



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-0049/1

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2025 SENATE BILL 417

September 4, 2025 - Introduced by Senators JACQUE, NASS and TOMCZYK, cosponsored by Representatives WICHGERS, BRILL, BROOKS, GOEBEN, MURPHY, PIWOWARCZYK, BEHNKE, GUSTAFSON, KNODL, KREIBICH, MAXEY and ORTIZ-VELEZ. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT** *to amend* 146.95 (2) (b) (intro.); *to create* 50.083 and 50.373 of the
2 statutes; **relating to:** visitation of a long-term care facility resident or
3 hospital patient during a communicable disease outbreak.

Analysis by the Legislative Reference Bureau

Under this bill, if an assisted living facility, nursing home, or hospital limits visitors due to an outbreak or epidemic of a communicable disease, the assisted living facility, nursing home, or hospital must allow certain visits with residents or patients of the assisted living facility, nursing home, or hospital. Specifically, an assisted living facility or nursing home must allow at least one member of the clergy and, in compassionate care situations, such as when the resident is grieving or nearing end of life, an essential visitor to visit with a resident of the assisted living facility or nursing home. A hospital must allow at least one member of the clergy to visit with a patient if the patient is nearing end of life, grieving the death of a friend or family member, or experiencing a life-threatening condition. A hospital must allow at least one essential visitor to visit with a patient if the patient is nearing end of life or grieving the death of a friend or family member, or if the attending health care professional judges that the benefits of the essential visitor's presence outweighs the potential negative impacts that the essential visitor's presence might have on other patients, visitors, and staff in the hospital.

The bill defines an "essential visitor" as a resident's or patient's guardian or

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agent under an activated power of attorney for health care or as an individual designated by the resident or patient, or the resident's or patient's guardian or agent under a power of attorney, to visit and provide support to the resident or patient.

The bill allows an assisted living facility, nursing home, or hospital to deny visitation with a resident or patient by a member of the clergy or an essential visitor if 1) the member of the clergy or essential visitor refuses to comply with health and safety policies; 2) it is unknown if the member of the clergy or essential visitor is contagious with a communicable disease and adequate precautions are not available to prevent them from infecting others; 3) the resident or patient is known or suspected to be contagious with a communicable disease and adequate precautions are not available to prevent them from infecting others; or 4) the resident or patient does not wish to visit with the member of the clergy or essential visitor. In addition, the bill allows a hospital to deny visitation with a patient by a member of the clergy or an essential visitor if the hospital's policy requires the patient, or the patient's guardian or agent under an activated power of attorney for health care, to consent to the visitation and that consent has not been given or if the patient is in the custody of a law enforcement officer and the law enforcement officer refuses to allow access to the patient for visitation.

If the federal Centers for Disease Control and Prevention or the federal Centers for Medicare and Medicaid issues more restrictive visitation guidance, an assisted living facility, nursing home, or hospital may comply with that guidance instead of the visitation requirements under the bill. The bill allows an individual to file a complaint with the Department of Health Services against an assisted living facility, nursing home, or hospital that fails to comply with the bill. In addition, under the bill, a health care professional, assisted living facility, nursing home, or hospital or an employee, agent, or contractor of an assisted living facility, nursing home, or hospital is immune from civil or criminal liability for any act or omission while allowing visitation pursuant to the requirements of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 50.083 of the statutes is created to read:

50.083 Visitation by essential visitor or clergy during a communicable disease outbreak. (1) DEFINITIONS. In this section:

(a) "Assisted living facility" means a community-based residential facility, as

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1 defined in s. 50.01 (1g), a residential care apartment complex, as defined in s. 50.01
2 (6d), or an adult family home, as defined in s. 50.01 (1) (b).

3 (b) “Essential visitor” means any of the following:

4 1. An individual to visit and provide support to a resident in an assisted living
5 facility or nursing home who is designated by the resident or the resident’s
6 guardian or agent under an activated power of attorney for health care.

7 2. The guardian of an assisted living facility or nursing home resident or the
8 agent under an activated power of attorney for health care for an assisted living
9 facility or nursing home resident.

10 (c) “Member of the clergy” has the meaning given in s. 765.002 (1).

11 (d) “Nursing home” has the meaning given in s. 50.01 (3).

12 **(2) APPLICABILITY.** At any time an assisted living facility or a nursing home
13 limits visitors due to an outbreak or epidemic of a communicable disease in the
14 community in which the assisted living facility or nursing home is located, the
15 assisted living facility or nursing home shall conform its visitation policy to this
16 section.

17 **(3) ASSISTED LIVING FACILITY AND NURSING HOME VISITATION DURING A**
18 **COMMUNICABLE DISEASE OUTBREAK.** (a) 1. Subject to pars. (b) and (c), each assisted
19 living facility and nursing home shall allow at least one essential visitor, who
20 agrees to comply with any public health policies and infection prevention and
21 control protocols of the assisted living facility or nursing home, to enter the assisted
22 living facility or nursing home to visit a resident in compassionate care situations,
23 including any of the following:

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1 a. The resident has recently been admitted to the assisted living facility or
2 nursing home and is experiencing difficulty in adjusting to the change in
3 environment and lack of family presence.

4 b. The resident is grieving the recent death of a friend or family member.

5 c. The resident is nearing end of life.

6 d. In the judgment of the attending health care professional, as defined in s.
7 154.01 (1r), the benefits of the presence of the essential visitor outweighs the
8 potential negative impacts that the essential visitor's presence might have on other
9 patients, visitors, and staff in the assisted living facility or nursing home.

10 2. Subject to par. (b), each assisted living facility and nursing home shall allow
11 at least one member of the clergy to visit with a resident of the assisted living
12 facility or nursing home.

