

HOUSE BILL NO. 807

INTRODUCED BY J. HINKLE, S. FITZPATRICK, B. LER, K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING VACCINES ALLOWED UNDER AN EMERGENCY USE AUTHORIZATION OR UNDERGOING SAFETY TRIALS FROM BEING REQUIRED; AND AMENDING SECTION 49-2-312, MCA."

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

Section 1. Section 49-2-312, MCA, is amended to read:

"49-2-312. Discrimination based on vaccination status or possession of immunity passport prohibited -- definitions. (1) Except as provided in subsection (2), it is an unlawful discriminatory practice for:

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

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

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

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

(3) (a) A person, governmental 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

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

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

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

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

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

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

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

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