

1 HB521
2 209204-7
3 By Representatives Wood (D), Mooney and Estes
4 RFD: Health
5 First Read: 09-MAR-21

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to health; to set minimum standards for
9 visitation when visitation may be limited due to a public
10 health emergency, subject to reasonable restrictions; and to
11 provide immunity for certain health care facilities.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The Legislature finds that it is in the
14 best interests of the residents of Alabama to continue to have
15 access to their loved ones receiving acute care or residing in
16 long-term care facilities during a public health emergency and
17 that companionship with one's loved ones during that time can
18 provide support and peace of mind that positively impacts the
19 healing process.

20 Section 2. For the purposes of this act, the
21 following terms have the following meanings:

22 (1) HEALTH CARE FACILITY. A general acute care
23 hospital, long-term care facility, skilled nursing facility,
24 intermediate care facility, assisted living facility, or
25 specialty care assisted living facility.

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

4 Section 3. (a) During a declared state public health
5 emergency, a health care facility shall continue to allow
6 patients to receive visitors consistent with all applicable
7 federal laws and regulations of the Centers for Medicare and
8 Medicaid Services or Centers for Disease Control and
9 Prevention, or any limitations set by a state or federal
10 public health order.

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

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

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

26 (3) Lack of adherence to proper infection control
27 practices.

1 (c) A health care facility shall follow all federal
2 laws and regulations that require notice to each patient of
3 his or her visitation rights. If there is any clinical
4 restriction or limitation of the right, the patient is
5 required to be informed of the limitations when he or she is
6 informed of his or her rights under this section. Visitation
7 may not be further restricted, limited, or otherwise denied on
8 the basis of race, color, national origin, religion, sex,
9 gender identity, sexual orientation, or disability.

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

13 ~~Section 5. A health care facility acting in good~~
14 ~~faith compliance with this act shall be immune from civil~~
15 ~~liability for any actions taken under this act.~~

16 This act only applies to visitation during a
17 pandemic related to severe acute respiratory syndrome
18 coronavirus 2 (SARS-CoV-2) and any variants or mutation
19 thereof, and is limited to the laws, rules, and regulations
20 adopted pursuant to that pandemic.

21 Section 6. This act shall become effective
22 immediately upon its passage and approval by the Governor, or
23 its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 09-MAR-21

Read for the second time and placed
on the calendar 1 amendment 01-APR-21

Read for the third time and passed
as amended..... 07-APR-21

Yeas 82, Nays 5, Abstains 1

Jeff Woodard
Clerk