



ADMINISTRATIVE RULES OF MONTANA

36.22.1016 PROPRIETARY CHEMICALS AND TRADE SECRETS

- (1) As provided in 30-14-402, MCA, where the formula, pattern, compilation, program, device, method, technique, process, or composition of a chemical product is unique to the owner or operator or service contractor and would, if disclosed, reveal methods or processes entitled to protection as trade secrets, the owner, operator, or service contractor may request that the administrator withhold the information in accordance with 82-10-604, MCA.
- (2) If necessary to respond to a spill or release of a trade secret product the administrator may request information be provided orally or be provided directly to a laboratory or other third party performing analysis for the board. Any third parties receiving trade secret information on behalf of the board may be required to execute a nondisclosure agreement.
- (3) The owner, operator, or service contractor must also provide the chemical constituents of a trade secret product to a health professional who provides a written statement that knowledge of the chemical constituents of such product is needed for purposes of diagnosis or treatment of an individual and the individual being diagnosed or treated may have been exposed to the chemical concerned. The health professional may not use the information for purposes other than the health needs asserted in the statement of need, and may be required to execute a nondisclosure agreement.
- (4) Where a health professional determines that a medical emergency exists and the chemical constituents of a trade secret product are necessary for emergency treatment, the owner, operator, or service contractor shall immediately disclose the chemical constituents of a product to that health professional upon a verbal acknowledgement by the health professional that such information shall not be used for purposes other than the health needs asserted and that the health professional shall otherwise maintain the information as confidential. The owner or operator or service contractor may request a written statement of need, and a confidentiality agreement from a health professional as soon as circumstances permit.

Authorizing statute(s): 82-11-111, MCA

Implementing statute(s): 82-11-111, MCA

History: NEW, 2011 MAR p. 1686, Eff. 8/26/11; AMD, 2018 MAR p. 2209, Eff. 11/3/18.