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HOUSE BILL NO. 364

INTRODUCED BY M. CUNNINGHAM, J. FITZPATRICK, S. HOWELL, B. MERCER, V. MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SCHOOL IMMUNIZATION AND EXEMPTION DATA LAWS; REQUIRING A GOVERNING AUTHORITY OF A SCHOOL TO FILE AN ANNUAL WRITTEN REPORTS REPORT ON IMMUNIZATIONS AND EXEMPTIONS TO IMMUNIZATIONS TO THE STATE; ~~AND LOCAL HEALTH DEPARTMENT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PRESCRIBE A FORM AND SCHEDULE FOR THE WRITTEN REPORT;~~ LIMITING THE REPORT TO INCLUDE ONLY DEIDENTIFIED OR AGGREGATE DATA; AMENDING SECTIONS 20-5-406 AND 20-5-408, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-5-406, MCA, is amended to read:

"20-5-406. Immunization record. (1) The governing authority of each school shall require written evidence of each ~~pupil's~~ student's immunization against the diseases listed in 20-5-403 and shall record the immunization status, including any exemptions, of each ~~pupil~~ student as part of the ~~pupil's~~ student's permanent school record.

(2) The governing authority shall conform with the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.

(3) A student's personally identifiable health records, including information related to immunizations received and immunization exemptions, are considered part of the student's education record and are protected from disclosure as provided in the Family Educational Rights and Privacy Act of 1974.

(4) The governing authority of any school other than a postsecondary school shall file a written report on immunizations and exemptions to immunizations under 20-5-405 for all students under its jurisdiction with the ~~department and the local health department at times and in the form prescribed by the department by~~ December 1 of each year. The report may only include deidentified or aggregate information and must include:

(a) how many students are enrolled in the school;

1 **(b)** the number of enrolled students with vaccine exemptions;

2 **(c)** the number of fully vaccinated students; and

3 **(d)** the number of students with conditional enrollment."

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5 **Section 2.** Section 20-5-408, MCA, is amended to read:

6 **"20-5-408. Enforcement.** (1) The governing authority of any school other than a postsecondary
7 school shall prohibit from further attendance any pupil-student allowed to attend conditionally who has failed to
8 obtain the immunizations required by 20-5-403(1) within time periods established by the department until that
9 pupil-student has been immunized as required by the department or unless that pupil-student has been
10 exempted under 20-5-405.

11 (2) ~~— The governing authority shall conform with the provisions of the Family Educational Rights and
12 Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.~~

13 (3) ~~— A student's health records, including information related to immunizations received and
14 immunization exemptions, are considered part of the student's education record and are protected from
15 disclosure as provided in the Family Educational Rights and Privacy Act of 1974."~~

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17 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2025.

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