



State of Tennessee

PUBLIC CHAPTER NO. 766

SENATE BILL NO. 1641

By Pody, Haile, Hensley, Bowling, Jackson, Yager

Substituted for: House Bill No. 1883

By Capley, Lamberth, Richey, Hardaway, Eldridge, Moody, Davis, Russell, Moon, McCalmon, Barrett, Warner, Zachary, White, Littleton, Sherrell, Doggett, Helton-Haynes, Carringer, Burkhardt, Kumar, Hale

AN ACT to amend Tennessee Code Annotated, Title 34; Title 63 and Title 68, relative to patient visitation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

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) and (b)(4)-(6), 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)-(6), 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 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 principal may limit the visitation right specified in subdivision (b)(1) by:

(A) Indicating such limitation in the durable power of attorney for healthcare; or

(B) Notifying the healthcare provider orally or in writing that the principal declines a visit.

(5) 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.

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

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

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) and (d)-(f), 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)-(f), 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 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 principal may limit the visitation right specified in subsection (a) by:

(1) Indicating such limitation in the power of attorney for health care; or

(2) Notifying the healthcare provider orally or in writing that the principal declines a visit.

(e) 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.

(f) The hospital may limit the visitation right specified in subsection (a) while the principal is undergoing a surgical or other invasive procedure.

(g) 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.

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PASSED: April 10, 2024



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of April 2024



BILL LEE, GOVERNOR