



HB 676 Rep. Kerri Seekins-Crowe
Revise laws to clarify fundamental parental rights
Chapter: 527 Effective Date: May 18, 2023.

HB 676 amends sections 40-6-701, 41-1-402, 41-1-403, 41-1-405, & 41-1-407, MCA. SB 518 amends section 40-6-701, MCA, titled, interference with fundamental parental rights restricted – cause of action. Section 1 exclusively reserves all fundamental parental rights to the parent of a child and lists a non-exclusive list of examples of these rights and responsibilities, including:

- Right to direct education of the child,
- Access and review of all written and electronic records related to the child,
- to direct the upbringing of the child,
- to direct moral and religious training of the child,
- to make and consent to all health decisions for the child, including access to all medical records, consent to biometric scans of the child, and consent before recording the child’s blood/DNA,
- consent to governmental entity making audio or video recording of the child outside of certain exceptions,
- right to immediate notification of suspicions of non-parental abuse and neglect,
- right to opt out of statewide analysis/data collection, • right to excuse from school for religious purposes,
- right to participation in parent-teacher associations and orgs sanction by the board of trustees for the district, and
- right to notification, consent, and accommodations for overnight sleeping arrangements for class trips

This section is further amended by prohibiting non-law enforcement government entities from encouraging or coercing a child to withhold information from a parent and prohibits the withholding of information from the parent which is relevant to the health of the child. It also grants parents rights of action in administrative hearings for violations of these fundamental rights and provides definitions under this section. HB 676 provides protection for children and their parents when the child is receiving medical care. This section provides a prohibition on providing medical care to, or soliciting medical care for, a child without the consent of the child’s parents. Section 2 also provides an exception for an emergency for which medical care is necessary to prevent death or imminent, irreparable physical injury. Abortions are exempted from this section. HB 676 provides for Construction establishing parents have inalienable rights more comprehensive than those listed, that these rights should be construed in favor of a broad protection of the fundamental rights of parents to make decisions for their children, that these rights may not authorize any government entity to burden these fundamental rights, and that these provisions do not guarantee a right to specific medical treatments. HB 676 amends section 41-1-402, MCA, Validity of consent of minor for health services. This section is modified to ensure a health professional who reasonably believes a minor meets the exceptions of § 41-1-402, MCA, reasonably supported by fact, may grant said minor medical care in certain circumstances. HB 676 amends section 41-1-403, MCA, Release of information by health professional. This section amends the ability of the health professional to share treating information with the parent or guardian of the treated child from an option to a requirement. HB 676 modifies section 41-1-405, MCA, Emergencies, and special situations. This section modifies the exceptions to providing emergency medical care with a requirement that the need for the emergency care be reasonably supported by facts and done to prevent irreparable physical damage or death. This exception is extended to minors alongside a requirement for a diligent search for known relatives or legal guardians of the minor. HB 676 amends section 41-1-407, MCA, Immunity and responsibility of psychologist, physician, or health care facility. This amendment removes “psychologist” from the title and removes the civil or criminal liability of having provided the counseling services. HB 676 repeals section 41-1-406, MCA, Psychiatric or psychological counseling under urgent circumstances.

