

1 HOUSE BILL NO. 954

2 INTRODUCED BY J. CARLSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING REQUIREMENTS FOR IMMUNIZATIONS
5 IN DAY-CARE FACILITIES; REQUIRING A DAY-CARE CENTER TO RECORD THE IMMUNIZATION
6 STATUS OF ENROLLED CHILDREN; PROHIBITING A FAMILY DAY-CARE HOME OR GROUP DAY-CARE
7 HOME FROM REQUIRING IMMUNIZATIONS PRIOR TO ENROLLMENT; REQUIRING A FAMILY DAY-CARE
8 HOME OR GROUP DAY-CARE HOME TO MAINTAIN IMMUNIZATION STATUS RECORDS FOR ENROLLED
9 CHILDREN; PROVIDING AN APPROPRIATION; AND AMENDING SECTION 52-2-735, MCA."

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

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13 **Section 1.** Section 52-2-735, MCA, is amended to read:

14 **"52-2-735. Health protection -- certification required.** (1) The department shall adopt rules for the
15 protection of children in day-care centers from the health hazards of inadequate food preparation, poor
16 nutrition, and communicable diseases. ~~Rules adopted by the department must include rules requiring children~~
17 ~~under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in~~
18 ~~the facility unless an exemption has been claimed as provided in 20-5-405.~~

19 (2) (a) A day-care center shall require written evidence of each child's immunization against
20 diseases listed in 20-5-403 and shall record the immunization status, including any exemptions under 20-5-405,
21 in the child's record.

22 (b) A day-care center may not enroll a child unless the child:

23 (i) has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps,
24 measles (rubeola), and Haemophilus influenza type "b" in the manner and with immunizing agents approved by
25 the department on the schedule for immunization recommended by the advisory committee on immunization
26 practices of the U.S. department of health and human services or on an alternative schedule approved by a
27 person who is licensed, certified, or otherwise authorized by the laws of any state or a province of Canada to
28 provide health care as defined in 50-16-504;

1 (ii) qualifies for conditional attendance; or

2 (iii) files for an exemption as provided in 20-5-405.

3 (c) A family day-care home or group day-care home may not require a child to be immunized as a
4 condition of attendance but shall maintain records of each child's immunization status.

5 ~~(2)(3)~~ Local public health authorities shall arrange to provide training to day-care center providers and
6 employees regarding health hazards. Upon successful completion of the training the local public health
7 authorities shall issue certificates to the providers and employees.

8 ~~(3)(4)~~ In lieu of training, local public health authorities may elect to inspect facilities and issue
9 certificates of approval to child-care center providers.

10 ~~(4)(5)~~ Each applicant for a license to operate a day-care center shall submit to the department a
11 certificate issued pursuant to subsection ~~(2)-(3)~~ or ~~(3)-(4)~~ before the department will issue a license.

12 ~~(5)(6)~~ The local public health authority may charge the applicant a reasonable fee, not to exceed \$25,
13 for any inspection necessary to issue a certificate of approval, or a fee not to exceed the documented cost for
14 training it provides under this section."
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16 NEW SECTION. Section 2. Department to amend rule. The department of public health and human
17 services shall amend ARM 37.95.140 to repeal the immunization requirements pertaining to family day-care
18 homes and group day-care homes and update the immunization requirements for day-care centers to bring the
19 rule into compliance with [section 1].
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21 NEW SECTION. Section 3. Appropriation. There is appropriated \$500 from the state general fund
22 to the department of public health and human services for the biennium beginning July 1, 2023, for the
23 purposes of providing notice to child-care resource and referral agencies, registered family day-care homes and
24 group day-care homes, and licensed day-care centers of the changes to immunization requirements in [section
25 1].
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