

1 SENATE BILL NO. 308

2 INTRODUCED BY K. BOGNER, J. CARLSON

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

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

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

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

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

17 (2) a patient's need for visitation is a right that may not be superseded by other government  
18 objectives, except as provided in [section 4].

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

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

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

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

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

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

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**Amendment - 1st Reading-white - Requested by: Kenneth Bogner - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Madelyn Krezowski, (406) 444-6857

SB0308.001.001

1            NEW SECTION. **Section 4. Patient visitation rights.** (1) A patient has a right to a minimum of 2  
2 hours of in-person visitation a day, which, subject to clinical and safety restrictions, may not be limited to one  
3 visitor a day, restricted, terminated, suspended, or waived by a care facility, the department of public health and  
4 human services, or the governor, including during a state of emergency or disaster declared by the governor.

5            (2) A care facility may not:

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

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

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

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

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

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

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

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

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

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