

Amendment No. 1 to SB1641

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1641*

House Bill No. 1883

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 34-6-206, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) Except as provided in subdivisions (b)(2), (b)(4), and (b)(5), an attorney in fact designated to make healthcare decisions under a durable power of attorney for health care has a right to in-person visitation with the principal at a hospital where the principal is located to evaluate the principal's condition. A hospital shall permit the attorney in fact to conduct no less than one (1) in-person visit with the principal during the hospital's regular visitation hours each day the principal is in the hospital. The hospital shall make a reasonable effort to ensure that each visit is a minimum of one (1) hour in duration.

(2) A hospital may require that an attorney in fact who is entering the hospital's premises for purposes of visitation pursuant to subdivision (b)(1) submit to non-invasive health and safety protocols.

(3) Except as provided in subdivisions (b)(4) and (b)(5), the visitation right specified in subdivision (b)(1) must not be terminated, suspended, waived, or otherwise limited upon the declaration of a disaster or emergency by the hospital, the governor or the governor's designee, or by another individual or entity acting on behalf of this state or a political subdivision of this state.

(4) The visitation right specified in subdivision (b)(1) does not apply to a principal who, while in the hospital, is being detained by or is in the custody of a law enforcement officer, correctional officer, or hospital security personnel.

(5) The hospital may limit the visitation right specified in subdivision (b)(1) while the principal is undergoing a surgical or other invasive procedure.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 18, is amended by adding the following as a new section:

(a) Except as provided in subsections (b), (d), and (e), an agent designated to make healthcare decisions under a power of attorney for health care has a right to in-person visitation with the principal at a hospital where the principal is located to evaluate the principal's condition. A hospital shall permit the agent to conduct no less than one (1) in-person visit with the principal during the hospital's regular visitation hours each day the principal is in the hospital. The hospital shall make a reasonable effort to ensure that each visit is a minimum of one (1) hour in duration.

(b) A hospital may require that an agent who is entering the hospital's premises for purposes of visitation pursuant to subsection (a) submit to non-invasive health and safety protocols.

(c) Except as provided in subsections (d) and (e), the visitation right specified in subsection (a) must not be terminated, suspended, waived, or otherwise limited upon the declaration of a disaster or emergency by the hospital, the governor or the governor's designee, or by another individual or entity acting on behalf of this state or a political subdivision of this state.

(d) The visitation right specified in subsection (a) does not apply to a principal who, while in the hospital, is being detained by or is in the custody of a law enforcement officer, correctional officer, or hospital security personnel.

(e) The hospital may limit the visitation right specified in subdivision (b)(1) while the principal is undergoing a surgical or other invasive procedure.

(f) As used in this section, "hospital" has the same meaning as defined in § 68-11-201.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.