

HOUSE BILL NO. 158

INTRODUCED BY M. MACDONALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL IMMUNIZATION LAWS;
5 PROVIDING FOR DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RULEMAKING AUTHORITY
6 RELATED TO IMMUNIZATION REQUIREMENTS FOR SCHOOL PUPILS; AMENDING SECTIONS 20-5-403,
7 20-5-405, 20-5-406, 20-5-407, AND 20-5-409, MCA; AND REPEALING SECTION 20-5-404, ADDING
8 VARICELLA TO THE LIST OF REQUIRED IMMUNIZATIONS; REVISING REQUIREMENTS RELATED TO THE
9 PERTUSSIS VACCINATION; PROVIDING FOR EXEMPTIONS FOR PERSONAL BELIEFS; AND AMENDING
10 SECTIONS 20-5-403, 20-5-404, AND 20-5-405, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

16 **Section 1.** Section 20-5-403, MCA, is amended to read:

17 **"20-5-403. Immunization required -- release and acceptance of immunization records.** (1) The
18 governing authority of any school other than a postsecondary school may not allow a person to attend as a pupil
19 unless the person:

20 (a) has been immunized against varicella, diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps,
21 and measles (rubeola) in the manner and with immunizing agents approved by the department; ~~except that~~
22 ~~pertussis vaccination is not required for a person 7 years of age or older;~~

23 (b) has been immunized against Haemophilus influenza type "b" before enrolling in a preschool if under
24 5 years of age;

25 (c) qualifies for conditional attendance; or

26 (d) files for an exemption.

27 (2) (a) The governing authority of a postsecondary school may not allow a person to attend as a pupil
28 unless the person:

29 (i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents
30 approved by the department; or



1 (ii) files for an exemption.

2 (b) The governing authority of a postsecondary school may impose immunization requirements as a
3 condition of attendance that are more stringent than those required by this part.

4 (3) A pupil who transfers from one school district to another may photocopy immunization records in the
5 possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as
6 evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the
7 school shall retain a certified copy for the permanent record and send the original immunization records for the
8 pupil to the school district to which the pupil transfers."

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10 **Section 2.** Section 20-5-404, MCA, is amended to read:

11 **"20-5-404. Conditional attendance.** The governing authority of a school other than a postsecondary
12 school may allow the commencement of attendance in school by a person who has not been immunized against
13 each disease listed in 20-5-403 if that person has received one or more doses of ~~polio, measles (rubeola),~~
14 ~~mumps, rubella, diphtheria, pertussis, Haemophilus influenza type "b", and tetanus vaccine~~ the vaccine for each
15 disease listed in 20-5-403, except that ~~pertussis vaccine is not required for a person 7 years of age or older and~~
16 ~~Haemophilus influenza type "b" vaccine is required only for children under 5 years of age.~~"

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18 **Section 3.** Section 20-5-405, MCA, is amended to read:

19 **"20-5-405. Medical, personal, or religious exemption.** (1) When a parent, guardian, or adult who has
20 the responsibility for the care and custody of a minor seeking to attend school or the person seeking to attend
21 school, if an adult, signs and files with the governing authority, prior to the commencement of attendance each
22 school year, a notarized affidavit on a form prescribed by the department stating that immunization is contrary
23 to the personal beliefs or religious tenets and practices of the signer, immunization of the person seeking to
24 attend the school may not be required prior to attendance at the school. The statement must be maintained as
25 part of the person's immunization records. ~~A person who falsely claims a religious exemption is subject to the~~
26 ~~penalty for false swearing provided in 45-7-202.~~

27 (2) When a parent, guardian, or adult who has the responsibility for the care and custody of a minor
28 seeking to attend school or the person seeking to attend school, if an adult, files with the governing authority a
29 written statement signed by a physician licensed to practice medicine in any jurisdiction of the United States or
30 Canada stating that the physical condition of the person seeking to attend school or medical circumstances

1 relating to the person indicate that some or all of the required immunizations are not considered safe and
2 indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate
3 immunization, the person is exempt from the requirements of this part to the extent indicated by the physician's
4 statement. The statement must be maintained as part of the person's immunization records.

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

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