

## VACCINATION EXEMPTIONS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** Under Title 20, chapter 5, part 4, MCA, students at public schools are required to be immunized against certain diseases unless they qualify for a medical or religious exemption. Under Section 52-2-735, the Department of Public Health and Human Services is required to adopt rules to prevent the spread of communicable diseases in childcare facilities. A number of bills have been introduced in the Legislature to revise the exemptions or otherwise ensure that persons who do not wish to receive immunizations or do not wish for their children to receive immunizations are accommodated.

#### Other Materials:

[Montana Immunization Program 2017-2018 School Immunization Assessment Results](#), DPHHS

[Non-Medical Vaccine Exemptions in Montana](#), DPHHS, 2017

[Vaccination Policies: Requirements and Exemptions for Entering School](#), National Conference of State Legislatures, December 2017

### Introduced Legislation

\*Chapter number assigned means bill was passed and approved.

#### 2019 (EXAMPLE BELOW)

[Senate Bill 23](#) -- (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ALTERNATIVE ACCOMMODATIONS IN LIEU OF EMPLOYER-MANDATED VACCINATIONS BE OFFERED IN A NONDISCRIMINATORY MANNER; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

[Senate Bill 99](#) -- (S) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOLS TO PROVIDE INFORMATION ON LEGAL OPTIONS TO OPT OUT OF IMMUNIZATION REQUIREMENTS; REQUIRING SCHOOLS TO PROVIDE ACCESS TO FORMS RELATED TO IMMUNIZATION EXEMPTIONS; AMENDING SECTIONS 20-5-403 AND 20-5-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

[House Bill 564](#) -- (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEDICAL EXEMPTION TO STUDENT IMMUNIZATION REQUIREMENTS; CLARIFYING PRIVACY PROCEDURES FOR HANDLING STUDENT IMMUNIZATION RECORDS; AND AMENDING SECTIONS 20-5-405 AND 20-5-408, MCA."

[House Bill 574](#) -- (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A DEPARTMENT FROM IMPLEMENTING OR ENFORCING IMMUNIZATION REQUIREMENTS NOT EXPRESSLY AUTHORIZED BY THE LEGISLATURE; INVALIDATING ANY RULE INCONSISTENT WITH THIS DIRECTIVE; REPEALING ARM 37.51.306; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

[House Bill 575](#) -- (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING IMMUNIZATION REQUIREMENTS RELATING TO DAY-CARE FACILITIES; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO RECOMMEND IMMUNIZATIONS FOR EMPLOYERS AND CHILDREN AT DAY-CARE FACILITIES; PROHIBITING THE DEPARTMENT FROM MANDATING EXCLUSION OF EMPLOYEES AND CHILDREN FROM DAY-CARE FACILITIES BASED ON FAILURE TO OBTAIN RECOMMENDED IMMUNIZATIONS; AMENDING SECTION 52-2-735, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

## 2017

None.

## 2015

None.

## 2013

None.

## 2011

[House Bill No. 227](#) -- (H) Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO EXEMPTIONS FOR IMMUNIZATIONS; ALLOWING RELIGIOUS AND MEDICAL EXEMPTIONS TO IMMUNIZATION REQUIREMENTS FOR CHILDREN IN DAY-CARE FACILITIES; REMOVING THE CRIMINAL SANCTION FOR FALSELY CLAIMING A RELIGIOUS EXEMPTION; AMENDING SECTIONS 20-5-405 AND 52-2-735, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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