

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 668

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE PATIENT VISITATION RIGHTS ACT; AMENDING TITLE 39, IDAHO  
2 CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PRO-  
3 VIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, AND  
4 TO PROVIDE FOR PATIENT VISITATION RIGHTS; AND DECLARING AN EMERGENCY  
5 AND PROVIDING AN EFFECTIVE DATE.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended  
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
10 ter 97, Title 39, Idaho Code, and to read as follows:

11 CHAPTER 97

12 PATIENT VISITATION RIGHTS ACT

13 39-9701. SHORT TITLE. This chapter shall be known and may be cited as  
14 the "Patient Visitation Rights Act."

15 39-9702. LEGISLATIVE INTENT. It is the policy of this state that the  
16 preservation of relationships between patients and family members and asso-  
17 ciates is a priority considered essential to the preservation of the health  
18 and well-being of individuals and that a patient's need for visitation is a  
19 right that shall not be superseded by other government objectives.

20 39-9703. DEFINITIONS. As used in this chapter:

21 (1) "Care facility" means a hospice house, hospital, or nursing facil-  
22 ity.

23 (2) "Hospice house" shall have the meaning provided for in section  
24 39-1301(j), Idaho Code.

25 (3) "Hospital" shall have the meaning provided for in section  
26 39-1301(a), Idaho Code.

27 (4) "Normal visitation policy" means the visitation policy that was in  
28 effect at a facility on January 1, 2020.

29 (5) "Nursing facility" shall have the meaning provided for in section  
30 39-1301(b), Idaho Code.

31 39-9704. PATIENT VISITATION RIGHTS. (1) Notwithstanding any provi-  
32 sion of law or rule to the contrary, a care facility shall not restrict a  
33 patient's right to in-person visitation, subject to the guidelines, condi-  
34 tions, and limitations of the care facility's normal visitation policy. The  
35 in-person visitation rights specified in this section may not be made more  
36 restrictive or terminated, suspended, or waived by a care facility, the de-  
37 partment of health and welfare, or the governor, including during a period  
38 when a disaster or emergency has been declared.

1 (2) A care facility shall not require a patient to waive the visitation  
2 rights specified in this section.

3 (3) A care facility shall not impose any restriction upon visitation  
4 based on a visitor's vaccination status or require a visitor to receive a  
5 vaccination of any kind.

6 (4) A care facility may, consistent with the precautions required to be  
7 taken by staff and other personnel:

8 (a) Require a visitor to submit to health screenings necessary to pre-  
9 vent the spread of infectious diseases;

10 (b) Restrict a visitor who does not pass a health screening require-  
11 ment;

12 (c) Require a visitor to adhere to infection control procedures, in-  
13 cluding wearing personal protective equipment; and

14 (d) Limit the number of persons in a room at one time pursuant to occu-  
15 pancy laws and the normal visitation policy.

16 (5) Each care facility shall post in a conspicuous place on the licensed  
17 premises informational materials developed by the department of health and  
18 welfare explaining the rights specified in this section.

19 SECTION 2. An emergency existing therefor, which emergency is hereby  
20 declared to exist, this act shall be in full force and effect on and after  
21 July 1, 2022.