

1 HOUSE BILL NO. 252  
2 INTRODUCED BY J. KARLEN, C. KEOGH, M. MARLER, E. STAFMAN, M. THANE, M. DUNWELL, J.  
3 TREBAS  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN OPTIONAL MENTAL HEALTH SCHOOL  
6 SCREENING PROGRAM; ESTABLISHING SCREENING AND REPORTING REQUIREMENTS;  
7 TRANSFERRING FUNDS; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN  
8 APPROPRIATION; AMENDING SECTION 16-12-111, MCA; AND PROVIDING AN EFFECTIVE DATE."  
9

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

12 NEW SECTION. Section 1. Mental health school screening program. (1) There is available to  
13 schools that wish to participate a mental health school screening program to identify depression, anxiety, and  
14 suicide risk in middle school and high school students.

15 (2) The department shall contract with ~~a vendor~~ ONE OR MORE VENDORS that, at a minimum, ~~has~~  
16 HAVE the ability to:

17 (a) identify schools interested in providing a mental health screening program that links students to  
18 appropriate services, as needed;

19 (b) use a best practice, standardized tool to screen for depression, anxiety, and suicide risk;

20 (c) provide immediate clinical followup services for students whose screenings indicate an  
21 imminent risk of self-harm;

22 (d) establish a network of mental health professionals who:

23 (i) commit to being available to provide continued clinical care to students who have an identified  
24 need for mental health services if the student or the student's parent elects to seek treatment for the student;  
25 and

26 (ii) are able to bill public and private payment sources for the services; and

27 (e) report regularly to the department on the number of students screened and, in a deidentified

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1 manner, on the outcomes of the screenings, the proportion of students screened who received same-day  
2 mental health services, and the proportion of students who used case management services.

3 (3) The department shall ~~obtain an acknowledgment from~~ REQUIRE the selected vendor TO PROVIDE  
4 DOCUMENTATION that the vendor ~~will comply~~ IS COMPLYING with ALL state and federal laws regarding privacy of  
5 student records and health care information, INCLUDING BUT NOT LIMITED TO:

6 (A) THE MONTANA PUPIL ONLINE PERSONAL INFORMATION PROTECTION ACT, 20-7-1323 THROUGH 20-7-  
7 1326; AND

8 (B) THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, 20 U.S.C. 1232G, AS AMENDED, AND  
9 ITS IMPLEMENTING REGULATIONS AT 34 CFR, PART 99.

10 (4) A SCHOOL PARTICIPATING IN THE SCREENING PROGRAM SHALL NOTIFY PARENTS OF THE DATE OF ANY  
11 SCREENING AT LEAST A WEEK BEFORE THE SCREENING OCCURS.

12 (5) The department shall annually report to the legislature, in accordance with 5-11-210, and to the  
13 children, families, health, and human services interim committee on the information received pursuant to  
14 subsection (2)(e).

15  
16 **NEW SECTION. Section 2. Mental health school screening special revenue account -- report.**

17 (1) There is an account in the state special revenue fund provided for in 17-2-102 to the credit of the  
18 department.

19 (2) The account consists of:

20 (a) money transferred from the marijuana state special revenue account as provided in 16-12-111;

21 and

22 (b) interest or income earned on the account.

23 (3) Money in the account must be used by the department for the mental health school screening  
24 program provided for in [section 1].

25

26 **Section 3.** Section 16-12-111, MCA, is amended to read:

27 **"16-12-111. Marijuana state special revenue account -- operating reserve -- transfer of excess**

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1 **funds.** (1) There is a dedicated marijuana state special revenue account within the state special revenue fund  
2 established in 17-2-102, to be administered by the department.

3 (2) The account consists of:

4 (a) money deposited into the account pursuant to this chapter;

5 (b) the taxes collected pursuant to Title 15, chapter 64, part 1;

6 (c) license and registered cardholder fees deposited into the account pursuant to this chapter;

7 (d) taxes deposited into the account pursuant to 16-12-310; and

8 (e) civil penalties collected under this chapter.

9 (3) Except as provided in subsection (4), money in the account must be used by the department  
10 for the purpose of administering the provisions of this chapter.

11 (4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month  
12 operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following  
13 order:

14 (a) an amount not to exceed \$6 million must be transferred to the healing and ending addiction  
15 through recovery and treatment (HEART) account established in 16-12-122;

16 (b) the net balance remaining after distribution to the HEART account must be distributed as  
17 follows:

18 (i) 20% to the credit of the department of fish, wildlife, and parks to be used solely as funding for  
19 wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;

20 (ii) 4% to the state park account established in 23-1-105(1);

21 (iii) 4% to the trails and recreational facilities account established in 23-2-108;

22 (iv) 4% to the nongame wildlife account established in 87-5-121;

23 (v) the following amounts to the mental health school screening special revenue account provided  
24 for in [section 2]:

25 (A) ~~\$2.1~~\$1.2 million for the fiscal year beginning July 1, 2023; and

26 (B) ~~\$4.7~~\$2.2 million in each subsequent fiscal year;

27 ~~(v)~~(vi) 3% or \$200,000, whichever is less, to the veterans and surviving spouses state special

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1 revenue account provided for in 10-2-108;

2 ~~(vi)~~(vii) for the biennium beginning July 1, 2021, \$300,000 to the department of justice to administer  
3 grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug  
4 detection canines and canine handlers, including canines owned by local law enforcement agencies to replace  
5 canines who were trained to detect marijuana;

6 ~~(vii)~~(viii) \$150,000 to the board of crime control to fund crisis intervention team training as provided in  
7 44-7-110; and

8 ~~(viii)~~(ix) the remainder to the general fund. (Subsection ~~(4)(b)(vi)~~ ~~(4)(b)(vii)~~ terminates June 30, 2025--  
9 sec. 117(2), Ch. 576, L. 2021.)"

10

11 **NEW SECTION. Section 4. Appropriation.** (1) The following amounts are appropriated from the  
12 mental health school screening special revenue account provided for in [section 2] to the department of public  
13 health and human services for the purposes of [section 1]:

14 Fiscal year 2024 ~~\$2.1~~ \$1.2 million

15 Fiscal year 2025 ~~\$4.7~~ \$2.2 million

16 (2) The legislature intends that the appropriation be considered part of the ongoing base for the  
17 next legislative session.

18

19 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a  
20 copy of [this act] to each federally recognized tribal government in Montana.

21

22 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 and 2] are intended to be codified  
23 as an integral part of Title 53, chapter 21, part 11, and the provisions of Title 53, chapter 21, part 11, apply to  
24 [sections 1 and 2].

25

26 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2023.

27

- END -