

**Amendment - 2nd Reading-yellow - Requested by: Daniel Emrich - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0474.002.004

SENATE BILL NO. 474

INTRODUCED BY D. EMRICH, V. RICCI

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ACCEPTANCE OF RELIGIOUS EXEMPTIONS AND PERSONAL MEDICAL INFORMED CONSENT EXEMPTIONS TO REQUIRED IMMUNIZATIONS; PROVIDING RELIEF FOR VIOLATIONS OF ~~RELIGIOUS~~ EXEMPTIONS; ~~PROVIDING A DEFINITION~~; AMENDING ~~SECTION~~ SECTIONS 20-5-405, AND 49-2-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

~~NEW SECTION. Section 1. Acceptance of religious exemptions to immunizations required-- immunity--definition.~~ (1) For the purposes of this chapter, discrimination on the basis of religion includes denials of requests for an exemption from an otherwise required immunization as defined in 20-5-402 based on the individual's religion.

~~(2) A person that accepts an individual's religious exemption from an immunization is not liable for civil damages from an injury arising out of the individual's nonimmunized status.~~

~~NEW SECTION. Section 2. Acceptance of religious exemption from immunization.~~ For the purposes of this chapter, discrimination on the basis of religion includes denials of requests for an exemption from an otherwise required immunization based on the individual's religion.

**Section 1.** Section 20-5-405, MCA, is amended to read:

**"20-5-405. Exemptions -- limitations on agency actions.** (1) (a) There is a religious exemption to the immunizations required under 20-5-403. A person enrolled or seeking to enroll in school may attend the school without obtaining the immunizations required under 20-5-403 if the person files with the governing authority ~~an~~ a SIGNED STATEMENT, LETTER, OR notarized affidavit on a form prescribed by the department

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1 completed portions of the exemption form that are void under this subsection ~~(3)~~ (4).

2 (c) The department is not authorized to review a completed medical exemption statement or  
3 medical exemption form for the purpose of granting or denying a medical exemption.

4 (d) An exemption statement or form under this section must be maintained as part of the person's  
5 immunization records and may not be photocopied or otherwise duplicated for use by a third party without the  
6 permission of the student's parent or, if the student is an adult, the written consent of the student.

7 ~~(4)~~(5) Whenever there is good cause to believe that a person for whom an exemption has been filed  
8 under this section has a disease or has been exposed to a disease listed in 20-5-403 or will as the result of  
9 school attendance be exposed to the disease, the person may be excluded from the school by the local health  
10 officer or the department until the excluding authority is satisfied that the person no longer risks contracting or  
11 transmitting that disease."

12

13 **Section 2. SECTION 49-2-312, MCA, IS AMENDED TO READ:**

14 **"49-2-312. Discrimination based on vaccination status or possession of immunity passport**

15 **prohibited -- definitions.** (1) ~~Except as provided in subsection (2), it~~ It is an unlawful discriminatory practice  
16 for:

17 (a) a person or a ~~governmental~~ government entity to refuse, withhold from, or deny to a person any  
18 local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care  
19 access, or employment opportunities based on the person's vaccination status or whether the person has an  
20 immunity passport;

21 (b) an employer to refuse employment to a person, to bar a person from employment, or to  
22 discriminate against a person in compensation or in a term, condition, or privilege of employment based on the  
23 person's vaccination status or whether the person has an immunity passport; or

24 (c) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise discriminate  
25 against a person based on the person's vaccination status or whether the person has an immunity passport.

26 (2) ~~This section does not apply to vaccination requirements set forth for schools pursuant to Title~~  
27 ~~20, chapter 5, part 4, or day care facilities pursuant to Title 52, chapter 2, part 7.~~

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(3)(2) (a) A person, governmental ~~a government~~ entity, or an employer does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine.

(b) A health care facility, as defined in 50-5-101, does not unlawfully discriminate under this section if it complies with both of the following:

(i) asks an employee to volunteer the employee's vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented.

(ii) implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

(4)(3) An individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.

(5)(4) As used in this section, the following definitions apply:

(a) "Immunity passport" means a document, digital record, or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery.

(b) "Vaccination status" means an indication of whether a person has received one or more doses of a vaccine."

~~NEW SECTION. Section 5. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 49, chapter 2, part 3, and the provisions of Title 49, chapter 2, part 3, apply to [section 1].~~

~~(2) [Section 2] is intended to be codified as an integral part of Title 49, chapter 2, part 1, and the provisions of Title 49, chapter 2, part 1, apply to [section 2].~~

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.