

1 SB307
2 209204-6
3 By Senators Gudger, Reed, Price, Elliott, Jones, Roberts,
4 Givhan, Barfoot and Waggoner
5 RFD: Healthcare
6 First Read: 04-MAR-21

8 SYNOPSIS: This bill would set minimum standards for
9 visitation when visitation may be limited due to a
10 public health emergency, subject to reasonable
11 restrictions.

12 This bill would also provide civil immunity
13 for health care facilities acting in accordance
14 with its provisions.

16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to health; to set minimum standards for
21 visitation when visitation may be limited due to a public
22 health emergency, subject to reasonable restrictions; and to
23 provide immunity for certain health care facilities.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Legislature finds that it is in the
26 best interests of the residents of Alabama to continue to have
27 access to their loved ones receiving acute care or residing in

1 long-term care facilities during a public health emergency and
2 that companionship with one's loved ones during that time can
3 provide support and peace of mind that positively impacts the
4 healing process.

5 Section 2. For the purposes of this act, the
6 following terms have the following meanings:

7 (1) HEALTH CARE FACILITY. A general acute care
8 hospital, long-term care facility, skilled nursing facility,
9 intermediate care facility, assisted living facility, or
10 specialty care assisted living facility.

11 (2) PUBLIC HEALTH EMERGENCY. A proclamation of the
12 Governor or a resolution of the Legislature as provided in
13 Section 31-9-3, Code of Alabama 1975.

14 Section 3. (a) During a declared state public health
15 emergency, a health care facility shall continue to allow
16 patients to receive visitors consistent with all applicable
17 federal laws and regulations of the Centers for Medicare and
18 Medicaid Services or Centers for Disease Control and
19 Prevention, or any limitations set by a state or federal
20 public health order.

21 (b) A health care facility may require the person
22 visiting a patient under this act to comply with all
23 reasonable safety protocols of the health care facility that
24 have been established to protect the health and safety of the
25 visitor, patients, and staff of the health care facility.
26 Accompaniment by a caregiver or visitation from a visitor
27 advocate shall be subject to reasonable restrictions imposed

1 on the caregiver or visitor advocate because of any of the
2 following:

3 (1) A patient's or resident's likelihood of exposing
4 someone to an infectious disease is not controllable despite
5 using reasonable safety practices, such as personal protective
6 equipment.

7 (2) A caregiver or visitor advocate actively
8 exhibiting symptoms relating to an infectious disease.

9 (3) Lack of adherence to proper infection control
10 practices.

11 (c) A health care facility shall follow all federal
12 laws and regulations that require notice to each patient of
13 his or her visitation rights. If there is any clinical
14 restriction or limitation of the right, the patient is
15 required to be informed of the limitations when he or she is
16 informed of his or her rights under this section. Visitation
17 may not be further restricted, limited, or otherwise denied on
18 the basis of race, color, national origin, religion, sex,
19 gender identity, sexual orientation, or disability.

20 Section 4. Nothing in this act shall expand, alter,
21 or amend visitation guidelines or regulations implemented or
22 enforced by the Centers for Medicare and Medicaid Services.

23 Section 5. A health care facility acting in good
24 faith compliance with this act shall be immune from civil
25 liability for any actions taken under this act.

1 Section 6. This act shall become effective
2 immediately upon its passage and approval by the Governor, or
3 its otherwise becoming law.