

**2023 Legislative Session Summary Report**  
**Confluence Public Health Alliance**  
**AMPHO | MEHA | MPHA**

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This summary serves as a resource that captures an overview of the 68<sup>th</sup> Legislative Session as it relates to public and environmental health areas of interest.

All bills and fiscal notes within this report are hyperlinked where you can find a more detailed description. Please note that this report does **not** cover the legislative session in its entirety, nor does it capture all of the impacts to public and environmental health.

### **General Overview**

There were 4,643 bill draft requests during the 2023 legislative session, and 802 bills passed. 1,698 bills were introduced, which according to Legislative Services Division is more than any session since 1973 when lawmakers worked to enact laws in line with the newly adopted Montana Constitution.

Confluence actively tracked over roughly 70 bills, and actively participated in/testified on roughly 56 of those bills. These efforts were in addition to monitoring and influencing the appropriations process and state budget. Please note that some of these bills have not made it all the way through the process, meaning that they could be vetoed or modified (line-item veto) by the Governor.

The appropriations process was tracked throughout the session, which included daily written reports from Kathy McGowan on Section B, the joint House and Senate committee that oversees the Department of Public Health and Human Services, and regular reporting of the ensuing budget process through the entire session.

The remainder of **this** report focuses on major themes, the budget and the roughly 20 priority bills for public health. Please note that there are still many bills in process/awaiting the signature of the Governor. The full budget analysis is still pending, as is the composition of the legislative policy and budget Interim Committees.

### **Key Accomplishments**

Through strong coalition, membership advocacy, and lobbying efforts, Confluence was able to successfully defend foundational pillars of public health: clean air, clean environment, and communities safe from vaccine-preventable diseases.

Confluence's efforts can and should be seen as victories especially given the challenging environment.

We kept a keen and unwavering eye on what makes a community and environment healthy and safe and came out of the 2023 session mostly unscathed. 2023 should certainly be seen as a building session for Confluence and its member associations. Our combined efforts serve as a foundation for more proactive work in 2025 and beyond.

Specific achievements in defending those "pillars" of public health include:

- Holding off nearly all rollbacks of immunization protections (HB 954, SB 450 failed; HB 715 did pass but with major amendments included).
- Blocking ALL attempts to weaken the Clean Indoor Air Act and defund Tobacco Use Prevention attempts (SB 205, SB 371, HB 869, SB 293).
- Mitigating the worst of the impacts to clean water and sanitation subdivision review which either died in the process or were successfully amended (HB 364, SB 285; thwarted SB 225, 226, 227).

These defensive public health victories along with passage of substantial funding increases for Medicaid providers and public health home visiting topped the charts for the Confluence legislative review. It should also be noted that a MAJOR behavioral health reform commission, established in HB 872, will direct \$300 million over the next several years. Public health's support for and role in addressing the behavioral health crisis was absolutely noted by legislators, the administration, and other stakeholder groups both during HB 872 and Section B's hearing for the HEART Fund when an AMPHO member described the unique scenarios and disproportionate impact the behavioral health crisis has in small, rural communities. As a result of these legislative efforts, public health is positioned well going into the interim as a key partner who can advise on community-based and prevention strategies.

The **relationships built before the session** with specific county commissioners and public health officials (around CCBHCs) created critical support for our priorities by more seasoned, influential partner organizations such as the Montana Association of Counties (MACo). Through Confluence's relationship building work in Fall 2022 and small and large public health official membership engagement in **non-lobbying** and lobbying advocacy, MACo became involved in top priority sanitation and subdivision bills.

This is an example of a key partnership that was successfully forged through grassroots advocacy and undeniably changed the outcome of policies passed this session. Without the capacity built through the formation of Confluence, this type and level of partner outreach **prior to** and during the legislative session would not have been possible. This is a key take-away and one that is of critical importance to continue in the upcoming Legislative Interim.

The Legislative Interim has become more important over the years, and now **active involvement** will be of particular importance with the addition of Interim Budget committees in 2021 and weighted interim policy committees in 2023 (SB 176).

