

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.12.201, 37.12.205, and) AMENDMENT AND REPEAL
37.12.206 and the repeal of ARM)
37.12.601, 37.12.603, and 37.12.608) NO PUBLIC HEARING
pertaining to premarital blood testing) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to amend and repeal the above-stated rules.

2. The Department of Public Health and Human Services 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. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on December 15, 2022, to advise us of the nature of the accommodation that you need. Please contact Kassie Thompson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.12.201 REGISTRATION (1) remains the same.

(2) All laboratories doing public health work in the state of Montana shall register with the department. Such laboratories which meet the standards of the department shall ~~be listed as suitable for the tests required under Title 40, chapter 1, part 2, MCA, relating to marriage licenses, and shall be designated as approved laboratories.~~

AUTH: ~~40-1-206~~, 50-1-202, MCA
IMP: ~~40-1-206~~, 50-1-202, MCA

37.12.205 APPROVAL (1) remains the same.

AUTH: ~~40-1-206~~, 50-1-202, MCA
IMP: ~~40-1-206~~, 50-1-202, MCA

37.12.206 INSPECTIONS (1) remains the same.

AUTH: ~~40-1-206~~, 50-1-202, MCA
IMP: ~~40-1-206~~, 50-1-202, MCA

4. The department proposes to repeal the following rules:

37.12.601 CERTIFICATE FORM

AUTH: 40-1-206, MCA
IMP: 40-1-203, 40-1-204, MCA

37.12.603 PROCEDURES

AUTH: 40-1-206, MCA
IMP: 40-1-203, 40-1-204, 40-1-206, MCA

37.12.608 EXEMPTIONS FROM REQUIREMENT FOR SEROLOGICAL TESTING

AUTH: 40-1-206, MCA
IMP: 40-1-206, MCA

5. STATEMENT OF REASONABLE NECESSITY

The department is proposing to revise its administrative rules relating to premarital blood testing for women to align with passage of House Bill (HB) 136 during Montana's 66th Legislative Session. HB 136 abolished the requirement for premarital blood testing and repealed the grant of rulemaking under 40-1-206, MCA, that served as the basis for the premarital blood testing rules.

The department is proposing to amend its rules to remove references to 40-1-206, MCA, to repeal the premarital blood testing rules, and to repeal references to premarital blood testing requirements in the department's regulations. These proposed rule changes are necessary to implement the requirements of HB 136 and to eliminate rules that are no longer supported under the law.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kassie Thompson, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on January 6, 2023. Comments may also be faxed to (406) 444-9744 or e-mailed to hhsadminrules@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kassie Thompson at the above address no later than 5:00 p.m., January 6, 2023.

8. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the

proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 928 persons based upon currently available department data showing an average of 9,283 marriages per year from 2018 to 2020.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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 mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

10. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sosmt.gov/ARM/register>.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ ROBERT LISHMAN
Robert Lishman
Rule Reviewer

/s/ CHARLES T. BRERETON
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State November 29, 2022.