

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 50-2-116, MCA, is amended to read:

14 **"50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5),
15 in order to carry out the purposes of the public health system, in collaboration with federal, state, and local
16 partners, each local board of health shall:

17 (a) recommend to the governing body the appointment of a local health officer who is:

18 (i) a physician;

19 (ii) a person with a master's degree in public health; or

20 (iii) a person with equivalent education and experience, as determined by the department;

21 (b) elect a presiding officer and other necessary officers;

22 (c) adopt bylaws to govern meetings;

23 (d) hold regular meetings at least quarterly and hold special meetings as necessary;

24 (e) identify, assess, prevent, and ameliorate conditions of public health importance through

25 (i) epidemiological tracking and investigation;

26 (ii) screening and testing;

27 (iii) isolation and quarantine measures;

**Amendment - 2nd Reading/2nd House-tan - Requested by: Forrest Mandeville - (S)
Committee of the Whole**

- 2025

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Drafter: Maddie Krezowski,

HB0888.002.001

1 (a) accept and spend funds received from a federal agency, the state, a school district, or other
2 persons or entities;

3 (b) propose for adoption by the local governing body necessary fees to administer regulations for
4 the control and disposal of sewage from private and public buildings and facilities;

5 (c) propose for adoption by the local governing body regulations that do not conflict with 50-50-126
6 or rules adopted by the department:

7 (i) for the control of communicable diseases;

8 (ii) for the removal of filth that might cause disease or adversely affect public health;

9 (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities
10 that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent
11 directly into state water and that are not required to have an operating permit as required by rules adopted
12 under 75-5-401;

13 (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing
14 establishments and that are not less stringent than state standards for tattooing and body-piercing
15 establishments;

16 (v) for the establishment of institutional controls that have been selected or approved by the:
17 (A) United States environmental protection agency as part of a remedy for a facility under the
18 federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et
19 seq.; or
20 (B) department of environmental quality as part of a remedy for a facility under the Montana
21 Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and
22 (vi) to implement the public health laws;

23 (d) adopt rules necessary to implement and enforce regulations adopted by the local governing
24 body; and
25 (e) promote cooperation and formal collaborative agreements between the local board of health
26 and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting,
27 information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters

1 addressed in this title.

2 (3) A local board of health may provide, implement, facilitate, or encourage other public health
3 services and functions as considered reasonable and necessary.

4 (4) A directive, mandate, or order issued by a local board of health in response to a declaration of
5 emergency or disaster by the governor as allowed in 10-3-303 or by the principal executive officer of a political
6 subdivision as allowed in 10-3-402 and 10-3-403:

7 (a) remains in effect only during the declared state of emergency or disaster or until the governing
8 body holds a public meeting and allows public comment and the majority of the governing body moves to
9 amend, rescind, or otherwise change the directive, mandate, or order; and

10 (b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or
11 operation of a religious facility, church, synagogue, or other place of worship.

12 (5) A regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi) adopted or a directive,
13 mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional
14 area of a town, city, or county under the jurisdiction of the local health board may not:

15 (a) compel a private business to deny a customer of the private business access to the premises
16 or access to goods or services;

17 (b) deny a customer of a private business the ability to access goods or services provided by the
18 private business; or

19 (c) include any of the following actions for noncompliance of actions described in subsections
20 (5)(a) and (5)(b):

21 (i) require the assessment of a fee or fine;

22 (ii) require the revocation of a license required for the operation of a private business;

23 (iii) find a private business owner guilty of a misdemeanor; or

24 (iv) bring any other retributive action against a private business owner, including but not limited to
25 an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

26 (6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a
27 communicable disease and who are currently under a public isolation order.

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1 (7) The prohibitions provided for in subsection (5) do not restrict a local board of health from
2 exercising its authority under this section to enforce and ensure compliance by private businesses with all
3 lawfully adopted regulations, directives, and orders.

4 (8) A local board of health may not require a person currently under an isolation or quarantine
5 order to receive any type of vaccination, medication, supplement, or other type of drug treatment WHILE UNDER
6 AN ISOLATION OR QUARANTINE ORDER OR as a condition of release from isolation or quarantine.

7 (8)(9) As used in this section, "private business" means an individual or entity that is not principally a
8 part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit
9 entity, a corporation, a sole proprietorship, or a limited liability company."

10
11 **NEW SECTION. Section 2. Appropriation.** There is appropriated \$300 from the general fund to the
12 department of public health and human services for the biennium beginning July 1, 2025, for the purpose of
13 notifying local boards of health of the statutory changes implemented in [this act].

14
15 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2025.

16 - END -