

SENATE BILL NO. 171

INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FIREFIGHTERS AND
5 TOBACCO; REQUIRING THAT PAID FIREFIGHTERS HIRED ON OR AFTER JANUARY 1, 2020, BE
6 TOBACCO-FREE; PROVIDING TOBACCO CESSATION COURSES TO PAID FIREFIGHTERS WHO
7 CURRENTLY USE TOBACCO PRODUCTS; PROHIBITING CERTAIN FIREFIGHTERS FROM DISPLAYING
8 TOBACCO PRODUCTS OR USING TOBACCO PRODUCTS WHILE ON DUTY; PROHIBITING PROVISIONS
9 ALLOWING TOBACCO USE IN COLLECTIVE BARGAINING AGREEMENTS; AND AMENDING SECTION
10 7-33-4107, MCA."

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

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14 NEW SECTION. Section 1. Definitions. As used in [sections 1 through 4], the following definitions
15 apply:

- 16 (1) "Paid firefighter" means a firefighter qualified under 7-33-4107 who receives full or partial pay.
- 17 (2) "Volunteer firefighter" has the meaning provided in 19-17-102.

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19 NEW SECTION. Section 2. Qualifications of paid firefighters -- tobacco use. (1)(a) A paid firefighter
20 hired on or after January 1, 2020, must be tobacco-free.

21 (b) The requirements of subsection (1)(a) must be verified through a physical exam as required in
22 7-33-4107.

23 (2) (a) A paid firefighter hired prior to January 1, 2020, who uses tobacco shall take a tobacco cessation
24 course once every 4 years. The tobacco cessation course must be provided through programs for tobacco
25 disease prevention as described in 17-6-602.

26 (b) A paid firefighter hired prior to January 1, 2020, shall provide proof of participation in a tobacco
27 cessation course to the firefighter's department.

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29 NEW SECTION. Section 3. Tobacco references and use prohibited. (1) A municipal or rural fire
30 department, district, or service area may not display, advertise, or depict tobacco products or the use of tobacco



1 products on state, county, or municipal property.

2 (2) A paid firefighter may not wear any form of clothing depicting tobacco products or tobacco use while
3 engaged in firefighting duties.

4 (3) A paid or volunteer firefighter may not use tobacco products while engaged in firefighting work, on
5 firefighting equipment, while attending any firefighting training, or on any worksite while engaging in firefighting
6 duties.

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8 **NEW SECTION. Section 4. Tobacco use provisions prohibited in collective bargaining.** (1) Except
9 as provided in subsection (2), collective bargaining agreements between an employer and paid firefighters may
10 not include provisions allowing tobacco use.

11 (2) Collective bargaining agreements enacted before [the effective date of this act] are exempt from the
12 provisions of subsection (1).

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14 **Section 5.** Section 7-33-4107, MCA, is amended to read:

15 **"7-33-4107. Qualifications of firefighters.** The state of Montana determines that qualifications for the
16 firefighting profession must recognize the rigorous physical demands placed on firefighters and the expectation
17 of many years of emergency service. To qualify as a firefighter, an applicant:

18 (1) must be a citizen of the United States;

19 (2) must be at least 18 years of age;

20 (3) must be a high school graduate or have been issued a high school equivalency diploma by the
21 superintendent of public instruction or by an appropriate issuing agency of another state or of the federal
22 government;

23 (4) must possess or be eligible for a valid Montana driver's license;

24 (5) shall pass a physical examination by a qualified physician, physician assistant, or advanced practice
25 registered nurse, who is not the applicant's personal physician, physician assistant, or advanced practice
26 registered nurse, appointed by the employing authority to determine if the applicant is free from any mental or
27 physical condition that might adversely affect the applicant's performance of the duties of a firefighter, including
28 requirements described in [section 2];

29 (6) must be fingerprinted and a search must be made of the local, state, and national fingerprint files to
30 disclose any criminal record; and

