

By: Representative Hale

To: Public Health and Human Services

HOUSE BILL NO. 40

1 AN ACT TO CREATE THE HEALTH CARE FACILITY RIGHT TO VISIT ACT
 2 TO PREVENT ALL HEALTH CARE FACILITIES THAT ARE LICENSED BY OR HAVE
 3 RECEIVED A CERTIFICATE OF NEED FROM THE DEPARTMENT OF HEALTH FROM
 4 INSTITUTING ANY POLICY THAT LIMITS PATIENTS' ABILITIES TO BE
 5 VISITED BY DESIGNATED FAMILY MEMBERS OR FRIENDS DURING ANY
 6 HOSPITALIZATION OR TREATMENT; TO ALLOW THE FACILITIES TO IMPOSE
 7 REASONABLE SAFETY REQUIREMENTS; TO PROVIDE THAT NO FACILITY SHALL
 8 BE HELD LIABLE FOR DAMAGES IN AN ACTION INVOLVING A LIABILITY
 9 CLAIM AGAINST SUCH FACILITY ARISING FROM THE FACILITY'S COMPLIANCE
 10 WITH THE ACT; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) This section shall be known and may be cited
 13 as the "Health Care Facility Right to Visit Act."

14 (2) A long-term care facility, skilled nursing facility,
 15 hospital, rehabilitation hospital, continuing care retirement
 16 community or any other health care facility that is licensed by or
 17 has received a certificate of need from the State Department of
 18 Health shall not institute any policy that limits patients'
 19 abilities to be visited by designated family members or friends
 20 during any hospitalization or treatment that lasts for a period
 21 exceeding twenty-four (24) hours, including during a declared
 22 public health emergency. Such facilities shall not be prevented



23 from imposing reasonable safety requirements relating to the
24 physical presence of such designated family members or friends in
25 the facility, provided that at least two (2) such designated
26 family members or friends are authorized for visitation of no less
27 than two (2) hours per day.

28 (3) No facility shall be held liable for damages in an
29 action involving a liability claim against such facility arising
30 from the facility's compliance with the provisions of this
31 section.

32 (4) The immunity set forth in subsection (3) of this section
33 shall be in addition to any other immunity protections that may
34 apply in state or federal law.

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2024.

