

SENATE BILL NO. 308

INTRODUCED BY K. BOGNER, J. CARLSON

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PATIENT VISITATION RIGHTS; PROVIDING THAT PATIENTS IN CARE FACILITIES HAVE A RIGHT TO A MINIMUM OF 2 HOURS OF IN-PERSON VISITATION PER DAY; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; AND REQUIRING CARE FACILITIES TO NOTIFY PATIENTS OF THEIR VISITATION RIGHTS."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Patient Visitation Rights Act".

NEW SECTION. Section 2. Legislative intent. It is the intent of the legislature that:

(1) preservation of relationships between a patient and the patient's family members and associates is essential to the health and well-being of the patient; and

(2) a patient's need for visitation is a right that may not be superseded by other government objectives.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Care facility" means a hospice, hospital, or long-term care facility.

(2) "Hospice" has the meaning provided in 50-5-101.

(3) "Hospital" means a hospital or critical access hospital as those terms are defined in 50-5-101.

(4) "Long-term care facility" has the meaning provided in 50-5-101.

(5) "Patient" means an individual receiving services from a care facility.

NEW SECTION. Section 4. Patient visitation rights. (1) A patient has a right to a minimum of 2

1 hours of in-person visitation a day, which, subject to clinical and safety restrictions, may not be limited to one  
2 visitor a day, restricted, terminated, suspended, or waived by a care facility, the department of public health and  
3 human services, or the governor, including during a state of emergency or disaster declared by the governor.

4 (2) A care facility may not:

5 (a) require a patient to waive the visitation rights specified in this section; or

6 (b) subject to 49-2-312 and 49-2-313, impose a restriction on visitation based on a visitor's  
7 vaccination status or require a visitor to receive a vaccination.

8 (3) A care facility may, consistent with the precautions required to be taken by staff and other  
9 personnel:

10 (a) require a visitor to submit to health screenings necessary to prevent the spread of infectious  
11 diseases;

12 (b) restrict a visitor who does not pass health screening requirements;

13 (c) require a visitor to adhere to infection control procedures, including wearing personal protective  
14 equipment; and

15 (d) limit the number of persons in a room at one time pursuant to occupancy laws.

16 (4) A care facility shall post in a conspicuous place on the premises of the care facility  
17 informational materials developed by the department of public health and human services explaining the rights  
18 specified in this section.

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20 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be  
21 codified as a new part in Title 50, chapter 5, and the provisions of Title 50, chapter 5, apply to [sections 1  
22 through 4].

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