

HOUSE BILL NO. 465

INTRODUCED BY R. JORE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE RELIGIOUS AND MEDICAL EXEMPTIONS FROM IMMUNIZATION; PROVIDING THAT A PRESCHOOL, SCHOOL, OR DAY CARE THAT RECEIVES TAX FUNDS SHALL ACCEPT FOR ATTENDANCE PERSONS FOR WHOM A RELIGIOUS EXEMPTION FROM IMMUNIZATION IS FILED; CLARIFYING WHO MAY BE EXCLUDED FROM SCHOOL; AND AMENDING SECTIONS 20-5-405 AND 52-2-735, MCA."

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

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Section 1. Section 20-5-405, MCA, is amended to read:

"20-5-405. Medical or religious exemption. (1) When a parent, guardian, or adult who has the responsibility for the care and custody of a minor seeking to attend preschool or school or the person seeking to attend school, if an adult, signs and files with the governing authority, prior to the commencement of attendance each school year, a notarized affidavit on a form prescribed by the department stating that immunization, by artificial means, is contrary to the religious tenets and practices of the signer, immunization of the person seeking to attend the preschool or school may not be required prior to attendance at the preschool or school. The statement must be maintained as part of the person's immunization records. A person who falsely claims a religious exemption is subject to the penalty for false swearing provided in 45-7-202. Preschools and schools that are subsidized in whole or in part by tax funds shall accept for attendance persons for whom a religious exemption from immunization is filed pursuant to this part.

(2) When a parent, guardian, or adult who has the responsibility for the care and custody of a minor seeking to attend preschool or school; or the person seeking to attend school, if an adult, files with the governing authority a written statement signed by a physician licensed to practice medicine in any jurisdiction of the United States or Canada stating that the physical condition of the person seeking to attend school or medical circumstances relating to ~~him~~ the person indicate that some or all of the required immunizations are not considered safe and indicating the specific nature and probable duration of the medical condition or circumstances ~~which that~~ he the person contraindicate immunization, ~~he~~ the person is exempt from the requirements of this part to the extent indicated by the physician's statement. The statement must be maintained as part of the person's

1 immunization records. Preschools and schools that are subsidized in whole or in part by tax funds shall accept
2 for attendance persons for whom a medical exemption from immunization is filed pursuant to this part.

3 (3) Whenever there is good cause to believe that a person ~~for whom an exemption has been filed under~~
4 ~~this section~~ has a disease ~~or has been exposed to a disease~~ listed in 20-5-403 ~~or will as the result of school~~
5 ~~attendance be exposed to such disease~~, the person may be excluded from the preschool or school by the local
6 health officer or the department until the excluding authority is satisfied that the person no longer risks ~~contracting~~
7 ~~or~~ transmitting that disease."
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9 **Section 2.** Section 52-2-735, MCA, is amended to read:

10 **"52-2-735. Health protection -- certification required.** (1) The department shall adopt rules for the
11 protection of children in day-care centers from the health hazards of inadequate food preparation, poor nutrition,
12 and communicable diseases. Rules adopted by the department must include rules requiring children under 5
13 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in the facility
14 unless an exemption has been claimed as provided in 20-5-405. A day-care center that is subsidized in whole
15 or in part by tax funds shall accept for attendance persons for whom a religious exemption or medical exemption
16 from immunization is filed as provided for in 20-5-405.

17 (2) Local public health authorities shall arrange to provide training to day-care center providers and
18 employees regarding health hazards. Upon successful completion of the training, the local public health
19 authorities shall issue certificates to the providers and employees.

20 (3) In lieu of training, local public health authorities may elect to inspect facilities and issue certificates
21 of approval to child-care center providers.

22 (4) Each applicant for a license to operate a day-care center shall submit to the department a certificate
23 issued pursuant to subsection (2) or (3) before the department will issue a license.

24 (5) The local public health authority may charge the applicant a reasonable fee, not to exceed \$25, for
25 any inspection necessary to issue a certificate of approval; or a fee not to exceed the documented cost for training
26 it provides under this section."
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