1	HOUSE BILL NO. 954			
2	INTRODUCED BY J. CARLSON			
3				
4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING REQUIREMENTS FOR IMMUNIZATION			
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."			
10				
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
12				
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;			



Amendment - 1st Reading-white - Requested by: Jennifer Carlson - (H) Human Services				
-	Legislature 202	23 Drafter: Milly Allen, 406-444-9280	HB0954.001.002	
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		attendance.		
5	<u>(d)</u>	<u>but A family day-care home or group day-care home shall maintain reco</u>	ords of each child's	
6	6 immunization status, including any exemptions under 20-5-405.			
7	(2) ((3) Local public health authorities shall arrange to provide training to day-car	re center providers and	
8	employees	regarding health hazards. Upon successful completion of the training the loca	l public health	
9	authorities shall issue certificates to the providers and employees.			
10	(3) ((4) In lieu of training, local public health authorities may elect to inspect facili	ities and issue	
11	certificates of	of approval to child-care center providers.		
12	(4) ((5) Each applicant for a license to operate a day-care center shall submit to	the department a	
13	certificate is	ssued pursuant to subsection (2) <u>(3)</u> or <u>(3) (4)</u> before the department will issue	a license.	
14	(5) ((6) The local public health authority may charge the applicant a reasonable f	fee, not to exceed \$25,	
15	for any insp	pection necessary to issue a certificate of approval, or a fee not to exceed the	documented cost for	
16	training it pr	rovides under this section."		
17				
18	<u>NE\</u>	W SECTION. Section 2. Department to amend rule. The department of pu	ublic health and human	
19	services sha	all amend ARM 37.95.140 to repeal the immunization requirements pertaining) to family day-care	
20	homes and	group day-care homes and update the immunization requirements for day-ca	re centers t o bring the	
21	rule into cor	mpliance with [section 1].		
22				
23	<u>NE\</u>	W SECTION. Section 3. Appropriation. There is appropriated \$500 from the section of the section	ne state general fund	
24	to the depar	rtment of public health and human services for the biennium beginning July 1,	, 2023, for the	
25	purposes of	f providing notice to child-care resource and referral agencies, registered fami	ly day-care homes and	
26	group day-c	care homes, and licensed day-care centers of the changes to immunization re	quirements in [section	
27	1].			
28		- END -		



- 2 -