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## Confluence Public Health Alliance Priority Bills

### State Budget

#### HB 2 General Appropriations Act (State Budget)

**Status:** Awaiting signature of the Governor.

**Highlights:**

- \$500,000 tobacco settlement state special revenue was appropriated for home visiting, One time only. (Confluence will work with the Montana Home Visiting Coalition during the interim for how these funds will support home visiting programs.)
    - **2024:** SSR: \$125,000; Federal match: \$250,000
    - **2025:** SSR: \$375,000; Federal match: \$700,000
  - Maintained funding for Montana Tobacco Use Prevention Program.
  - HB 2 historic funding of Medicaid providers:
    - 95% of benchmark in FY 2024 and 100% in FY 2025
    - Medicaid Provider Rates Summary (minus \$15 million gained in HB 2 in closing days of session): <https://leg.mt.gov/content/Publications/fiscal/2025-Biennium/Section-B/Session/Provider-Rate-Graphic.pdf>
  - Support overall Public Health and Safety Division budget AND Early Childhood Division budget.
  - Tracking and written reports of HB 2 budget activities sent to Confluence staff on a daily/regular basis.
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### Environmental Health

The Montana Environmental Health Association (MEHA) continued their weekly Friday legislative calls with members. Active engagement by MEHA members and seasoned MEHA leadership on the Legislative Committee was absolutely critical to the following priority bills.

**HB 364: Allow for independent subdivision review for past due applications** (Knudsen)

**Status:** Passed; Sent to the Governor.

**Supportive:** Through grassroots advocacy action Confluence engaged Health Officers (AMPHO) and Registered Sanitarians (MEHA) to work with their County Commissioners to remove Section 10 and amend Section 4. MEHA worked with DEQ throughout the entire process. Originally, Section 10 required DEQ to certify applicants [consultants] to do their own reviews and write

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their own approval statements (which are called COSAs, or Certificates of Subdivision Approval) **with no DEQ involvement.** Section 10 threatened drinking water, impacted County ability to issue septic permits, impacted Contracted Counties who are ON TIME with reviews, created a conflict of interest, etc. Section 4 (refund of fees for extensions) was amended to apply only to the portions of the application review being completed by DEQ and reimbursement is now not required for extensions requested by or agreed to by the applicant.

**SB 285: Revise subdivision sanitation laws** (Glimm)

**Status:** Passed; Sent to Governor.

**Supportive:** MEHA originally opposed but worked with DEQ on amendments. In its original form, SB 285 contained broad exemptions from non-degradation review, potentially threatening our surface waters. It also contained too broad exemptions from stormwater review. With amendments, SB 285 directs DEQ to write more narrowly defined exemptions. The bill also adds stormwater exemptions for BLRs (Boundary Line Relocations) and aggregations, adds an exemption for aggregations, and removes a requirement for applicants to provide wastewater system construction details as part of their application.

**SB 225, SB 226, and SB 227 Changes to the Sanitation in Subdivision Act.**

**Status:** All tabled.

**Opposed:** MEHA testified against all three bills, which penalized DEQ for extensions, required DEQ allow the use of independent reviewers (it appeared that an applicant could choose to have their application reviewed by a private entity if they were willing to pay their price); and required DEQ to certify applicants to review their own applications. Some of these concepts were revived for a time in HB 364, but were amended to be less troublesome, as noted above.

**SB 237: Require development plans for public water and wastewater connections** (Vance)

**Status:** Signed by the Governor.

**Supportive:** SB 237 allows municipal and district systems to overpromise connections if they have a plan that will go into effect when they meet certain triggers so that they will have the capacity for all the promised usage when the time comes for them to connect. This does not apply to a system that is already overcapacity. DEQ asked MEHA to support, which we did in the Senate, but based on votes, did not seem necessary in the House.

**SB 275: Revise definition of proposed mixing zone and well isolation zone** (Mandeville)

**Status:** Vetoed by Governor.

**Supportive:** SB 275 removed the dates in the current definitions, which would simplify the implementation of the requirement to keep a well isolation or mixing zone on the property or get an easement from the neighbor. MEHA acknowledges that this would create a loophole, where someone could install a well or septic system right before they go through subdivision

review, but it does not lessen environmental protection. (Rather it affects private property rights.) DEQ was opposed to this bill.

