69th Legislature 2025 HB 364.1

1	HOUSE BILL NO. 364
2	INTRODUCED BY M. CUNNINGHAM, J. FITZPATRICK, S. HOWELL, B. MERCER, V. MOORE
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4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL IMMUNIZATION AND
5	EXEMPTION DATA LAWS; REQUIRING A GOVERNING AUTHORITY OF A SCHOOL TO FILE WRITTEN
6	REPORTS ON IMMUNIZATIONS AND EXEMPTIONS TO IMMUNIZATIONS TO THE STATE AND LOCAL
7	HEALTH DEPARTMENT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
8	TO PRESCRIBE A FORM AND SCHEDULE FOR THE WRITTEN REPORT; LIMITING THE REPORT TO
9	INCLUDE ONLY DEIDENTIFIED OR AGGREGATE DATA; AMENDING SECTIONS 20-5-406 AND 20-5-408,
10	MCA; AND PROVIDING AN EFFECTIVE DATE."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	Section 1. Section 20-5-406, MCA, is amended to read:
15	"20-5-406. Immunization record. (1) The governing authority of each school shall require written
16	evidence of each pupil's student's immunization against the diseases listed in 20-5-403 and shall record the
17	immunization status, including any exemptions, of each pupil student as part of the pupil's student's permanent
18	school record.
19	(2) The governing authority shall conform with the provisions of the Family Educational Rights and
20	Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.
21	(3) A student's personally identifiable health records, including information related to
22	immunizations received and immunization exemptions, are considered part of the student's education record
23	and are protected from disclosure as provided in the Family Educational Rights and Privacy Act of 1974.
24	(4) The governing authority of any school other than a postsecondary school shall file a written
25	report on immunizations and exemptions to immunizations under 20-5-405 for all students under its jurisdiction
26	with the department and the local health department at times and in the form prescribed by the department. The
27	report may only include deidentified or aggregate information."
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Section 2. Section 20-5-408, MCA, is amended to read:
"20-5-408. Enforcement. (1) The governing authority of any school other than a postsecondary
school shall prohibit from further attendance any pupil student allowed to attend conditionally who has failed to
obtain the immunizations required by 20-5-403(1) within time periods established by the department until that
pupil student has been immunized as required by the department or unless that pupil student has been
exempted under 20-5-405.
(2) The governing authority shall conform with the provisions of the Family Educational Rights and
Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.
(3) A student's health records, including information related to immunizations received and
immunization exemptions, are considered part of the student's education record and are protected from
disclosure as provided in the Family Educational Rights and Privacy Act of 1974."
NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2025.
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