knowingly expose another person to infection."

8 **Section 12.** Section 50-18-113, MCA, is amended to  
9 read:

10 "50-18-113. Violation a misdemeanor. A person who  
11 violates provisions of this chapter or rules adopted by the  
12 department of health and environmental sciences concerning  
13 venereal a sexually transmitted disease or who fails or  
14 refuses to obey any lawful order issued by a state or local  
15 health officer is guilty of a misdemeanor."

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17 read:

18 "50-19-105. Report of positive test results. All  
19 positive laboratory tests for any venereal sexually  
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21 department by the laboratory preparing the test. The  
22 department shall prescribe the form and way of reporting."

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