

1-1 By: Springer S.B. No. 572
 1-2 (In the Senate - Filed February 2, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 8, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 8, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to members of the clergy who are employed or voluntarily
 1-20 enter inpatient health care facilities to minister during a state
 1-21 of disaster, emergency, or epidemic.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The purpose of this section is to protect the
 1-24 religious liberty of each patient or resident and to protect
 1-25 inpatient health care facilities from costly lawsuits and
 1-26 administrative complaints on the basis of religious discrimination
 1-27 by affording patient or resident access to members of the clergy
 1-28 provided that those members of the clergy enter the inpatient
 1-29 health care facility and comply with the safety requirements of the
 1-30 facility in order to visit and minister to the patient or resident.

1-31 SECTION 2. Chapter 81, Health and Safety Code, is amended by
 1-32 adding Section 89.010 to read as follows:

1-33 Sec. 81.010. DEFINITIONS. In this section:

1-34 (1) "Inpatient health care facilities" means all of
 1-35 the following:

1-36 (A) A hospital licensed pursuant to Chapter 241,
 1-37 Health and Safety Code.

1-38 (B) A nursing home, nursing facility, or skilled
 1-39 nursing facility licensed pursuant to Chapter 242, Health and
 1-40 Safety Code.

1-41 (C) A continuing care facility, as defined in
 1-42 Chapter 246, Health and Safety Code.

1-43 (D) An assisted living facility, as defined in
 1-44 Chapter 247, Health and Safety Code.

1-45 (E) A special care facility, as defined in
 1-46 Chapter 248, Health and Safety Code.

1-47 (2) "Patient" means the patient of the hospital or the
 1-48 legal or designated representative of the patient.

1-49 (3) "Resident" means a person who resides or receives
 1-50 services at a nursing home, nursing facility, skilled nursing
 1-51 facility, a continuing care facility, an assisted living facility,
 1-52 or a special care facility or the legal or designated
 1-53 representative of the resident.

1-54 (4) "Public health emergency" means a state of
 1-55 disaster that is declared pursuant to the Texas Disaster Act,
 1-56 Chapter 418, Government Code, or a state of public health disaster
 1-57 imposed in accordance with Section 81.082(d), Texas Health and
 1-58 Safety Code.

1-59 Sec. 81.0101. VISITATION BY MEMBERS OF CLERGY DURING
 1-60 DECLARED STATE OF DISASTER, EMERGENCY, OR EPIDEMIC. (a) The
 1-61 executive commissioner shall promulgate rules, pursuant to the

2-1 Administrative Procedure Act, Chapter 2001, Government Code, to
2-2 require inpatient health care facilities to allow members of the
2-3 clergy to visit patients or residents during a public health
2-4 emergency whenever a patient or resident requests such a visit.
2-5 Special consideration shall be given to patients or residents
2-6 receiving end-of-life care.

2-7 (b) The rules shall include but not be limited to
2-8 definitions, minimum requirements, and provisions to protect the
2-9 health, safety, and welfare of the patients or residents and the
2-10 staff of the inpatient health care facility.

2-11 (c) The rules shall allow inpatient health care facilities
2-12 to adopt reasonable time, place, and manner restrictions on patient
2-13 or resident visitation that are implemented for the purpose of
2-14 mitigating the possibility of transmission of any infectious agent
2-15 or disease or to address the medical condition or clinical
2-16 considerations of an individual patient or resident.

2-17 (d) The rules promulgated pursuant to this section shall be
2-18 preempted by any federal statute, federal regulation, or guidance
2-19 from a federal government agency that requires an inpatient health
2-20 care facility to restrict patient visitation in a manner that is
2-21 more restrictive than the rules adopted by the Texas Department of
2-22 State Health Services pursuant to this section.

2-23 SECTION 3. Nothing in this Act shall be interpreted to
2-24 prohibit or restrict any inpatient health care facility from
2-25 allowing clergy to visit or minister to patients or residents in a
2-26 manner deemed appropriate by the inpatient health care facility
2-27 prior to the effective date of the rules which are to be implemented
2-28 by the Texas Department of State Health Services.

2-29 SECTION 4. This Act takes effect immediately if it receives
2-30 a vote of two-thirds of all the members elected to each house, as
2-31 provided by Section 39, Article III, Texas Constitution. If this
2-32 Act does not receive the vote necessary for immediate effect, this
2-33 Act takes effect September 1, 2021.

2-34 * * * * *