

By: Slaton

H.B. No. 2729

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to in-person visitation of an immediate family member or  
3 religious counsel with seriously ill or dying hospital patients and  
4 facility residents.

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

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

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

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

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

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

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

21 (2) religious counsel.

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

24 (1) submit to a health screening administered by the

1 hospital; and

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

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

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

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

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

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

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

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

21 (2) religious counsel.

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

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

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

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

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