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SENATE BILL NO. 401

Christiane

INTRODUCED BY

BY REQUEST OF SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CORONERS, HEALTH CARE FACILITIES, AND HEALTH CARE PROVIDERS INFORM MORTUARY PERSONNEL IF A DECEASED INDIVIDUAL HAD AN INFECTIOUS DISEASE AT THE TIME OF DEATH; AND AMENDING SECTION 50-16-530, MCA."

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

NEW SECTION. Section 1. Notification to mortuary personnel -- exposure to infectious disease.

(1) A coroner, a health care facility, or a health care provider, as defined in 50-16-1003, shall disclose information regarding the status of a deceased individual with regard to an infectious disease to personnel from a mortuary licensed under Title 37, chapter 19, at the time of transfer of the dead body or as soon after transfer as possible. The information must include whether the individual had an infectious disease at the time of death and the nature of the infectious disease.

(2) The mortuary personnel who receive the information provided in subsection (1) may not disclose the information except for purposes related directly to the preparation and disposition of the dead body.

Section 2. Section 50-16-530, MCA, is amended to read:

"50-16-530. Disclosure without patient's authorization -- other bases. A health care provider may disclose health care information about a patient without the patient's authorization if the disclosure is:

- (1) directory information, unless the patient has instructed the health care provider not to make the disclosure;
- (2) to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information or when needed to protect the public health;
- (3) to federal, state, or local law enforcement authorities to the extent required by law;
- (4) to a law enforcement officer about the general physical condition of a patient being treated in a health care facility if the patient was injured on a public roadway or was injured by the possible criminal

1 act of another;

2 (5) in response to a request of the division of crime control for information under 53-9-104(2)(b);

3 or

4 (6) pursuant to compulsory process in accordance with 50-16-535 and 50-16-536; or

5 (7) pursuant to [section 1]."

6

7 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
8 integral part of Title 50, chapter 16, part 7, and the provisions of Title 50, chapter 16, part 7, apply to
9 [section 1].

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INTRODUCED BY Christaena SENATE BILL NO. 401

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BY REQUEST OF SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

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2 INTRODUCED BY CHRISTIAENS

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4
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