CLARIFICATION OF MCA 7-5-121

It is the intent of the Montana Association of Counties to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

WHEREAS MCA 7-5-121(2) states that Resolutions may not:
   (a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;
   (b) deny a customer of a private business the ability to access goods or services provided by the private business;

WHEREAS the legislature codified House Bill 257 in 2021 into MCA 7-5-121(2) in response to the covid pandemic; and

WHEREAS the intent of the bill sponsor was for this to prevent mask mandates and vaccination requirements from interfering with a customer’s access to businesses; and

WHEREAS the bill sponsor has stated it was not to apply to land use regulations; and

WHEREAS application of this statute to land use regulations is detrimental to counties and removes enforceability of long-standing zoning districts.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to clarify that MCA 7-5-121 does not apply to land use authorities or limit the enforcement of land use zoning regulations.

Sponsor: Gallatin County

Referred To: Health & Human Services Committee (HHS); and Land Use, Planning & Development Committee (LUPD)

 Adopted: Annual Conference – September 28, 2022