

AN ACT

relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The purpose of Chapter 260C, Health and Safety Code, as added by this Act, is to protect the religious liberty of each patient or resident of a health care facility and to protect health care facilities from costly lawsuits and administrative complaints based on religious discrimination by allowing patients and residents to receive in-person visitation with a religious counselor, provided that the health care facilities ensure compliance with health and safety requirements.

SECTION 2. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260C to read as follows:

CHAPTER 260C. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR

Sec. 260C.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means:

(A) a home and community support services agency licensed under Chapter 142;

(B) a hospital licensed under Chapter 241;

(C) a nursing facility licensed under Chapter 242;

(D) a continuing care facility regulated under

1 Chapter 246;

2 (E) an assisted living facility licensed under

3 Chapter 247; or

4 (F) a special care facility licensed under

5 Chapter 248.

6 (2) "Public health emergency" means:

7 (A) a state of disaster or local disaster

8 declared under Chapter 418, Government Code; or

9 (B) a public health disaster as defined by

10 Section 81.003.

11 (3) "Religious counselor" means an individual acting

12 substantially in a pastoral or religious capacity to provide

13 spiritual counsel to other individuals.

14 Sec. 260C.002. IN-PERSON VISITATION WITH RELIGIOUS

15 COUNSELOR. (a) A health care facility may not prohibit a resident or

16 patient of the facility from receiving in-person visitation with a

17 religious counselor during a public health emergency on the request

18 of:

19 (1) the patient or resident; or

20 (2) if the patient or resident is incapacitated, the

21 patient's or resident's legally authorized representative,

22 including a family member of the patient or resident.

23 (b) Notwithstanding Subsection (a), the executive

24 commissioner by rule shall develop guidelines to assist health care

25 facilities in establishing in-person religious counselor

26 visitation policies and procedures. The guidelines must:

27 (1) establish minimum health and safety requirements

1 for in-person visitation with religious counselors;

2 (2) allow health care facilities to adopt reasonable  
3 time, place, and manner restrictions on in-person visitation with  
4 religious counselors to:

5 (A) mitigate the spread of a communicable  
6 disease; and

7 (B) address the patient's or resident's medical  
8 condition;

9 (3) provide special consideration to patients and  
10 residents who are receiving end-of-life care; and

11 (4) allow health care facilities to condition  
12 in-person visitation with religious counselors on the counselor's  
13 compliance with guidelines, policies, and procedures established  
14 under this subsection.

15 (c) A health care facility may prohibit in-person  
16 visitation with a religious counselor during a public health  
17 emergency if federal law or a federal agency requires the health  
18 care facility to prohibit in-person visitation during that period.

19 SECTION 3. As soon as practicable after the effective date  
20 of this Act, the executive commissioner of the Health and Human  
21 Services Commission by rule shall establish the guidelines required  
22 by Section 260C.002, Health and Safety Code, as added by this Act.

23 SECTION 4. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2021.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 572 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 572 passed the House, with amendments, on May 20, 2021, by the following vote: Yeas 146, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor