

1 HOUSE BILL NO. 908

2 INTRODUCED BY E. STAFMAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SCHOOL AND CHILD CARE
5 CENTER IMMUNIZATION REQUIREMENTS; REQUIRING IMMUNIZATION EDUCATION FOR AN
6 EXEMPTION TO IMMUNIZATION REQUIREMENTS; PROVIDING A RELIGIOUS EXEMPTION ALLOWING
7 PRIVATE SCHOOLS AND CHILD-CARE PROVIDERS TO DECLINE TO ENROLL UNVACCINATED
8 STUDENTS OR CHILDREN; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-5-405, MCA; AND
9 PROVIDING EFFECTIVE DATES."

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

12
13 NEW SECTION. **Section 1. Immunization education.** (1) The department shall make the following
14 available online free of charge to a person seeking a religious exemption pursuant to 20-5-405:

- 15 (a) an immunization education program that meets the requirements of subsection (2); and
- 16 (b) a form for use by a licensed physician or licensed nurse practitioner to verify an educational
17 immunization discussion pursuant to subsection (3). The form must enumerate the minimum discussion
18 requirements contained in subsection (3)(a).

19 (2) A person seeking a religious exemption may fulfill the requirement for immunization education
20 by completing an immunization education program produced and provided by the department. The
21 immunization education program provided by the department:

- 22 (a) must be designed to take 20 minutes or less to complete; and
- 23 (b) must include at a minimum:
 - 24 (i) information about immunization-preventable illnesses;
 - 25 (ii) recommendations for reducing the likelihood of a nonimmunized person contracting or
26 transmitting an immunization-preventable illness;
 - 27 (iii) information based on the best available science about the benefits and side effects of
28 immunization;

- 1 (iv) interactive questions or activities;
- 2 (v) a certificate of completion that a person may use to verify completion of immunization
- 3 education; and
- 4 (vi) a religious exemption form that is generated after a person completes the module and that may
- 5 be filed with the governing authority pursuant to 20-5-405.

6 (3) (a) A person seeking a religious exemption may fulfill the requirement for immunization

7 education by engaging in an educational immunization discussion with a licensed physician or licensed nurse

8 practitioner. The discussion must include at a minimum:

- 9 (i) information about immunization-preventable illnesses;
- 10 (ii) recommendations for reducing the likelihood of a nonimmunized person contracting or
- 11 transmitting an immunization-preventable illness; and
- 12 (iii) information based on the best available science about the benefits and side effects of
- 13 immunization.

14 (b) The physician or nurse practitioner shall sign and date a form provided by the department

15 pursuant to subsection (1)(b), which the person may use to demonstrate completion of immunization education.

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17 **Section 2.** Section 20-5-405, MCA, is amended to read:

18 **"20-5-405. Exemptions -- limitations on agency actions.** (1) (a) There is a religious exemption to

19 the immunizations required under 20-5-403. A person enrolled or seeking to enroll in school may attend the

20 school without obtaining the immunizations if the person signer:

21 (i) completes immunization education as provided in [section 1]; and

22 (ii) files with the governing authority;

23 (A) a notarized affidavit on a form prescribed by the department stating that immunization is

24 contrary to the religious tenets and practices of the signer; and

25 (B) documentation that the signer completed immunization education as provided in [section 1].

26 (b) The statement must be signed and the immunization education must be completed:

27 (i) by the person enrolled or seeking to enroll in the school, if the person is an adult; or

28 (ii) if the person is a minor, by a parent, guardian, or adult who has the responsibility for the care

1 and custody of the minor.

2 (c) The statement must be maintained as part of the person's immunization records.

3 (d) A person who falsely claims a religious exemption is subject to the penalty for false swearing
4 as provided in 45-7-202.

