



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-315.1

Summary

Adoption of NEW RULES 1 through 3 pertaining to newborn safety devices

Hearing Date and Time

Friday, February 27, 2026, at 11:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: <https://mt-gov.zoom.us/j/82128779849?pwd=N3fpsNGXq5WG5uvJzR21KybDkc93a7.1>

Meeting ID: 821 2877 9849 and Password: 548206

Dial by Telephone: +1 646 558 8656

Meeting ID: 821 2877 9849 and Password: 548206

Find your local number: <https://mt-gov.zoom.us/u/kdHsD082Ma>

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, March 6, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, February 13, 2026, at 5:00 p.m.

Contact

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Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 GENERAL REQUIREMENTS

- (1) Newborn safety device grants, as provided for under 40-6-408, MCA, are available to eligible fire departments, hospitals, and law enforcement agencies for the installation and maintenance of newborn safety devices as defined under 40-6-402, MCA.
- (2) The total amount of any grant awarded may not exceed \$20,000 per eligible applicant.
- (3) The total amount of grant funds awarded will not exceed the \$160,000 total amount of available grant funding.
- (4) The period to submit grant applications opens June 1, 2026, and closes July 31, 2026.
- (5) Requests for reimbursement-based grant funding must be submitted by completing the department's Newborn Safety Device Grant Application form (version 1.0) available at: <https://dphhs.mt.gov/publichealth/EMSTS/index>. The department adopts and incorporates this form by reference.

Authorizing statute(s): 40-6-408, MCA

Implementing statute(s): 40-6-408, MCA

NEW RULE 2 GRANT REVIEW AND EVALUATION

- (1) Upon receipt of a grant application, the department will review the application to determine whether it meets the requirements under 40-6-402, MCA. The department will score the application based on the following criteria:
 - (a) Demonstrated public need and community support (30 points). The extent to which the applicant demonstrates a need for the newborn safety device and support in their community for the proposed devices. This will be based on factors such as:
 - (i) Distance to the nearest existing newborn safety device or hospital.
 - (ii) Community backing such as a letter of support from a political subdivision, governing body, and/or a community-based organization.
 - (b) Applicant readiness and long-term project success (50 points). The applicant's demonstrated ability to successfully install, maintain, and monitor the newborn safety device. This includes:
 - (i) Demonstrating that the location of the proposed device will be staffed 24 hours a day, 365 days a year, except when responding to an emergency call.
 - (ii) Documentation of a plan for device security, regular operational checks, and immediate response protocols.
 - (c) Cost-Effectiveness (20 points). The reasonableness of the proposed budget for the installation of the newborn safety device and plan for future maintenance costs beyond the grant period.
- (2) Following review and scoring of an application, the department will provide written notice to the applicant of its decision approving or denying the grant funding. For approved applications, written notice will include instructions on how to submit invoices and any special conditions that must be met or resolved by the grantee prior to reimbursement.
- (3) Incomplete or untimely applications will be returned to the applicant.

Authorizing statute(s): 40-6-408, MCA

Implementing statute(s): 40-6-408, MCA

NEW RULE 3 GRANT RECIPIENT AWARDEE REQUIREMENTS

- (1) To receive reimbursement, approved applicants must submit copies of final, paid invoices for the installation and/or maintenance of the newborn safety device by May 15, 2027. Invoices must clearly identify the newborn safety device as a distinct line item. Invoices submitted after May 15, 2027, will not be reimbursed.
- (2) By June 1, 2027, each applicant awarded grant funds must submit a report to the department that includes:
 - (a) the number of newborns surrendered via the newborn safety device;
 - (b) the date and time that each newborn was placed in the newborn safety device;
 - (c) the sex, estimated age, and general physical condition of each newborn surrendered; and
 - (d) any other information specified by the department in the notice of grant award.

Authorizing statute(s): 40-6-408, MCA

Implementing statute(s): 40-6-408, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to adopt NEW RULES 1 through 3 to implement House Bill (HB) 476 that passed and was enacted into law during Montana's 69th Legislative Session. HB 476 establishes a grant program to support the installation and maintenance of newborn safety devices by eligible fire departments, hospitals, and law enforcement agencies. HB 476 also requires the department to adopt administrative rules to implement the grant program. These proposed rules are necessary to implement the requirements of HB 476 and establish a newborn safety device grant program.

NEW RULE 1

The department is proposing NEW RULE 1 to establish general eligibility requirements for newborn safety device grant funds and the application process that must be utilized to seek grant funding. A copy of the proposed application form referenced in NEW RULE 1 is available at: <https://dphhs.mt.gov/publichealth/EMSTS/index>.

NEW RULE 2

The department is proposing NEW RULE 2 to establish criteria for reviewing and evaluating grant applications through a competitive process, as required under HB 476.

NEW RULE 3

The department is proposing NEW RULE 3 to establish requirements for entities that are awarded grant funds. The new rule requires awardees to report information to the department to help evaluate the effectiveness of the grant funding and enable the department to fulfill the requirement under HB 476 to report to the legislature on the grant funding.

Fiscal Impact

The administration of the newborn safety device grant program by the department is anticipated to have an estimated cost of \$1,200 in state fiscal year 2026 and \$2,000 in state fiscal year 2027.

Small Business Impact

Under HB 476, eligibility for newborn safety device grant funding is limited to fire departments, hospitals, and law enforcement agencies. Pursuant to 2-4-111, MCA, the department has determined there is no class or group of small businesses affected by the proposed new rules and that the proposed new rules will not have a significant and direct effect upon small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor of HB 476 was notified by electronic mail on October 22, 2025.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services