

1 _____ BILL NO. _____

2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO REPORTING ON
5 THE COLLECTION OF STUDENT IMMUNIZATION RECORDS; REQUIRING SCHOOLS TO REPORT
6 ANNUALLY ON IMMUNIZATIONS AND EXEMPTIONS; REQUIRING THE DEPARTMENT OF PUBLIC
7 HEALTH AND HUMAN SERVICES TO COMPILE AND REPORT ON COUNTY-LEVEL DATA; AMENDING
8 SECTIONS 20-5-109 AND 20-5-408, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Report of school immunizations and exemptions.** (1) A governing
13 authority shall ensure that each school required to obtain student immunization records under 20-5-109 submits
14 an annual report to the department of public health and human services on the immunization records obtained
15 by each school. The report must provide information on the outcomes of immunization record collection efforts
16 required under 20-5-109 and include the following data:

17 (a) the total school enrollment;
18 (b) the number and percentage of students who provide the school with written evidence of having
19 received the immunizations required under 20-5-403;

20 (c) the number and percentage of students who provide the school with a written medical
21 exemption statement for one or more of the required immunizations;

22 (d) the number and percentage of students who provide the school with an affidavit of a religious
23 exemption for one or more of the required immunizations; and

24 (e) the number and percentage of students for whom the school does not have written evidence of
25 immunization as required under 20-5-406 or the affidavit or medical exemption statement required under 20-5-
26 405.

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

- 1 (3) The report:
- 2 (a) may not include any individually identifiable information; and
- 3 (b) must be provided to the department no later than December 1 each year.
- 4 (4) The department shall aggregate the information received under this section and make a report
- 5 available online that summarizes by county each element of the information required under subsection (1).
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7 **Section 2.** Section 20-5-109, MCA, is amended to read:

8 **"20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its

9 students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school:

- 10 (1) shall maintain records on pupil attendance and disease immunization ~~and~~, make the records
- 11 available to the county superintendent of schools on request, and for nonpublic schools, comply with the
- 12 requirements of [section 1];
- 13 (2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with 20-1-
- 14 301 and 20-1-302;
- 15 (3) must be housed in a building that complies with applicable local health and safety regulations;
- 16 (4) shall provide an organized course of study that includes instruction in the subjects required of
- 17 public schools as a basic instructional program pursuant to 20-7-111; and
- 18 (5) in the case of home schools, shall notify the county superintendent of schools of the county in
- 19 which the home school is located in each school fiscal year of the student's attendance at the school."
- 20

21 **Section 3.** Section 20-5-408, MCA, is amended to read:

22 **"20-5-408. Enforcement.** (1) The governing authority of any school other than a postsecondary

23 school shall prohibit from further attendance any pupil allowed to attend conditionally who has failed to obtain

24 the immunizations required by 20-5-403(1) within time periods established by the department until that pupil

25 has been immunized as required by the department or unless that pupil has been exempted under 20-5-405.

26 (2) The governing authority shall conform with the provisions of the Family Educational Rights and

27 Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.

28 (3) A student's health records, including information related to immunizations received and

1 immunization exemptions, are considered part of the student's education record and are protected from
2 disclosure as provided in the Family Educational Rights and Privacy Act of 1974. Consistent with the provisions
3 of the Family Educational Rights and Privacy Act of 1974, deidentified, aggregated data, including data
4 provided pursuant to the reporting requirements of [section 1], are not protected from disclosure by this
5 subsection (3)."

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7 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
8 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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10 **NEW SECTION. Section 5. Effective date.** [This act] is effective October 1, 2025.

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