

1 _____ BILL NO. _____
2 INTRODUCED BY _____
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE OPTION FOR FAMILY DAY-CARE PROVIDERS,
5 GROUP DAY-CARE PROVIDERS, AND REGISTERED FAMILY, FRIEND, AND NEIGHBOR PROVIDERS TO
6 DECLINE TO ENROLL CHILDREN WITH A MEDICAL OR RELIGIOUS EXEMPTION TO A VACCINE
7 REQUIREMENT; DIRECTING THE AMENDMENT OF ARM 37.95.805; PROVIDING AN APPROPRIATION;
8 AND PROVIDING AN EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 NEW SECTION. Section 1. The department of public health and human services shall amend ARM
13 37.95.805 to read:

14 "37.95.805 EXEMPTIONS FROM VACCINATION (1) A child is exempt from receiving the required
15 vaccinations when the requirements of any of the following are met:

16 (a) Medical exemption: A child is not required to have any vaccinations which are medically
17 contraindicated. A written and signed statement from a health care provider that a vaccination otherwise
18 required by ARM 37.96.802 is medically contraindicated will exempt a child from those vaccination
19 requirements as deemed necessary by the health care provider. It is preferred, but not mandatory, that a health
20 care provider's medical exemption be recorded on HES-101A. Medical exemption documentation must include:

- 21 (i) which specific vaccination is contraindicated;
- 22 (ii) the period of time during which the vaccination is contraindicated;
- 23 (iii) the reasons for the medical contraindication; and
- 24 (iv) when deemed necessary by a health care provider, the results of immunity testing. The tests must
25 indicate serological evidence of immunity and must be performed by a CLIA approved lab.

26 (b) Religious exemption: A child seeking to attend a child care program is not required to be vaccinated
27 if the child's parent or guardian attests that vaccination is contrary to their religious belief, observance, or
28 practice. An exemption on religious grounds must be maintained on an Affidavit of Exemption on Religious

1 Grounds Form (HES-113) prescribed by the department.

2 (i) A certificate of religious exemption is required only for the required vaccines listed in ARM
3 37.96.802.

4 (c) A child experiencing homelessness or a child in foster care is exempt from required vaccinations
5 outlined in ARM 37.96.802(1) for a 30-day grace period beginning the first day the child attends a child care
6 program as verified on the sign-in/sign-out records.

7 (i) The child experiencing homelessness must meet the definition in 42 U.S.C. 11434a (2).

8 (ii) A child is in foster care when the foster care environment meets ARM 37.50.101(4).

9 (iii) A child must meet the vaccination requirement for conditional enrollment outlined in ARM
10 37.96.802(5) before the end of the 30-day period.

11 (iv) A child may not be granted consecutive grace periods.

12 ~~(2) Family child care providers, group child care providers, and registered FFN providers may choose~~
13 ~~whether to enroll children who have a medical or religious exemption to the minimum immunization schedule~~
14 ~~included in [NEW RULE LXIV(1)]. These providers must have written policies and procedures to notify the~~
15 ~~parents/guardians of prospective and enrolled children of this choice.~~

16 ~~(a) These policies will be made available upon request to families prior to enrolling their children with a~~
17 ~~child care provider.~~

18 ~~(b) Policies must be submitted to CCL.~~

19 ~~(3)(2)~~ School-age care facilities serving only school-age children must accept school vaccination
20 exemptions, including medical exemption statements from ARM 37.114.715 and religious exemptions defined
21 in ARM 37.114.716.

22
23 **NEW SECTION. Section 2. Appropriation.** There is appropriated \$500 from the general fund to the
24 department of public health and human services for the biennium beginning July 1, 2025. The appropriation
25 must be used to pay for the costs associated with notifying registered family day-care homes and group day-
26 care homes of the change to ARM 37.95.805.

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28 **NEW SECTION. Section 3. Effective date.** [This act] is effective on [the first day following the date of

1 final adjournment of the 69th regular legislative session].

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