

HOUSE BILL NO. 524

INTRODUCED BY K. KELKER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PUBLISH A RECOMMENDED VACCINE SCHEDULE FOR SCHOOL ATTENDANCE; REQUIRING REPORTS ON THE RECOMMENDED VACCINE SCHEDULE; AND AMENDING SECTIONS 20-5-403, 20-5-407, AND 50-1-206, MCA."

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

Section 1. Section 20-5-403, MCA, is amended to read:

"20-5-403. Immunization required -- release and acceptance of immunization records. (1) The governing authority of any school other than a postsecondary school may not allow a person to attend as a pupil unless the person:

(a) has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (rubeola) in the manner and with immunizing agents approved by the department, except that pertussis vaccination is not required for a person 7 years of age or older;

(b) has been immunized against Haemophilus influenza type "b" before enrolling in a preschool if under 5 years of age;

(c) qualifies for conditional attendance; or

(d) files for an exemption.

(2) (a) The governing authority of a postsecondary school may not allow a person to attend as a pupil unless the person:

(i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by this part.

(3) A pupil who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as



1 evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the
2 school shall retain a certified copy for the permanent record and send the original immunization records for the
3 pupil to the school district to which the pupil transfers.

4 (4) The department shall publish pursuant to 50-1-206 a recommended schedule for childhood
5 immunizations."

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7 **Section 2.** Section 20-5-407, MCA, is amended to read:

8 **"20-5-407. Rulemaking -- reporting.** (1) The department may adopt rules necessary to implement the
9 provisions of this part.

10 (2) The department shall report as required under 50-1-206 on the current recommended immunization
11 schedule and related matters."

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13 **Section 3.** Section 50-1-206, MCA, is amended to read:

14 **"50-1-206. Regulation of schools in matters of health.** (1) The department shall adopt regulations
15 prescribing the requirements for school sites, water supply, sewage and waste disposal, and any other matters
16 pertinent to the health and physical well-being of the pupils, teachers, and others who frequent schools.

17 (2) The department shall furnish to the districts copies of such regulations.

18 (3) (a) The department shall publish biennially a recommended schedule for childhood immunizations
19 as required in 20-5-403. In preparing the recommended immunization schedule, the department shall consult with
20 relevant public health and medical authorities, including but not limited to the American medical association, the
21 American academy of family physicians, and the American academy of pediatrics.

22 (b) The department shall provide a biennial report to the legislature pursuant to 5-11-210. The report must
23 contain at a minimum:

24 (i) the current recommended immunization schedule;

25 (ii) the percentage of children who are immunized;

26 (iii) the number and types of immunization exemptions granted;

27 (iv) the number of serious reactions reported to immunizations; and

28 (v) the history and location of any outbreak of the diseases listed in 20-5-403.

29 (c) The department shall inform the appropriate legislative interim committees when additions or
30 revisions to the immunizations listed in 20-5-403 are medically recommended so that the recommendations can

1 be presented to the next legislature for consideration for possible inclusion in 20-5-403."

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