87R8399 SRA-D

By:  Slaton H.B. No. 2729

A BILL TO BE ENTITLED

AN ACT

relating to in-person visitation of an immediate family member or religious counsel with seriously ill or dying hospital patients and facility residents.

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

SECTION 1.  Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.012 to read as follows:

Sec. 241.012.  IN-PERSON VISITATION OF IMMEDIATE FAMILY MEMBER OR RELIGIOUS COUNSEL. (a) In this section:

(1)  "Immediate family member" means an individual who is related to a person within the second degree by affinity or consanguinity, as determined under Chapter 573, Government Code.

(2)  "Religious counsel" means an individual acting substantially in a pastoral or religious capacity to counsel other individuals.

(b)  A hospital may not prohibit in-person visitation, including visitation during a state of disaster declared under Chapter 418, Government Code, of the following individuals with a patient at the hospital who is seriously ill or dying:

(1)  an immediate family member of the patient; or

(2)  religious counsel.

(c)  Notwithstanding Subsection (b), a hospital may require the immediate family member or religious counsel to:

(1)  submit to a health screening administered by the hospital; and

(2)  wear personal protective equipment at all times while visiting a patient at the hospital.

(d)  In the event of a conflict between this section and any other law, this section prevails.

SECTION 2.  Subchapter L, Chapter 242, Health and Safety Code, is amended by adding Section 242.506 to read as follows:

Sec. 242.506.  IN-PERSON VISITATION OF IMMEDIATE FAMILY MEMBER OR RELIGIOUS COUNSEL. (a) In this section:

(1)  "Immediate family member" means an individual who is related to a person within the second degree by affinity or consanguinity, as determined under Chapter 573, Government Code.

(2)  "Religious counsel" means an individual acting substantially in a pastoral or religious capacity to counsel other individuals.

(b)  A facility may not prohibit in-person visitation, including visitation during a state of disaster declared under Chapter 418, Government Code, of the following individuals with a resident of the facility who is seriously ill or dying:

(1)  an immediate family member of the patient; or

(2)  religious counsel.

(c)  Notwithstanding Subsection (b), a facility may require the immediate family member or religious counsel to:

(1)  submit to a health screening administered by the facility; and

(2)  wear personal protective equipment at all times while visiting a resident at the facility.

(d)  In the event of a conflict between this section and any other law, this section prevails.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.