5 (2) (a) There is a medical exemption to the immunizations required under 20-5-403. A person
6 enrolled or seeking to enroll in school may attend the school without obtaining the immunizations if a written
7 medical exemption statement signed by a health care provider specified in subsection (2)(c) is filed with the
8 governing authority. The medical exemption statement must:

9 (i) attest that the physical condition of the person enrolled or seeking to enroll in school or the
10 medical circumstances relating to the person indicate that some or all of the required immunizations are not
11 considered safe; and

12 (ii) indicate the specific nature and probable duration of the medical condition or circumstances
13 that contraindicate immunization.

14 (b) The person is exempt from the requirements of this part to the extent indicated by the medical
15 exemption statement.

16 (c) The medical exemption statement must be signed by a person who:

17 (i) is licensed, certified, or otherwise authorized by the laws of any state or Canada to provide
18 health care as defined in 50-16-504;

19 (ii) is authorized within the person's scope of practice to administer the immunizations to which the
20 exemption applies; and

21 (iii) has previously provided health care to the person seeking the exemption or has administered
22 an immunization to which the person seeking an exemption has had an adverse reaction.

23 (d) The medical exemption statement must be maintained as part of the person's immunization
24 records and may not be photocopied or otherwise duplicated for use by a third party without permission of the
25 student's parent or, if the student is an adult, the written consent of the student.

26 (3) (a) A private school or ~~child-care provider day-care facility as defined in 52-2-703~~ may choose
27 to not enroll students or children with nonmedical exemptions to immunization if the school or ~~provider day-care~~
28 ~~facility~~ has a sincere religious belief in ~~immunization as a community health measure an obligation to control the~~

1 ~~spread of infectious diseases.~~

2 (b) A private school or ~~child-care provider day-care facility~~ may claim a sincere religious belief in
3 ~~immunization an obligation to control the spread of infectious diseases~~ if the owner or the owner's designee:

4 (i) ~~completes immunization education as provided in [section 1]; and~~

5 (ii) ~~files with the governing authority:~~

6 (A) ~~a notarized affidavit on~~ a form prescribed by the department stating that ~~admitting children with~~
7 ~~nonmedical immunization exemptions are is~~ contrary to the religious ~~tenets and practices beliefs~~ of the private
8 school or ~~child-care provider day-care facility~~; and

9 (B) ~~documentation that the owner or the owner's designee completed immunization education as~~
10 ~~provided in [section 1].~~

11 (c) The department shall maintain a public-facing list on its website of ~~child-care providers day-~~
12 ~~care facilities~~ and private schools with a sincerely held religious belief in ~~immunization as a community health~~
13 ~~measure an obligation to control the spread of infectious diseases.~~

14 (3)(4) (a) The department may not require a medical exemption form that imposes requirements that
15 are more burdensome or otherwise in excess of the requirements described in this section. A form prescribed
16 by the department that contains requirements not expressly described in this section is void to the extent that it
17 purports to impose requirements not included in this section.

18 (b) A governing authority may not deny a medical exemption on the basis that a person has not
19 completed portions of the medical exemption form that are void under this subsection (3) (4).

20 (c) The department is not authorized to review a completed medical exemption statement or
21 medical exemption form for the purpose of granting or denying a medical exemption.

22 (4)(5) Whenever there is good cause to believe that a person for whom an exemption has been filed
23 under this section has a disease or has been exposed to a disease listed in 20-5-403 or will as the result of
24 school attendance be exposed to the disease, the person may be excluded from the school by the local health
25 officer or the department until the excluding authority is satisfied that the person no longer risks contracting or
26 transmitting that disease."

27
28 NEW SECTION. Section 3. Appropriation. There is appropriated \$15,000 from the general fund to

1 the department of public health and human services for the biennium beginning July 1, 2023, for the purpose of
2 implementing [section 1] and maintaining the list established in 20-5-405(3).

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4 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
5 integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [section 1].

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7 **NEW SECTION. Section 5. Effective dates.** (1) Except as provided in subsection (2) [this act] is
8 effective June 1, 2024.

9 (2) [Section 3] and this section are effective July 1, 2023.

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