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HOUSE BILL NO. 451

INTRODUCED BY S. GIST, S. GUNDERSON, M. MALONE, S. KERNS, J. SCHILLINGER, P. FIELDER, L. SHELDON-GALLOWAY, L. BREWSTER, J. CARLSON, J. HINKLE, N. NICOL, A. REGIER, J. READ, J. BERGSTROM, G. PARRY, S. HINEBAUCH, B. GILLESPIE, J. KASSMIER, B. PHALEN, L. HELLEGAARD, N. DURAM, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CAUSE OF ACTION FOR VACCINE-RELATED INJURIES; AND AMENDING SECTION 39-71-411, MCA."

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

NEW SECTION. **Section 1. Action for vaccine-related injury.** A person who is injured by a vaccine may maintain an action against an entity that required the person to receive the vaccine as a term, condition, or privilege of licensing, employment, or compensation, if the entity has accepted any state or federal money.

Section 2. Section 39-71-411, MCA, is amended to read:

"39-71-411. Provisions of chapter exclusive remedy -- nonliability of insured employer. For all employments covered under the Workers' Compensation Act or for which an election has been made for coverage under this chapter, the provisions of this chapter are exclusive, except as provided in [section 1]. Except as provided in part 5 of this chapter for uninsured employers and except as otherwise provided in the Workers' Compensation Act, an employer is not subject to any liability whatever for the death of or personal injury to an employee covered by the Workers' Compensation Act or for any claims for contribution or indemnity asserted by a third person from whom damages are sought on account of the injuries or death. The Workers' Compensation Act binds the employee and, in case of death, binds the employee's personal representative and all persons having any right or claim to compensation for the employee's injury or death, as well as the employer and the servants and employees of the employer and those conducting the employer's business during liquidation, bankruptcy, or insolvency."

