_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: “AN ACT ALLOWING DAY-CARE CENTERS TO ADOPT A POLICY TO DETERMINE WHETHER TO ACCEPT CHILDREN WITH CERTAIN IMMUNIZATION EXCEPTIONS IN CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 52-2-735, MCA.”

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

Section 1. Section 52-2-735, MCA, is amended to read:

"**52-2-735. Health protection -- certification required.** (1) The department shall adopt rules for the protection of children in day-care centers from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases. Rules adopted by the department must include rules requiring children under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in the facility unless an exemption has been claimed as provided in 20-5-405.

(2) A day-care center that provides care for children who are under 1 year of age or who are considered at risk of becoming severely ill from communicable diseases because of individual health care needs may adopt a policy regarding whether the day-care center accepts exemptions pursuant to 20-5-405(1). The day-care center shall provide notice to parents or guardians of a policy adopted under this subsection (2).

~~(2)~~ (3) Local public health authorities shall arrange to provide training to day-care center providers and employees regarding health hazards. Upon successful completion of the training the local public health authorities shall issue certificates to the providers and employees.

~~(3)~~ (4) In lieu of training, local public health authorities may elect to inspect facilities and issue certificates of approval to child-care center providers.

~~(4)~~ (5) Each applicant for a license to operate a day-care center shall submit to the department a certificate issued pursuant to subsection ~~(2) or~~ (3) or (4) before the department will issue a license.

~~(5)~~ (6) The local public health authority may charge the applicant a reasonable fee, not to exceed $25, for any inspection necessary to issue a certificate of approval, or a fee not to exceed the documented cost for

training it provides under this section."

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