

AUSTIN KNUDSEN



STATE OF MONTANA

October 14, 2021

**To: All Montanans**  
**From: Attorney General Austin Knudsen**  
**Re: Federal vaccine mandate and illegal vaccine discrimination**

There has been a great deal of confusion following President Biden's speech regarding vaccines and whether his speech trumps Montana law.

In a speech on September 9, the President announced that the Occupational Safety and Health Administration (OSHA) would issue an emergency temporary standard to compel certain private employers to force their employees to receive the vaccine. On October 12, the Biden administration said it has submitted the initial text of an emergency temporary standard rule to the Office of Management and Budget for review. **However, no such rule or regulation is currently in effect.**

Further, my office is preparing to immediately challenge and enjoin this federal overreach on a variety of grounds when the Biden administration issues its announced rule.

**Status of the law:**

House Bill 702 is the law in Montana, and it prohibits employers from discriminating against people based on their vaccination status. Two separate lawsuits have been filed attempting to rollback these protections for Montana workers, but these pro-discrimination lawsuits have not changed the law. **Discrimination based on vaccination status is illegal in Montana.**

**What to do if you are discriminated against:**

**Violators of the law can – and should – be held accountable.** Anyone suffering discrimination by an employer based on their vaccination status should immediately contact the Montana Department of Labor & Industry's Human Rights Bureau at 406-444-4356 or 1-800-542-0807. A formal complaint must be filed with the Bureau within 180 days of the alleged discriminatory action.

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