

1 HOUSE BILL NO. 645
2 INTRODUCED BY G. KMETZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DONATION OF BLOOD
5 AND TISSUES; PROHIBITING CERTAIN DONATIONS OF BLOOD AND TISSUES; PROVIDING A PENALTY;
6 REVISING IMMUNITY PROVISIONS RELATED TO BLOOD AND TISSUE BANKS; CREATING AN
7 EXEMPTION FROM THE PROHIBITION ON DISCRIMINATION BASED ON VACCINE STATUS FOR THE
8 SCREENING AND TESTING OF BLOOD AND TISSUES; AMENDING SECTIONS 49-2-312 AND 50-33-104,
9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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13 NEW SECTION. **Section 1. Certain donations prohibited -- penalty.** (1) A person may not
14 knowingly donate whole blood, plasma, blood products, blood derivatives, human tissue, organs, or bones
15 containing gene-altering proteins, nanoparticles, high-count spike proteins from long covid-19, or other isolates
16 introduced by mRNA or DNA vaccines, mRNA or DNA chemotherapies, or other novel mRNA or DNA
17 pharmaceutical biotechnologies.

18 (2) A person may not knowingly use, receive, accept, ship, transfer, or administer whole blood,
19 plasma, blood products, blood derivatives, human tissue, organs, or bones containing gene-altering proteins,
20 nanoparticles, high-count spike proteins from long covid-19, or other isolates introduced by mRNA or DNA
21 vaccines, mRNA or DNA chemotherapies, or other novel mRNA or DNA pharmaceutical biotechnologies.

22 (3) A person in violation of this section is guilty of a misdemeanor, punishable by a fine not to
23 exceed \$500.

24 (4) For the purposes of this section, the following definitions apply:

25 (a) "Knowingly" has the meaning provided in 45-2-101.

26 (b) "Long covid-19" means a diagnosis of postacute sequelae of SARS-CoV-2 due to chronic
27 SARS-CoV-2 viral infection.

28 (c) "Person" has the meaning provided in 45-2-101.

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

3 **"49-2-312. Discrimination based on vaccination status or possession of immunity passport**

4 **prohibited -- definitions.** (1) Except as provided in subsection (2), it is an unlawful discriminatory practice for:

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

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

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

14 (2) This section does not apply to:

15 (a) vaccination requirements set forth for schools pursuant to Title 20, chapter 5, part 4, or day-
16 care facilities pursuant to Title 52, chapter 2, part 7; or

17 (b) screening or testing performed pursuant to [section 1] or 50-33-104.

18 (3) (a) A person, governmental entity, or an employer does not unlawfully discriminate under this
19 section if they recommend that an employee receive a vaccine.

20 (b) A health care facility, as defined in 50-5-101, does not unlawfully discriminate under this
21 section if it complies with both of the following:

22 (i) asks an employee to volunteer the employee's vaccination or immunization status for the
23 purpose of determining whether the health care facility should implement reasonable accommodation measures
24 to protect the safety and health of employees, patients, visitors, and other persons from communicable
25 diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee
26 declines to provide the employee's vaccination or immunization status to the health care facility for purposes of
27 determining whether reasonable accommodation measures should be implemented.

28 (ii) implements reasonable accommodation measures for employees, patients, visitors, and other

1 persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors,
2 and other persons from communicable diseases.

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

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

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

8 (b) "Vaccination status" means an indication of whether a person has received one or more doses
9 of a vaccine."
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11 **Section 3.** Section 50-33-104, MCA, is amended to read:

12 **"50-33-104. Immunity of blood banks and tissue banks.** ~~(1) No~~ A blood bank or tissue bank may
13 not be held liable in the absence of fault or negligence for injuries resulting from the injecting, transfusing,
14 transplanting, or transferring of whole blood, plasma, blood products, blood derivatives, human tissue, organs,
15 or bones supplied by ~~any such~~ the blood bank or tissue bank to any hospital or physician if:

16 (a) such the blood products or tissue products have been tested by the latest testing procedures in
17 accordance with recommendations of the American association of blood banks or the American association of
18 tissue banks and ~~by such test~~ are not found not to be dangerous to the health of the recipient of ~~such the~~ blood
19 products or tissue products; and

20 (b) the blood products or tissue products have been screened and tested for and are found not to
21 contain gene-altering proteins, nanoparticles, high-count spike proteins from long covid-19, or other isolates
22 introduced by mRNA or DNA vaccines, mRNA or DNA chemotherapies, or other novel mRNA or DNA
23 pharmaceutical biotechnologies.

24 (2) A person is not entitled to immunity under this section if the person has been found guilty of
25 violating [section 1]."
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27 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 50, chapter 33, part 1, and the provisions of Title 50, chapter 33, part 1, apply to [section 1].

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2 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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