



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2026-315.2

Summary

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

Previous Notice(s) and Hearing Information

On February 6, 2026, the Department of Public Health and Human Services published MAR Notice No. 2026-315.1 pertaining to the adoption of the above-stated rules in the 2026 Montana Administrative Register, Issue Number 3.

A hearing was held February 27, 2026.

Final Rulemaking Action – Effective July 11, 2026

ADOPT WITH CHANGES

The agency has adopted the following rules with changes from the original proposal, stricken matter interlined, new matter underlined:

NEW RULE 1 (37.118.101) 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 priority period to submit grant applications opens ~~June 1, 2026~~ July 13, 2026, and closes ~~July 31, 2026~~ September 11, 2026. Applications may continue to be submitted after the priority period and will be considered on a rolling basis until March 31, 2027, or when the grant funds become fully depleted, whichever occurs earlier.
- (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 (37.118.102) 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, within 30 days, 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~~ required documents and any special conditions that must be met or resolved by the grantee prior to ~~reimbursement~~ payment.
- (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 (37.118.103) 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. Fifty percent (50%) of the total award will be provided to successful grantees upon award of the grant. The other 50% will be awarded when the grantee provides the department with a copy of the signed agreement with the vendor supplying the newborn safety device. The signed agreement must be submitted no later than May 15, 2027.~~
- (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

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT #1: The bill sponsor of HB 476 and other commenters indicated legislative intent is for the grant funds to be awarded up-front and not through a reimbursement-based process. Several commenters also noted a reimbursement-based grant process would pose an undue hardship on grantees by making them responsible for having the initial funds to cover the cost of installing newborn safety devices.

RESPONSE #1: HB 476 provides that grants are to be awarded using a competitive process. The bill does not specifically address whether an award of funds must be up-front or reimbursement-based. In recognition of the concerns expressed by the bill sponsor and other commenters, the department has revised the proposed rules to provide that grantees will receive half of the awarded funds up-front and the remaining half upon providing the signed agreement with the vendor who supplies the newborn safety device. The department believes this approach balances the need to reduce the financial burden on grantees while still maintaining oversight to ensure the grant funds are used for their intended purposes.

COMMENT #2: The bill sponsor of HB 476 and other commenters indicated that the department's proposed grant application period of approximately two months is too short and does not meet legislative intent.

RESPONSE #2: HB 476 requires that grants be awarded using a competitive process. To meet this requirement, there must be a grant application period that ends with sufficient time to allow the department to evaluate the applications, score them, and award funds prior to the Act's June 30, 2027, termination date. Balancing this need with the comments received, the department has revised the proposed rules to make the proposed grant application period a priority application period and to allow for applications to continue to be submitted after the priority period until funds are fully depleted or March 31, 2027, whichever occurs earlier. The department has also revised the start date of the grant application period to align with the timing of the publication of this adoption notice.

COMMENT #3: A commenter indicated the grant evaluation criteria set forth in NEW RULE 2 are unnecessary and burdensome because there is only one vendor of newborn safety devices and matters such as maintenance and monitoring of a newborn safety device are addressed by the vendor as part of contracting with the entity for whom the device is installed.

RESPONSE #3: HB 476 requires the department to award grant funds using a competitive process. To meet this requirement, it is necessary to establish criteria for how the department will evaluate and score applications. The department does not believe it is unduly burdensome to require an applicant to provide information that may also be addressed by the vendor who installs the device. To the extent a prospective contract between the vendor and applicant addresses maintenance and monitoring of the newborn safety device, an applicant may include the contract with the application to support meeting the grant evaluation criteria established under NEW RULE 2.

COMMENT #4: A commenter indicated that scoring grant applications under NEW RULE 2 based on a demonstrated public need for a newborn safety device is unreasonable and expressed concern that newborns would need to be abandoned before the need for the device could be demonstrated by an applicant.

RESPONSE #4: The “demonstrated public need” criteria under NEW RULE 2 is not based on whether newborns have been abandoned. As set forth in the proposed rule, demonstrated public need includes consideration of the distance to the nearest existing newborn safety device or hospital and consideration of community support for installation of the newborn safety device. The department believes it is reasonable to consider the proximity of the proposed device to other locations where newborns can safely be surrendered to ensure the limited available grant funding is used to serve areas with the greatest need.

COMMENT #5: A commenter disagreed with the department’s proposal under NEW RULE 2 to evaluate grant applications based on cost-effectiveness. The commenter indicated that consideration of cost-effectiveness is not appropriate because only a single vendor provides newborn safety devices.

RESPONSE #5: The cost-effectiveness criteria proposed by the department allow for consideration of the cost of newborn safety devices among the applications that are submitted. For example, if an applicant’s proposal for installation of a newborn safety device were to be significantly higher in cost than a similar proposal from another applicant, the department would consider this as a factor when awarding funds to ensure the limited available grant funding is efficiently used for the greatest benefit. If only one vendor is available to provide newborn safety devices, the department anticipates the cost among different applicants would be similar and the cost-effectiveness criteria would not adversely impact any applicant.

COMMENT #6: A commenter disagreed with the reporting requirements proposed under NEW RULE 3. The commenter indicated the reporting requirements are unnecessary and expressed concern they would jeopardize the funding awarded to a grantee if the newborn safety device has not been utilized.

RESPONSE #6: As set forth in the statement of reasonable necessity, the reporting requirements are necessary to 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. The department does not believe the reporting requirements pose an undue burden on grantees. If no newborn is surrendered, the grantee would just need to report “zero” in answer to the question of how many newborns have been surrendered via the device. The department would not seek to withhold or claw back grant funding under such circumstances.

COMMENT #7: A commenter asked if the applications will be considered on a first-come first-served basis, and under what timeframe the department will respond to applicants.

RESPONSE #7: Applications will be considered through a competitive process using the criteria established under NEW RULE 2 and not on a first-come first-served basis. The department has revised NEW RULE 2 to establish a 30-day period to respond to applications.

COMMENT #8: A commenter asked whether grant funds are required to be returned if the grantee does not install the newborn safety device by June 30, 2027.

RESPONSE #8: Under HB 476, only funds that are unencumbered as of June 30, 2027, revert to the general fund. Funds awarded to a grantee prior to this date are encumbered. HB 476 and these proposed rules do not require a grantee to have installed the newborn safety device by June 30, 2027.

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Rule Reviewer

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Approval

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