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3 CONFERENCE COMMITTEE SUBSTITUTE FOR HB521  
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8 SYNOPSIS: This bill would set minimum standards for  
9 visitation at a health care facility when  
10 visitation may be limited due to a public health  
11 emergency, subject to reasonable restrictions.

12 This bill would also provide civil immunity,  
13 in certain circumstances, for a health care  
14 facility that allows visitation pursuant to this  
15 act.  
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17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
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21 Relating to health; to set minimum standards for  
22 visitation at a health care facility when visitation may be  
23 limited due to a public health emergency, subject to  
24 reasonable restrictions; and to provide civil immunity, in  
25 certain circumstances, for a health care facility.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. This act shall be known and may be cited  
2 as the Harold Sachs Act.

3           Section 2. (a) The Legislature finds that it is in  
4 the best interests of the residents of Alabama to continue to  
5 have access to their loved ones receiving acute care or  
6 residing in long-term care facilities during a public health  
7 emergency and that companionship with one's loved ones during  
8 that time can provide support and peace of mind that  
9 positively impacts the healing process.

10           (b) The Legislature also finds that Representative  
11 Debbie Wood, whose mother, Peggy Hamby, succumbed to COVID-19,  
12 is forever remembered by the Alabama Legislature in the spirit  
13 of this bill. This bill represents Mrs. Hamby and the  
14 countless Alabamians who tragically lost relatives and loved  
15 ones during the COVID-19 pandemic.

16           Section 3. For the purposes of this act, the  
17 following terms have the following meanings:

18           (1) HEALTH CARE FACILITY. A general acute care  
19 hospital, long-term care facility, skilled nursing facility,  
20 intermediate care facility, assisted living facility, or  
21 specialty care assisted living facility.

22           (2) PUBLIC HEALTH EMERGENCY. A proclamation of the  
23 Governor or a resolution of the Legislature as provided in  
24 Section 31-9-3, Code of Alabama 1975.

25           Section 4. (a) During a declared state public health  
26 emergency, a health care facility shall continue to allow  
27 patients to receive visitors consistent with all applicable

1 federal laws, regulations, and guidelines of the Centers for  
2 Medicare and Medicaid Services or Centers for Disease Control  
3 and Prevention, or any limitations set by a state or federal  
4 public health order.

5 (b) A health care facility may require the person  
6 visiting a patient under this act to comply with all  
7 reasonable safety protocols of the health care facility that  
8 have been established to protect the health and safety of the  
9 visitor, patients, and staff of the health care facility.  
10 Accompaniment by a caregiver or visitation from a visitor  
11 advocate shall be subject to reasonable restrictions imposed  
12 on the caregiver or visitor advocate because of any of the  
13 following:

14 (1) A patient's or resident's likelihood of exposing  
15 someone to an infectious disease is not controllable despite  
16 using reasonable safety practices, such as personal protective  
17 equipment.

18 (2) A caregiver or visitor advocate actively  
19 exhibiting symptoms relating to an infectious disease.

20 (3) Lack of adherence to proper infection control  
21 practices.

22 (c) A health care facility shall follow all federal  
23 laws and regulations that require notice to each patient of  
24 his or her visitation rights. If there is any clinical  
25 restriction or limitation of the right, the patient is  
26 required to be informed of the limitations when he or she is  
27 informed of his or her rights under this section. Visitation

1 may not be further restricted, limited, or otherwise denied on  
2 the basis of race, color, national origin, religion, sex,  
3 gender identity, sexual orientation, or disability.

4 Section 5. Nothing in this act shall expand, alter,  
5 or amend visitation guidelines or regulations implemented or  
6 enforced by the Centers for Medicare and Medicaid Services.

7 Section 6. Notwithstanding any of the foregoing,  
8 healthcare facilities shall, at all times, allow family or  
9 caregiver presence for the following:

10 (1) End-of-life care, including clergy visitation  
11 for end-of-life care.

12 (2) Support for patients with disabilities, to  
13 include cognitive or developmental disabilities, where  
14 presence of the family or caregiver is integral to the  
15 patient's clinical care.

16 (3) Pediatric care where the parent or legal  
17 guardian is required to be present.

18 Section 7. During the pendency of a public health  
19 emergency, a health care facility shall not be liable for any  
20 damages, injury, or death based on a claim of negligence  
21 connected to the exposure or potential exposure to any virus,  
22 disease, infection, or like contagion relating to allowing  
23 visitation pursuant to this act. To be afforded this  
24 protection, a health care facility shall follow any applicable  
25 protocol related to visitors set forth in federal or state  
26 regulations, and any applicable emergency health order or  
27 directive.

1                   Section 8. This act shall become effective  
2           immediately upon its passage and approval by the Governor, or  
3           its otherwise becoming law.