

1 HOUSE BILL NO. 954
2 INTRODUCED BY J. CARLSON

3
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; PROVIDING AN EXCEPTION FOR
8 A SINCERE RELIGIOUS BELIEF; REQUIRING A FAMILY DAY-CARE HOME OR GROUP DAY-CARE HOME
9 TO MAINTAIN IMMUNIZATION STATUS RECORDS FOR ENROLLED CHILDREN; PROVIDING AN
10 APPROPRIATION; AND AMENDING SECTION 52-2-735, MCA."

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

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

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

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

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

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

1 provide health care as defined in 50-16-504;

2 (ii) qualifies for conditional attendance; or

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

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

7 (3) Notwithstanding the provisions of subsection (2), a day-care facility may choose to not enroll
8 children with nonmedical exemptions to immunization if the day-care facility has a sincere religious belief in an
9 obligation to control the spread of infectious diseases. The day-care facility may claim a sincere religious belief
10 in an obligation to control the spread of infectious diseases by filing a form prescribed by the department stating
11 that admitting children with nonmedical immunization exemptions is contrary to the religious beliefs of the day-
12 care facility.

13 (2)(3)(4) Local public health authorities shall arrange to provide training to day-care center
14 providers and employees regarding health hazards. Upon successful completion of the training the local public
15 health authorities shall issue certificates to the providers and employees.

16 (3)(4)(5) In lieu of training, local public health authorities may elect to inspect facilities and issue
17 certificates of approval to child-care center providers.

18 (4)(5)(6) Each applicant for a license to operate a day-care center shall submit to the
19 department a certificate issued pursuant to subsection (2)-(3)(4) or (3)-(4)(5) before the department will issue a
20 license.

21 (5)(6)(7) The local public health authority may charge the applicant a reasonable fee, not to
22 exceed \$25, for any inspection necessary to issue a certificate of approval, or a fee not to exceed the
23 documented cost for training it provides under this section."

24
25 **NEW SECTION. Section 2. Department to amend rule.** The department of public health and human
26 services shall amend ARM 37.95.140 to repeal the immunization requirements pertaining to family day-care
27 homes and group day-care homes and update the immunization requirements for day-care centers to bring the
28 rule into compliance with [section 1].

Amendment - 1st Reading-white - Requested by: Ed Stafman - (H) Human Services

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

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2 NEW SECTION. **Section 3. Appropriation.** There is appropriated \$500 from the state general fund
3 to the department of public health and human services for the biennium beginning July 1, 2023, for the
4 purposes of providing notice to child-care resource and referral agencies, registered family day-care homes and
5 group day-care homes, and licensed day-care centers of the changes to immunization requirements in [section
6 1].

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- END -

AMENDED