STATE OF NEW YORK

6809

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. CHANDLER-WATERMAN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing an exception to hospital visitation rules for members of the clergy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 2805-qq to read as follows:

§ 2805-qq. Hospital visitation by clergy. 1. No patient shall be denied visitation by a clergy member from his or her religious entity's established congregation, provided:

(a) the patient, or the patient's legal representative if the patient is unable to express his or her wishes, requests or consents to such visitation;

(b) such visitation is consistent with the hospital's ability to receive visitors at the time of the visitation and on the unit in which the patient is hospitalized;

(c) such visitation does not interfere with the treatment of the patient or of other patients; and

(d) such visitation does not pose a health or safety risk to the patient or other individuals present at the hospital, including hospital personnel and other patients.

2. If the hospital's policy restricts the number of visitors a patient may have at one time, the presence of a single clergy member at the patient's bedside along with the maximum specified number of other visitors shall not be deemed a violation of such policy, provided the visit does not exceed one hour.

3. In the event the patient suffers a life-threatening emergency or is at the end of the patient's life, a clergy member from his or her religious entity's established congregation may visit the patient at any

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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hour, provided such visitation complied with the provisions of subdivision one of this section except as to normal hours of visitation.

4. Nothing in this section shall be construed to:

(a) prevent a hospital from restricting visitation by any person when such visitation would pose a health or safety risk to the patient or other individuals present at the hospital, including hospital personnel and other patients;

(b) prevent a hospital from restricting visitation by any person in hospital areas in which no visitation or restricted visitation is allowed, including, but not limited to transmissible disease units and burn units;

(c) prevent a hospital from requiring the clergy member to provide identification and take any other measures the hospital requires for visitation; or

(d) require any member of the clergy to provide visitation as described in this section.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.