
69th Legislature 2025 SB 456.1

1	SENATE BILL NO. 456	
2	INTRODUCED BY T. MCGILLVRAY	
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4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROFESSIONS AND OCCUPATIONS	
5	LAWS; ALLOWING A HEALTH CARE STAFF MEMBER OTHER THAN A PRACTITIONER TO DISPENSE	
6	DRUGS UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 37-2-104, MCA."	
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
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10	Section 1. Section 37-2-104, MCA, is amended to read:	
11	"37-2	-104. Dispensing of drugs by medical practitioners registration exceptions. (1) Subject
12	to subsection (7), a medical practitioner may dispense drugs if the practitioner:	
13	(a)	registers with the board of pharmacy provided for in 2-15-1733; and
14	(b)	complies with the requirements of this section.
15	(2)	(a) Drugs dispensed by a medical practitioner must be:
16	(a) <u>(i</u>)	dispensed directly by the practitioner at the practitioner's office or place of practice;
17	(b) <u>(ii</u>	dispensed only to the practitioner's own patients; and
18	(iii)	dispensed with the offer of counseling from the practitioner; and
19	(c) <u>(iv</u>	necessary in the treatment of the condition for which the practitioner is attending the patient.
20	<u>(b)</u>	Health care staff, other than the practitioner, who are at the practitioner's office or place of
21	practice, may convey the dispensed drugs if:	
22	<u>(i)</u>	the drugs are prepared and sealed with two forms of identification written on the package by
23	the provider; and	
24	<u>(ii)</u>	the identification of the patient is verified by the staff member conveying the drugs.
25	(3)	Before dispensing a drug, a medical practitioner shall offer to give a patient the prescription in a
26	written, electronic, or facsimile form that the patient may choose to have filled by the practitioner or any	
27	pharmacy.	
28	(4)	Except as otherwise provided in this section, a medical practitioner:



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1 (a) may dispense only those drugs that the practitioner is allowed to prescribe under the
2 practitioner's scope of practice unless the practitioner is engaged in the practice of pharmacy and dispensing a
3 drug pursuant to Title 37, chapter 7; and

- (b) may not dispense a controlled substance unless the practitioner is engaged in the practice of pharmacy and is dispensing a controlled substance pursuant to Title 37, chapter 7.
- 6 (5) A medical practitioner dispensing drugs shall comply with and is subject to the provisions of this part and the provisions of:
- 8 (a) Title 37, chapter 7, parts 4, 5, and 15;
- 9 (b) Title 50, chapter 31, parts 3 and 5;
- 10 (c) the labeling, storage, inspection, and recordkeeping requirements established by the board of 11 pharmacy; and
- 12 (d) all applicable federal laws and regulations.
- 13 (6) A medical practitioner registering with the board of pharmacy shall pay a fee established by the 14 board by rule. The fee must be paid at the time of registration and on each renewal of the practitioner's license.
 - (7) Except as provided in subsection (8), a medical practitioner registered with the board of pharmacy may not dispense drugs to an injured worker being treated pursuant to Title 39, chapter 71.
 - (8) This section does not prohibit any of the following when a medical practitioner has not registered to dispense drugs or when a practitioner registered to dispense drugs is treating an injured worker pursuant to Title 39, chapter 71:
 - (a) a medical practitioner from furnishing a patient any drug in an emergency;
- 21 (b) the administration of a unit dose of a drug to a patient by or under the supervision of a medical 22 practitioner;
 - (c) dispensing a drug to a patient by a medical practitioner whenever there is no community pharmacy available to the patient;
- 25 (d) the dispensing of drugs occasionally, but not as a usual course of doing business, by a medical practitioner;
- (e) a medical practitioner from dispensing drug samples;
- 28 (f) the dispensing of factory prepackaged contraceptives, other than mifepristone, by a registered



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nurse employed by a family planning clinic under contract with the department of public health and human services if the dispensing is in accordance with:

- (i) a physician's written protocol specifying the circumstances under which dispensing is appropriate; and
 - (ii) the drug labeling, storage, and recordkeeping requirements of the board of pharmacy;
- (g) a contract physician at an urban Indian clinic from dispensing drugs to qualified patients of the clinic. The clinic may not stock or dispense any dangerous drug, as defined in 50-32-101, or any controlled substance. The contract physician may not delegate the authority to dispense any drug for which a prescription is required under 21 U.S.C. 353(b).
 - (h) a medical practitioner from dispensing a drug if the medical practitioner has prescribed the drug and verified that the drug is not otherwise available from a community pharmacy. A drug dispensed pursuant to this subsection (8)(h) must meet the labeling, storage, and recordkeeping requirements of the board of pharmacy.
 - (i) a medical practitioner from dispensing an opioid antagonist as provided in 50-32-605.
- 15 (9) For the purposes of this section, the term "medical practitioner" includes a naturopathic physician."

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