**[SB 327: Allow water well at any location within setbacks](#) (Glimm)**

**Status:** Transmitted to the Governor.

**Neutral:** SB 327 prohibits reviewing authorities from limiting a subdivider to a single well location. DEQ says that this bill is implemented with the rule changes that went into effect April 15, which allow an applicant to propose an area for wells, instead of a single location. SB 327 gives DEQ express authority to approve a smaller well isolation zone. We were set to oppose, but with DEQ's confirmation that their rule will implement the bill, we decided to stay neutral.

**[HB 415: Require septic system disclosure](#) (Fern)**

**Status:** Tabled.

**Supportive:** HB 415 required sellers and realtors to give perspective buyers the septic permit and septic system maintenance information if it was available. The bill had a lot of support in the hearing, including from the Montana Organization of Realtors, but then was tabled without comment in executive action.

**[HB 592: Direct DEQ to allow the installation of certain new septic systems](#) (J. Hinkle)**

**Status:** Transmitted to the Governor.

**Neutral:** HB 592 allows new septic systems in cut and fill. As amended it requires 4 feet of natural soil before a limiting layer, and the fill cannot be used to overcome separation requirements. MEHA opposed initially because of how the bill was written, but once DEQ's amendments were incorporated, we dropped our opposition.

**[SB 383: Require DEQ to study septic systems](#) (France)**

**Status:** Tabled.

**Supportive:** SB 383 required DEQ to create educational material aimed at septic system maintenance, collect the types and numbers of septic systems across Montana, create model rules counties could adopt for septic system maintenance programs, and recommend software that could be used statewide to capture septic system information.

**[SB 457: Repeal Board of Sanitarians](#) (Vermeire)**

**Status:** Signed by Governor.

**Supportive:** MEHA expected SB 457, based on previous sessions, and work the Department of Labor and Industry (DLI) did over the interim. SB 457 moves the licensing responsibility from the Board of Sanitarians (board administration ) to the DLI (program administration). Boards are expensive to maintain, and we were chosen as one of the professions to move to a program because we follow national standards, the board deals with very few disciplinary cases, and we

are a small group with high fees. The requirements for becoming a sanitarian or sanitarian in training will not change, and there is a hope that our licensing fees will go down.

**[SB 288: Eliminate sunset on junk vehicle statute](#) (Cuffe)**

**Status:** Signed by Governor.

**Supportive:** SB 288 allows counties to continue to use up to 20% of their junk vehicle budget to dispose of junk non-motorized vehicles and junk mobile homes. It was originally passed in 2019 with a two-year termination date and the termination date was extended another 2 years in 2021.

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**Clean Indoor Air Act & Tobacco Use Prevention**

As an active member of the Alliance for Healthy Montana Coalition, Confluence worked with coalition leaders (American Cancer Society Cancer Action Network and American Heart Association) in advance of the session and during the session to implement effective legislative strategy that combined membership engagement with lobbying efforts. Together the Coalition protected the Montana Clean Indoor Air Act (MT CIAA) and prevention programs that are a strong investment in reducing the burden of tobacco related diseases on Montanans.

**[HB 869: Revise tobacco laws \(De-fund MTUPP\)](#) (Marshall)**

**Status:** Missed deadline for revenue bill transmittal.

**Opposed:** HB 869 sought to cut 47% of the funding for state and local tobacco and chronic disease prevention, a \$2.256 million cut, which would have defunded an array of local health department programs including MTUPP. Local public health mobilized rapidly and provided strong opposition through numerous avenues: Confluence sign-on letter, county commissioner engagement, local coalitions, and public comment etc. The bill draft for HB 869 was scheduled for its hearing just days after the bill draft was posted and serves as an example of how fast and furious the legislative process can be and certainly was during this session. Member associations are critical for ensuring awareness and activating grassroots engagement, which is key to successful lobbying within the Capitol building.

**[SB 205: Generally Revise the Montana Clean Indoor Air Act](#) (Treas)**

**Status:** Missed deadline for general bill transmittal.

**Opposed:** SB 205 would have allowed private establishments to obtain a permit from the local health department to allow smoking indoors, exempt from the MT CIAA. SB 205 was a direct contradiction to the mission of health departments across the state and their responsibilities in Montana state law ([MCA 50-2-116](#)).

