

HOUSE BILL NO. 415

INTRODUCED BY V. JACKSON

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A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE BY RULE FOR A MEDICAL OR RELIGIOUS EXEMPTION FROM ALL IMMUNIZATIONS REQUIRED FOR ATTENDANCE IN DAY-CARE FACILITIES THAT ADMIT CHILDREN WHO ARE 2 YEARS OF AGE OR OLDER; AND AMENDING SECTION 52-2-735, MCA."

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

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

"52-2-735. Health protection -- certification required. (1) The department shall adopt rules for the protection of children in day-care ~~centers~~ facilities from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases. Rules adopted by the department must include:

(a) rules requiring children under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in the facility unless an exemption has been claimed as provided in 20-5-405; and

(b) an exemption, as provided in 20-5-405, from the requirement for immunization prior to attendance at a day-care facility that admits only children who are 2 years of age or older.

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

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

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

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

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