



June 2, 2025

Measles Quarantine and Isolation Guidance

This document provides general information on the Montana Human Rights Act provision (§ 49-2-312, MCA) that bars discrimination on the basis of vaccination status as it relates to measures that might be taken by local health departments, schools, child care facilities, and health care facilities to control the spread of measles. **The information contained in this document does not, and is not intended to, constitute legal advice.** Readers of this document are strongly encouraged to consult with their attorney to obtain advice with respect to whether a particular policy, practice, or procedure is compliant with the Montana Human Rights Act (§ 49-2-312, MCA), or whether such action may constitute a prohibited act of discrimination.

The Montana Human Rights Act provision (§ 49-2-312, MCA) makes it an unlawful discriminatory practice for a person or governmental entity to deny a person any local or state services, goods, facilities, advantages, privileges, licensing, educational or employment opportunities, or health care access, based on the person's vaccination status or whether the person has an immunity passport.

General Considerations for Local Health Departments

With respect to any mandatory quarantine or isolation measure, a local health department should consider whether the measure it seeks to implement ties the decision to require quarantine or isolation to an individual's vaccination status and whether the measure has the effect of treating unvaccinated individuals differently and less favorably than vaccinated individuals.

The Department encourages all individuals to follow [current Centers for Disease Control and Prevention](#) (CDC) recommendations on quarantine and isolation when not in conflict with state law.

[CDC recommendations](#) for isolation of persons infected with measles are the same for all individuals, regardless of their vaccination status prior to infection.

In protecting public health and considering the requirements of the Montana Human Rights Act provision (§ 49-2-312, MCA), examples of quarantine measures for individuals with a known exposure to measles that local health departments may want to consider include:

- Quarantine measures that apply regardless of an individual's vaccination status. For example, ordering quarantine of unvaccinated exposed individuals, as long as vaccinated individuals who are also exposed are also subject to such orders.
- Strongly recommending, but not ordering, quarantine of unvaccinated individuals with a known exposure to measles.
- Additionally, local health departments may want to consider advising individuals of [current CDC guidance](#) and how it applies to their situation (*i.e.*, known exposure to measles) and recommending they follow it as it relates to their vaccination status, but not mandate or require compliance with such guidance.

Considerations for Schools (K-12) and Postsecondary Schools

Under the Montana Human Rights Act provision (§ 49-2-312, MCA), discrimination based on vaccination status does not apply to school vaccination requirements for ***students*** set forth under Title 20, Chapter 5, Part 4 of the Montana Code Annotated. Immunization against measles is required for any student to attend a K-12 or post-secondary school unless the student has a medical or religious exemption under section 20-5-405, MCA.

Under section 20-5-405(4), MCA, it is permissible for the local health officer to exclude ***students*** who are not immunized for measles (because of an exemption) from attending school if there is good cause to believe that the student has measles, has been exposed to measles, or will be exposed to measles by attending school. The period of exclusion may last until the excluding authority is satisfied that the student no longer risks contracting or transmitting measles.

With respect to exclusion of ***staff and faculty*** in these settings, the same considerations discussed in the *General Considerations for Local Health Departments* section apply.

Considerations for Child Care Facilities

Under section 49-2-312, MCA, discrimination by child care facilities based on vaccination status is prohibited. This prohibition does not apply to the vaccination requirements for child care facilities under Title 52, chapter 2, part 7 of the Montana Code Annotated. (See § 49-2-312(2), MCA.) The Department's administrative rules implementing these child

care statutes require immunization against measles for a child to attend a licensed and registered child care facility unless the child has a valid exemption. The only recognized exemptions to this vaccination requirement are a religious exemption, medical exemption, and 30-day grace period exemption for children experiencing homelessness or in foster care. ARM 37.96.802, 37.96.805.

Licensed and registered child care providers are required to exclude *any child or staff member infected with measles* until four days after onset of rash. ARM 37.96.505.

With respect to exclusion of *any child or staff with a known exposure to measles* in these settings, the same considerations discussed in the *General Considerations for Local Health Departments* section apply. Title 52, chapter 2, part 7 does not contain a statute authorizing the exclusion of unimmunized children that is an equivalent to § 20-5-405(4), MCA, the statute permitting schools to exclude unvaccinated students from school under certain circumstances.

Considerations for Health Care Facilities

Health care facilities should consult with their attorney to obtain advice with respect to whether a particular policy, practice, or procedure is compliant with the Montana Human Rights Act (§ 49-2-312, MCA), or whether such action may constitute a prohibited act of discrimination.

Additional Resources

Visit the Montana Department of Labor and Industry's [HB 702: Frequently Asked Questions](#).