

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:

1 Section 1. The public health law is amended by adding a new section
2 2805-qq to read as follows:

3 § 2805-qq. Hospital visitation by clergy. 1. No patient shall be
4 denied visitation by a clergy member from his or her religious entity's
5 established congregation, provided:

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

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

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

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

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

22 3. In the event the patient suffers a life-threatening emergency or
23 is at the end of the patient's life, a clergy member from his or her
24 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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1 hour, provided such visitation complied with the provisions of subdivi-
2 sion one of this section except as to normal hours of visitation.

3 4. Nothing in this section shall be construed to:

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

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

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

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

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