

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

April 28, 2021

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear Speaker Galt and President Blasdel:

“Vaccine passports” undermine individual liberty and threaten personal privacy, tenets Montanans hold dear. No person should be compelled to involuntarily divulge their personal health information as a condition of participating in everyday life, and so-called vaccine passports are one step down a dangerous path that erodes personal privacy. “Vaccine passports” are steeped in discrimination and have no place in our state.

I appreciate the Legislature’s work to prohibit “vaccine passports” in Montana with House Bill 702, and I support the sponsor’s efforts and intent. However, I believe this measure can be strengthened.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 702: “A BILL FOR AN ACT ENTITLED: “AN ACT PROHIBITING DISCRIMINATION BASED ON A PERSON'S VACCINATION STATUS OR POSSESSION OF AN IMMUNITY PASSPORT; PROVIDING AN EXCEPTION; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES.”

In line with Executive Order 7-2021, I firmly believe that “vaccine passports,” or any documentation related to an individual’s vaccination status, are an unwarranted infringement on our liberties.

Many Montanans have deeply held religious reasons for not obtaining a vaccine. Others have health conditions that prohibit them from getting one. Ultimately, the decision to receive a vaccine is voluntary, and Montanans should not face the threat of discrimination rooted in whether they decide to receive a vaccine. Furthermore, employers must not discriminate or take punitive action against employees who opt out of immunizations, but instead should work to provide well established, reasonable accommodations that protect the health and safety of all involved.

Speaker Galt
President Blasdel
April 28, 2021
Page 2

For these reasons, I am pleased to offer an amendment that strengthens HB 702 and promotes its proper enactment. Specifically, my amendment clarifies that an employer may ask an employee to volunteer their vaccination or immunization status under certain circumstances.

My amendment also makes clear that an employer's implementation of reasonable accommodation measures for persons who are not vaccinated or not immune to protect the safety and health of employees, customers, patients, visitors, and other persons from communicable diseases is not unlawful discrimination.

Additionally, my amendment would ensure that provisions of HB 702 do not put licensed nursing homes, long-term care facilities, or assisted living facilities in violation of regulations or guidance issued by the U.S. Centers for Medicare and Medicaid Services.

This is an important bill that can be reinforced to further protect Montanans, and I respectfully ask for your support of this amendment.

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State

Amendments to House Bill No. 702
Reference Copy

Requested by the Governor
For the (H) Committee of the Whole

Prepared by Todd Everts
04/28/2021, 08:10:50

1. Title, line 10.

Following: "EXCEPTION"

Insert: "AND AN EXEMPTION"

2. Page 2, line 12.

Following: "~~(3)~~ (2) (3)"

Insert: "(a)"

3. Page 2.

Following: line 13

Insert: "(b) A health care facility, as defined in 50-5-101, does not unlawfully discriminate under this section if it complies with both of the following:

- (i) asks an employee to volunteer the employee's vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented.
- (ii) implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases."

4. Page 2.

Following: line 21

Insert: "NEW SECTION. Section 2. Exemption. A licensed nursing home, long-term care facility, or assisted living facility is exempt from compliance with [section 1] during any period of time that compliance with [section 1] would result in a violation of regulations or guidance issued by the centers for medicare and medicaid services or the centers for disease control and prevention."

ReNUMBER: subsequent sections

5. Page 3, line 3.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

6. Page 3, line 4.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

7. Page 3, line 12.

Strike: "2"

Insert: "3"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.