

1 HOUSE BILL NO. 877
2 INTRODUCED BY E. STAFMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOLS TO REPORT ANNUALLY ON
5 IMMUNIZATIONS AND EXEMPTIONS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN
6 SERVICES TO COMPILE AND REPORT ON COUNTY-LEVEL DATA; PROVIDING AN APPROPRIATION;
7 AMENDING SECTION 20-5-109, MCA; AND PROVIDING EFFECTIVE DATES."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. Section 1. Report of school immunizations and exemptions. (1) A governing
12 authority shall ensure that each school required to obtain student immunization records provides the
13 department of public health and human services with an annual report detailing:

- 14 (a) the total school enrollment;
- 15 (b) the number and percentage of students who have provided the school with written evidence of
16 having received the immunizations required under 20-5-403;
- 17 (c) the number and percentage of students who have provided the school with a written medical
18 exemption statement for one or more of the required immunizations;
- 19 (d) the number and percentage of students who have provided the school with an affidavit of a
20 religious exemption for one or more of the required immunizations; and
- 21 (e) the number and percentage of students for whom the school does not have written evidence of
22 immunization as required under 20-5-406 or the affidavit or medical exemption statement required under 20-5-
23 405.

24 (2) Information on the medical and religious exemptions must be broken down to identify the
25 number and percentage of students exempted from each required immunization.

26 (3) The report:

- 27 (a) may not include any individually identifiable information; and
- 28 (b) must be provided to the department no later than December 1 each year.

Amendment - 1st Reading-white - (H) Human Services

- 2023

68th Legislature 2023

Drafter: Sue O'Connell, 406-444-3597

HB0877.001.001

1 (4) The department shall aggregate the information received under this section and make a report
2 available online that summarizes by county each element of the information required under subsection (1).

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4 **Section 2.** Section 20-5-109, MCA, is amended to read:

5 **"20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its
6 students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school:

7 (1) shall maintain records on pupil attendance and disease immunization and, make the records
8 available to the county superintendent of schools on request, and for nonpublic schools, comply with the
9 requirements of [section 1];

10 (2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with 20-1-
11 301 and 20-1-302;

12 (3) must be housed in a building that complies with applicable local health and safety regulations;

13 (4) shall provide an organized course of study that includes instruction in the subjects required of
14 public schools as a basic instructional program pursuant to 20-7-111; and

15 (5) in the case of home schools, shall notify the county superintendent of schools of the county in
16 which the home school is located in each school fiscal year of the student's attendance at the school."

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18 NEW SECTION. **Section 3. Appropriation.** There is appropriated \$10,000 from the general fund to
19 the department of public health and human services for the biennium beginning July 1, 2023, to compile the
20 data collected pursuant to [section 1] and complete the report required under [section 1].

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22 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [section 1].

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25 NEW SECTION. **Section 5. Effective dates.** (1) Except as provided in subsection (2), [this act] is
26 effective October 1, 2023.

27 (2) [Section 3] and this section are effective July 1, 2023.

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