**[SB 371: Generally Revise the Montana Clean Indoor Act](#) (Treas)**

**Status:** Missed deadline for general bill transmittal.

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**Opposed:** SB 371 removed the authority of local boards of health to enforce the Montana Clean Indoor Air Act and transferred enforcement responsibility to DPHHS. SB 371 is one example of subtle efforts to diminish public health authority. The MT CIAA is one of the most important public health policies in our state’s history (2005) and local health department enforcement has worked well.

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## Immunizations

Confluence served as an active steering committee member of the newly formed Montana Families for Vaccines. Montana Families for Vaccines served as the central strategy organization among public health and health care and also kept the public informed through social media as immunization bills that would/ will have significant impacts to health moved very quickly through the legislative process especially right around transmittal deadlines.

Confluence also prepared in advance of the session with national partners to prepare salient communications and strategies around anticipated efforts to weaken protections against vaccine preventable diseases. Key national partners for this and other public health topics included the American Public Health Association and the Network for Public Health Law.

### **HB 715: Revise school immunization laws** (Carlson)

**Status:** Passed; Sent to the Governor.

**Opposed:** HB 715 Requires schools to share exemption options and forms anytime they communicate school-aged vaccine requirements with parents and makes it difficult for schools to share immunization information with public health officials during an outbreak. When it is easier to get vaccine exemptions, exemption rates go up, and outbreaks of vaccine-preventable diseases rise, which means babies and children who aren’t yet fully immunized or individuals who can’t be immunized are in harm.

- It is important for parents to make medical decisions in collaboration with their health care provider versus decisions based on convenience at a point in time.
- Schools are a trusted source of information and support for parents. There are real health and financial risks to opting out (i.e. exclusion of children during varicella’s long incubation period).
- HB 715 also requires parents to sign-off prior to the release of immunization information to local public health (wait time and outbreak containment implications).

Confluence encourages local public health to reach out to their schools and serve as a resource as schools consider how to implement the requirements of HB 715. Confluence will watch closely see how this one is administered by schools and whether unintended consequences occur. Confluence signed on to an amendatory veto letter as a Steering Committee member of MT Families for Vaccines.

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**[SB 450: Personal Freedom/ Right of Conscience Act for immunizations and drugs](#) (Emrich)**

**Status:** Tabled in (H) Judiciary. Blast motion on House Floor failed.

**Opposed:** SB 450 would have added a third exemption type, conscience exemptions, to vaccines for:

1. Licensed childcare settings forcing providers to accept children who are not vaccinated.
2. K-12 school immunization requirements
3. Employment, which is redundant to the 2023 session's HB 702.

SB 450 would have decreased community protection against diseases such as varicella, pertussis, and measles, which impact populations who aren't fully immunized or cannot be immunized. Additionally, SB 450 did not provide any funding to local health departments or counties. In other states, when vaccine rates go down the risk of outbreaks increases, and local outbreak response is needed. For example, local health departments can spend an average of \$40,000 responding to a single case during a measles outbreak.

**[HB 954: Revise day-care facility immunization requirements](#) (Carlson)**

**Status:** Tabled in Committee.

**Opposed:** HB 954 would have prohibited family daycare homes (4-8 children) and group daycare homes (9-15 children) from requiring any immunizations. Aspects of HB 954 mirrored an administrative rule package from Fall 2022 that was halted by the Interim Committee's objection. Confluence anticipates DPHHS posting for public process a brand-new rules package for licensed childcares as soon as June 2023. This new rule package will include changes to immunization requirements for licensed childcares. Confluence will need strong member engagement to ensure local public health authority remains intact and licensed childcares remain a safe setting against vaccine preventable diseases.

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## Behavioral Health

**[HB 872: Provide funding for behavioral health system for future generations](#) (Keenan)**

**Status:** Passed as Amended by the Senate on 5/2; Headed to the Governor.

**Supported:** HB 872 invests \$300 million in Montana's BH system and creates a commission (similar to ARPA process, meet monthly) to re-envision the state's BH system and direct money to initial building projects. Confluence will work immediately following the session and during the interim to include local health jurisdiction representation, so BH **prevention** is included. Confluence and its local membership will need to communicate with key state and local partners and coalitions. HB 872 serves as an opportunity for continuing to build trust between LHJs, electeds, and community.



