

Montana Nurses Association



FOR IMMEDIATE RELEASE

March 18, 2022

Federal Court Grants Preliminary Injunction Against HB702, Holding It Is Pre-empted By Federal Law

HELENA—The Montana Nurses Association (“MNA”) released the following statement today after the United States District Court for the District of Montana, Missoula Division (Hon. Donald W. Molloy) granted MNA’s motion for a preliminary injunction against HB702, ruling it was preempted by federal law.

“Today’s ruling will ensure that nurses and healthcare providers in Montana are able to provide the best quality care to Montanans and ensure a safe workplace for nurses across the state,” said Vicky Byrd, MSN, RN, CEO of the Montana Nurses Association. **“The Court’s ruling puts healthcare decisions back in the hands of providers and patients, not the Montana legislature.”**

The Court’s ruling, attached, temporarily enjoins the State of Montana from enforcing HB702 against COVID-19 vaccine requirements in Montana healthcare facilities that receive Medicare or Medicaid Funding. The ruling only applies within those healthcare facilities.

HB701, passed by the Montana Legislature in 2021, prevents healthcare providers from providing certain reasonable accommodations to patients and healthcare workers based on immunization status. In late 2021, MNA and a coalition of doctors, healthcare providers, and patients sued, arguing that HB701 violated the Americans with Disabilities Act, the Occupational Safety and Health Act, and the Montana Constitution.

Last month, MNA and its partners asked the Court to declare that HB702 was preempted by the federal government’s COVID-19 vaccination requirement for healthcare facilities. The Court’s ruling grants MNA’s motion and comes on the heels of a hearing earlier this month.

MNA is represented by Raph Graybill of the Graybill Law Firm, PC.

📍 20 Old Montana State Highway ~ Clancy, MT 59634
📞 406-442-6710 📠 406-442-1841 🌐 www.mtnurses.org

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