

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 7-2021

EXECUTIVE ORDER PROHIBITING VACCINE PASSPORTS

WHEREAS, on January 13, 2021, I issued Executive Order 2-2021, declaring a state of emergency for the State of Montana because of the COVID-19 pandemic;

WHEREAS, the United States Food and Drug Administration has authorized the emergency use of COVID-19 vaccines that are safe and effective in preventing COVID-19 infections;

WHEREAS, on January 5, 2021 and on March 2, 2021, Montana announced revisions to its COVID-19 vaccine distribution plan to protect the most vulnerable, prioritizing vaccine availability to those most at risk of severe complications from the virus, such as hospitalization and death, including persons aged 60 and over, persons with underlying health conditions, and Native Americans and other persons of color;

WHEREAS, more than 71 percent of Montanans aged 70 and over have chosen to receive a COVID-19 vaccine;

WHEREAS, since April 1, 2021, every Montanan aged 16 and over is eligible to receive a COVID-19 vaccine;

WHEREAS, 597,082 doses have been administered in Montana, and more than 250,643 Montanans have voluntarily been fully vaccinated;

WHEREAS, I continue to encourage all eligible Montanans to receive one of the safe, effective COVID-19 vaccines, which is our best path to protect our family and friends and get back to a more normal life;

WHEREAS, Montana will make a COVID-19 vaccine available to any Montanan who wants one; and

WHEREAS, receiving a safe and effective COVID-19 vaccine, while strongly encouraged, is entirely voluntary and is not and will not be mandated in Montana;

WHEREAS, many Montanans have not had the opportunity to obtain a COVID-19 vaccine, some have acquired immunity from infection, and others may be unable to obtain a vaccine due to health, religious, and other reasons;

WHEREAS, personal health information is private and sensitive information that should and must be protected;

WHEREAS, COVID-19 "vaccine passports" will exclude Americans who have not received a COVID-19 vaccine from participating in everyday life, including accessing and receiving goods and services;

WHEREAS, COVID-19 "vaccine passports" undermine individual liberty and personal privacy; and

WHEREAS, the state has a necessary, compelling interest to protect the fundamental rights of individuals enshrined in our U.S. Constitution and the Constitution of Montana;

NOW, THEREFORE, I, GREG GIANFORTE, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, do hereby order as follows:

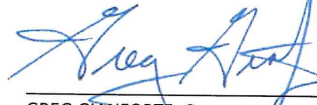
1. No department, agency, board, commission, or other executive branch entity or official of the State of Montana shall:
 - Require as a condition of accessing state services or facilities that an individual produce proof he or she has received a COVID-19 vaccine;
 - Produce, issue, or fund a COVID-19 vaccine passport for the purpose of certifying that an individual has received a COVID-19 vaccine; or
 - Provide information of an individual's COVID-19 vaccination status to any person, company, or governmental entity for inclusion in a COVID-19 vaccine passport program.
2. No Montana government entity, its subdivisions, agents, or assigns, shall:
 - Issue vaccine passports, vaccine passes, or other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status to a third party, or otherwise publish or share any individual's COVID-19 vaccination record or similar health information; or
 - Compel any individual to receive a COVID-19 vaccine.
3. Montana businesses are prohibited from requiring patrons or customers to provide any documentation certifying COVID-19 vaccination or post-transmission recovery to gain access to, entry upon, or service from the business.
4. Nothing in this order should be construed as:
 - Restricting businesses from instituting COVID-19 screening protocols or otherwise following industry best practices to protect public health; or
 - Interfering with individuals' rights to access their own personal health information under state or federal law.
5. All executive agencies under my direction shall work to ensure businesses comply with this Order. To the extent any provision of Montana law restricts such agencies from requiring compliance with this Order as a condition for a license, permit, or other state authorization necessary for conducting business in Montana, it is hereby suspended.
6. This Order does not, and shall not be construed to, prohibit, restrict, or otherwise limit:

- The right of an individual to access his or her own personal health information under state or federal law;
- The normal operation of Montana's existing Immunization Information System; or
- The ability of a nursing home, long-term care facility, or assisted living facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.

This Order is effective immediately.

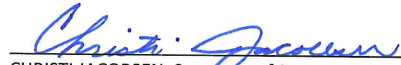


GIVEN under my hand and the GREAT SEAL of the State of Montana this 13th day of April, 2021



GREG GIANFORTE, Governor

ATTEST:



CHRISTI JACOBSEN, Secretary of State