13 (b) An assisted living facility or a nursing home may deny visitation with a
14 resident to a member of the clergy or essential visitor if any of the following applies:

15 1. The member of the clergy or essential visitor refuses to comply with any
16 policies of the assisted living facility or nursing home that are in place to protect the
17 health and safety of the member of the clergy or essential visitor, other visitors,
18 residents, and staff in the assisted living facility or nursing home.

19 2. It is unknown if the member of the clergy or essential visitor is contagious
20 with a communicable disease that poses a substantial risk to others and adequate
21 precautions are not available to reasonably prevent the member of the clergy or
22 essential visitor from infecting others at the assisted living facility or nursing home.

23 3. The resident is known or suspected to be contagious with a communicable

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1 disease that poses a substantial risk to others and adequate precautions are not
2 available to reasonably prevent the member of the clergy or essential visitor from
3 becoming infected by the resident.

4 4. The resident has expressed that the resident does not wish to visit with the
5 member of the clergy or essential visitor.

6 (c) If the federal centers for disease control and prevention or the federal
7 centers for medicare and medicaid services issues guidance that is more restrictive
8 in allowing visitation than par. (a), an assisted living facility or nursing home may
9 comply with that guidance instead of complying with par. (a).

10 (4) COMPLAINTS. An individual may file a complaint with the department
11 against an assisted living facility or a nursing home for failure to comply with this
12 section.

13 (5) IMMUNITY. A health care professional, assisted living facility, nursing
14 home, or employee, agent, or contractor of an assisted living facility or nursing
15 home is immune from any civil or criminal liability for any act or omission while
16 allowing visitation pursuant to sub. (3) (a).

17 **SECTION 2.** 50.373 of the statutes is created to read:

18 **50.373 Visitation by essential visitor or clergy during a**
19 **communicable disease outbreak. (1) DEFINITIONS.** In this section:

20 (a) "Essential visitor" means any of the following:

21 1. An individual to visit and provide support to a patient in a hospital who is
22 designated by the patient or the patient's guardian or agent under an activated
23 power of attorney for health care.

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1 2. The guardian of a patient in a hospital or the agent under an activated
2 power of attorney for health care of a patient in a hospital.

3 (b) "Hospital" has the meaning given in s. 50.33 (2).

4 (c) "Member of the clergy" has the meaning given in s. 765.002 (1).

5 **(2) APPLICABILITY.** At any time a hospital limits visitors due to an outbreak or
6 epidemic of a communicable disease in the community in which the hospital is
7 located, the hospital shall conform its visitation policy to this section.

8 **(3) HOSPITAL VISITATION DURING A COMMUNICABLE DISEASE OUTBREAK.** (a) A
9 hospital shall allow the following visitations, except as provided in pars. (b) and (c):

10 1. At least one member of the clergy may visit a patient to pray with the
11 patient or offer spiritual support for the patient in any of the following situations:

12 a. The patient is nearing end of life.

13 b. The patient is grieving the recent death of a friend or family member and
14 has requested spiritual support.

15 c. The patient is experiencing a life-threatening condition identified in the
16 hospital's visitation policy and has requested spiritual support.

17 2. At least one essential visitor may visit a patient in any of the following
18 situations:

19 a. The patient is nearing end of life.

20 b. The patient is grieving the recent death of a friend or family member.

21 c. In the judgment of the attending health care professional, as defined in s.
22 154.01 (1r), the benefits of the presence of the essential visitor outweighs the

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1 potential negative impacts that the essential visitor's presence might have on other
2 patients, visitors, and staff in the hospital.

3 (b) A hospital may deny visitation with a patient to a member of the clergy or
4 an essential visitor if any of the following applies:

5 1. The member of the clergy or essential visitor refuses to comply with any
6 policies of the hospital that are in place to protect the health and safety of the
7 member of the clergy or essential visitor, other visitors, patients, and staff in the
8 hospital.

9 2. It is unknown if the member of the clergy or essential visitor is contagious
10 with a communicable disease that poses a substantial risk to others and adequate
11 precautions are not available to reasonably prevent the member of the clergy or
12 essential visitor from infecting others at the hospital.

13 3. The patient is known or suspected to be contagious with a communicable
14 disease that poses a substantial risk to others and adequate precautions are not
15 available to reasonably prevent the member of the clergy or essential visitor from
16 becoming infected by the patient.

17 4. The patient has expressed that the patient does not wish to visit with the
18 member of the clergy or essential visitor.

19 5. The hospital's policy requires the patient, or the patient's guardian or
20 agent under an activated power of attorney for health care, to consent to the
21 visitation and that consent has not been given.

22 6. The patient is in the custody of a law enforcement officer and the law
23 enforcement officer refuses to allow access to the patient for the visitation.

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(c) If the federal centers for disease control and prevention or the federal centers for medicare and medicaid services issues guidance that is more restrictive in allowing visitation than par. (a), a hospital may comply with that guidance instead of complying with par. (a).

(4) COMPLAINTS. An individual may file a complaint with the department against a hospital for failure to comply with this section.

(5) IMMUNITY. A health care professional, hospital, or employee, agent, or contractor of a hospital is immune from any civil or criminal liability for any act or omission while allowing visitation pursuant to sub. (3) (a).

SECTION 3. 146.95 (2) (b) (intro.) of the statutes is amended to read:

146.95 **(2)** (b) (intro.) Subject to s. 51.61 for a treatment facility, and except as provided in ss. 50.083 and 50.373, an inpatient health care facility may deny visitation with a patient to any person if any of the following applies:

(END)