| 1 | HOUSE BILL NO. 364 |
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| 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 AN ANNUAL |
| 6 | WRITTEN REPORTS REPORT ON IMMUNIZATIONS AND EXEMPTIONS TO IMMUNIZATIONS TO THE |
| 7 | STATE; AND LOCAL HEALTH DEPARTMENT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND |
| 8 | HUMAN SERVICES TO PRESCRIBE A FORM AND SCHEDULE FOR THE WRITTEN REPORT; LIMITING |
| 9 | THE REPORT TO INCLUDE ONLY DEIDENTIFIED OR AGGREGATE DATA; AMENDING SECTIONS 20-5- |
| 10 | 406 AND 20-5-408, 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 departmentat times and in the form prescribed by the department BY |
| 27 | DECEMBER 1 OF EACH YEAR. The report may only include deidentified or aggregate information AND MUST |
| 28 | INCLUDE: |



| 1 | (A) HOW MANY STUDENTS ARE ENROLLED IN THE SCHOOL; |
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| 2 | (B) THE NUMBER OF ENROLLED STUDENTS WITH VACCINE EXEMPTIONS; |
| 3 | (C) THE NUMBER OF FULLY VACCINATED STUDENTS; AND |
| 4 | (D) THE NUMBER OF STUDENTS WITH CONDITIONAL ENROLLMENT." |
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| 6 | Section 2. Section 20-5-408, MCA, is amended to read: |
| 7 | "20-5-408. Enforcement. (1) The governing authority of any school other than a postsecondary |
| 8 | school shall prohibit from further attendance any pupil-student allowed to attend conditionally who has failed to |
| 9 | obtain the immunizations required by 20-5-403(1) within time periods established by the department until that |
| 10 | pupil student has been immunized as required by the department or unless that pupil student has been |
| 11 | exempted under 20-5-405. |
| 12 | (2) The governing authority shall conform with the provisions of the Family Educational Rights and |
| 13 | Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99. |
| 14 | (3) A student's health records, including information related to immunizations received and |
| 15 | immunization exemptions, are considered part of the student's education record and are protected from |
| 16 | disclosure as provided in the Family Educational Rights and Privacy Act of 1974." |
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| 18 | NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2025. |
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