

## 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 (DPHHS) is required to adopt rules to prevent the spread of communicable diseases in child care facilities. DPHHS also has in the past adopted rules and policies establishing immunization requirements for children in foster homes.

In summer of 2022, DPHHS began revising administrative rules to comply with the requirements of [House Bill No. 702](#) from 2021, regarding discrimination based on vaccination status.

### Legislative Branch Materials:

- Legislative Audit Division: Performance Audit of Childhood Immunization Requirements in Montana
  - [Full Audit](#), May 2014
  - [Audit Summary](#), May 2014
  - [Audit Follow-Up Memo](#), September 2015

### Other Materials:

- Department of Public Health and Human Services
  - [MAR Notice No. 37-994](#): Pertaining to immunization requirements and exemptions for children and staff at child care facilities (*Adoption currently delayed due to informal objection by the Children, Families, Health, and Human Services Interim Committee.*)

## VACCINATION EXEMPTIONS

- [MAR Notice No. 37-1005](#): Pertaining to foster care immunization requirements
- Report: [Montana Immunization Program 2018-2019 School Immunization Assessment Results](#)
- Infographic [Non-Medical Vaccine Exemptions in Montana](#), 2017
- National Conference of State Legislatures
  - [States with Religious and Philosophical Exemptions from School Immunization Requirements](#), May 25, 2022
  - [Vaccination Policies: Requirements and Exemptions for Entering School](#), December 2017

## Introduced Legislation

**Please Note:** A status of "Chapter Number Assigned" means a bill was passed by the Legislature, approved by the governor, and became law.

### 2021

[House Bill No. 334](#) (Chapter Number Assigned) -- AN ACT REVISING LAWS RELATED TO THE MEDICAL EXEMPTION TO STUDENT IMMUNIZATION REQUIREMENTS; REVISING REQUIREMENTS FOR IMMUNIZATION FORMS; ESTABLISHING LIMITATIONS ON EXAMINATION AND USE OF IMMUNIZATION RECORDS; AMENDING SECTIONS 20-5-403, 20-5-405, 20-5-406, AND 20-5-408, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 415](#) (Failed on Second Reading in the House) -- AN ACT PROHIBITING DISCRIMINATION BASED ON VACCINATION STATUS; PROHIBITING THE USE OF IMMUNITY PASSPORTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 702](#) (Chapter Number Assigned) -- AN ACT PROHIBITING DISCRIMINATION BASED ON A PERSON'S VACCINATION STATUS OR POSSESSION OF AN IMMUNITY PASSPORT; PROVIDING AN EXCEPTION AND AN EXEMPTION; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES.

[House Bill No. 703](#) (Indefinitely Postponed on Second Reading in the Senate) -- AN ACT PROHIBITING THE USE OF VACCINATION STATUS OR IMMUNITY PASSPORT FOR CERTAIN PURPOSES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 13-1-116 AND 49-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 332](#) (Failed on Third Reading in the House) -- AN ACT GENERALLY REVISING IMMUNIZATION LAWS RELATED TO FOSTER CARE; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM IMPLEMENTING OR ENFORCING IMMUNIZATION REQUIREMENTS NOT EXPRESSLY AUTHORIZED BY THE LEGISLATURE; PROHIBITING THE WITHHOLDING OF ANY BENEFIT IN CONNECTION WITH IMMUNIZATION STATUS; INVALIDATING ANY RULE INCONSISTENT WITH THIS DIRECTIVE; AMENDING SECTION 52-2-603, MCA; REPEALING 37.51.306, ARM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 368](#) (Indefinitely Postponed on Second Reading in the Senate) -- AN ACT GENERALLY REVISING IMMUNIZATION LAWS RELATED TO DAY-CARE FACILITIES; ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REQUIRE IMMUNIZATIONS FOR STATE AND FEDERALLY FUNDED DAY-CARE CENTERS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

## VACCINATION EXEMPTIONS

TO RECOGNIZE EXEMPTIONS TO IMMUNIZATION REQUIREMENTS FOR MEDICAL REASONS AND RELIGIOUS AND PERSONAL BELIEFS; ALLOWING FAMILY DAY-CARE HOMES, GROUP DAY-CARE HOMES, AND DAY-CARE CENTERS THAT DO NOT RECEIVE STATE OR FEDERAL FUNDS FOR OPERATION TO DEVELOP THEIR OWN COMMUNICABLE DISEASE STANDARDS AND IMMUNIZATION REQUIREMENTS; REQUIRING THESE FACILITIES TO OFFER IMMUNIZATION EXEMPTIONS FOR MEDICAL REASONS OR RELIGIOUS OR PERSONAL BELIEFS; PROHIBITING LOCAL BOARDS OF HEALTH FROM DEVELOPING IMMUNIZATION REQUIREMENTS FOR DAY-CARE FACILITIES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-1-111, 50-2-116, 52-2-704, 52-2-721, AND 52-2-735, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

### **2019**

[Senate Bill No. 23](#) -- (Not Concurred in on Second Reading in the House) -- 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 No. 99](#) -- (Indefinitely Postponed on Second Reading in the Senate) -- 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 No. 564](#) -- (Failed on Second Reading in the House) -- 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 No. 574](#) -- (Failed on Second Reading in the House) -- 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 No. 575](#) -- (Failed on Second Reading in the House) -- 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](#) -- (Failed on Second Reading in the House) -- AN ACT REVISING LAWS RELATING TO EXEMPTIONS FOR IMMUNIZATIONS; ALLOWING RELIGIOUS AND MEDICAL EXEMPTIONS TO

## VACCINATION EXEMPTIONS

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.

**Last Updated By:**

Sue O'Connell, Research Analyst

Legislative Office of Research and Policy Analysis

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