



AN ACT GENERALLY REVISING LAWS RELATED TO FIREFIGHTERS AND TOBACCO; REQUIRING THAT PAID FIREFIGHTERS HIRED ON OR AFTER JULY 1, 2019, BE TOBACCO-FREE; PROVIDING TOBACCO CESSATION COURSES TO PAID FIREFIGHTERS WHO CURRENTLY USE TOBACCO PRODUCTS; PROHIBITING CERTAIN FIREFIGHTERS FROM DISPLAYING TOBACCO PRODUCTS OR USING TOBACCO PRODUCTS WHILE ON DUTY; PROHIBITING PROVISIONS ALLOWING TOBACCO USE IN COLLECTIVE BARGAINING AGREEMENTS; AMENDING SECTION 7-33-4107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Definitions. As used in [sections 1 through 4], the following definitions apply:

- (1) "Paid firefighter" means a firefighter qualified under 7-33-4107 who receives full or partial pay.
- (2) "Volunteer firefighter" has the meaning provided in 19-17-102.

Section 2. Qualifications of paid firefighters -- tobacco use. (1) (a) A paid firefighter hired on or after July 1, 2019, must be tobacco-free.

(b) The requirements of subsection (1)(a) must be verified through a physical exam as required in 7-33-4107.

(2) (a) A paid firefighter hired prior to July 1, 2019, who uses tobacco shall take a tobacco cessation course once every 4 years. The tobacco cessation course must be provided through programs for tobacco disease prevention as described in 17-6-602.

(b) A paid firefighter hired prior to July 1, 2019, shall provide proof of participation in a tobacco cessation course to the firefighter's department.

Section 3. Tobacco references and use prohibited. (1) A municipal or rural fire department, district, or service area may not display, advertise, or depict tobacco products or the use of tobacco products on state,

county, or municipal property.

(2) A paid firefighter may not wear any form of clothing depicting tobacco products or tobacco use while engaged in firefighting duties.

(3) A paid or volunteer firefighter may not use tobacco products while engaged in firefighting work, on firefighting equipment, while attending any firefighting training, or on any worksite while engaging in firefighting duties.

Section 4. Tobacco use provisions prohibited in collective bargaining. (1) Except as provided in subsection (2), collective bargaining agreements between an employer and paid firefighters may not include provisions allowing tobacco use.

(2) Collective bargaining agreements enacted before [the effective date of this act] are exempt from the provisions of subsection (1).

Section 5. Section 7-33-4107, MCA, is amended to read:

"7-33-4107. Qualifications of firefighters. The state of Montana determines that qualifications for the firefighting profession must recognize the rigorous physical demands placed on firefighters and the expectation of many years of emergency service. To qualify as a firefighter, an applicant:

(1) must be a citizen of the United States;

(2) must be at least 18 years of age;

(3) must be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(4) must possess or be eligible for a valid Montana driver's license;

(5) shall pass a physical examination by a qualified physician, physician assistant, or advanced practice registered nurse, who is not the applicant's personal physician, physician assistant, or advanced practice registered nurse, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect the applicant's performance of the duties of a firefighter, including requirements described in [section 2];

(6) must be fingerprinted and a search must be made of the local, state, and national fingerprint files to

disclose any criminal record; and

(7) may not have been convicted of a crime for which the applicant could have been imprisoned in a federal or state penitentiary."

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 7, chapter 33, and the provisions of Title 7, chapter 33, apply to [sections 1 through 4].

Section 8. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0171, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 171

INTRODUCED BY S. FITZPATRICK

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