**[HB 649: Implement rates from provider rate study](#) (Caferro)**

**Status:** This bill ended up being tabled in Senate Finance and Claims.

**Supported:** Even though HB 649 was tabled in committee, it spurred/encouraged an additional \$15 million in HB 2 for Medicaid Provider rates, getting those rates extremely close to Guidehouse recommendations.

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## **Other Highlights and Takeaways**

**Housing:** Not surprisingly given our state’s workforce and housing crisis, several different housing bills were introduced and debated. The legislature passed HB 819 sponsored by Rep. Paul Green, R, a compromise spending package that puts \$175 million toward housing initiatives and \$50 million for rent-restricted apartments. This bill is awaiting signature of the Governor. Also, on the housing front is \$5 million in homeless shelter funding included in HB 5, a major multi-faceted infrastructure bill. There were many other housing bills that were introduced and debated but did not earn passage from both houses of the legislature. There are at least three different housing coalitions, so definitely expect housing to be a continuing theme over the legislative Interim and in years to come. Zoning reform and fast-tracking was a coordinating theme, and public health weighed in on several bills which would have stripped public health sewer system/water protections. Thankfully, and working with MACo and other key coalition partners, Confluence was able to thwart the largest threats in these areas.

**Public Health Authority:** It’s important to note key items that DID NOT make a splash during the 2023 session, and hopefully played less than a starring role due to ongoing conversations, relationship-building, and community-based efforts. Public health authority and food safety/freedom fall into this category.

On the heels of an extremely challenging 2021 legislative session regarding local public health authority/ scaling back of Board of Health protections, Confluence went into 2023 with the expectation of defending public health authority. A meeting was held early in the legislative session with Representative David Bedey, R—Hamilton, who sponsored one of the challenging bills in 2021. Thankfully, we were able to come to an agreement to stand aside on minor additional changes forwarded by Representative Bedey in this area, along with his commitment to hold firm on making further sweeping changes. Representative Bedey is seen as the lead law-maker on these issues because of his focus on pandemic response legislation during 2021. MACo also advanced another housekeeping bill, which was vetted through Confluence prior to the start of the 2023 session. Thankfully, all was relatively quiet along the lines of public health authorities and protections, although we were kept plenty busy in many other areas!

**Another focus area**—Interim Committee composition ([SB 176](#)) and local government public notice requirements ([HB 890](#)).

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Interim Committees will reflect majority and minority composition of the legislature. As a result, 2023-2024 Interim Committees will look more partisan. What this means for us is Interim work will require even more resources, capacity, as well as engagement with YOU (our members!), coalitions, and partners.

HB 890, if signed by the Governor, requires counties to make audio and video recordings for Board of Health and other county boards publicly available within five business days. Confluence is already communicating with MACo about guidance they will issue to support counties with these changes.

**Social Work Licensure:** During the first week of the session, Confluence and Smith and McGowan, elevated concerns about licensure changes that happened during the peak of Covid-19 through administrative rulemaking that impacted title protection for non-clinical social workers. Due to these efforts, time was bought so key partners such as the Montana Association of Social Workers could mobilize to fix this issue through HB 499, the social worker licensure bill.

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### **Legislative Interim and Beyond**

In terms of Interim study topics, that is yet to be determined, largely at the discretion and desire of the newly reapportioned/weighted interim committees. The composition of these committees is yet to be decided and will be based on the party make-up of the 2023 legislative body. This is a new change and will greatly affect the influence of the interim process, quite likely increasing the likelihood that interim study topics and proposed bills are seriously considered for passage in 2025. **The takeaway here is that active involvement in the interim will be critical, along with the continued cultivation of local and statewide partnerships.**

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### **Thank You for Speaking for Health!**

Thank you for engaging in the many small and big ways, both non-lobbying and lobbying, this legislative session to speak for health. Our greatest strength is your voice as a local public or environmental health professional or Friend of Public Health and your relationships with local electeds.

As Confluence endeavors into its second year as a strategic alliance between AMPHO, MEHA, and MPHA, you can expect more streamlined communications, opportunities, and asks to build support for our local and state public health programs and system.

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Please join [Connected Community's](#) Advocacy and Policy Community for the latest information and stay tuned for a shared website between AMPHO, MEHA, and MPHA ([www.cphamt.org](http://www.cphamt.org) temporary website).

*Questions?* Contact Lisa Dworak, Executive Director, Confluence Public Health Alliance  
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