



ACT #2023 - 24

1 1VWPZ3-3

2 By Senators Gudger, Roberts, Waggoner, Barfoot, Elliott,  
3 Williams, Chambliss, Kelley, Hovey, Sessions, Stutts, Bell,  
4 Albritton, Shelnut, Melson, Livingston, Scofield, Reed,  
5 Weaver, Givhan, Allen, Butler, Jones, Orr, Chesteen, Price,  
6 Carnley

7 RFD: Healthcare

8 First Read: 21-Mar-23

9





## SB113 Enrolled

1 Enrolled, An Act,

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4 Relating to health care facilities; to add Section  
5 22-21-437 to the Code of Alabama 1975; to require health care  
6 facilities to adopt certain visitation policies; to provide  
7 that patients have a right to certain visitation; to allow  
8 patients to designate an essential caregiver and to guarantee  
9 that caregiver certain visitation rights; to prohibit a health  
10 care facility from adopting a visitation policy that is more  
11 stringent than certain employee policies; to prohibit a health  
12 care facility from requiring visitors to show proof of  
13 vaccination or from prohibiting consensual physical contact  
14 between visitors and patients; to provide for the  
15 circumstances in which patients may not be denied visitors who  
16 are not essential caregivers; to require health care  
17 facilities to provide visitation policies to the Department of  
18 Public Health; to require the Department of Public Health to  
19 develop a mechanism for complaints; to provide certain  
20 immunity from liability in certain circumstances; to exempt  
21 certain psychiatric care facilities from the provisions of  
22 this bill; and to repeal Sections 22-21-430 through 22-21-436,  
23 Code of Alabama 1975, relating to hospital visitation during a  
24 public health emergency.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The Legislature finds that Representative  
27 Debbie Wood, whose mother, Peggy Hamby, succumbed to COVID-19,  
28 is forever remembered by the Alabama Legislature in the spirit



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29 of this bill. This bill represents Mrs. Hamby and the  
30 countless Alabamians who tragically lost relatives and loved  
31 ones during the COVID-19 pandemic.

32 Section 2. Section 22-21-437 is added to the Code of  
33 Alabama 1975, to read as follows:

34 §22-21-437

35 (a) This section shall be known and may be cited as the  
36 Harold Sachs and Anne Roberts Act.

37 (b) For the purposes of this section, the term "health  
38 care facility" means a general acute hospital, long-term care  
39 facility, skilled nursing facility, intermediate care  
40 facility, assisted living facility, or specialty care assisted  
41 living facility.

42 (c) A resident, client, or patient of a health care  
43 facility shall have the right to be visited by any individual  
44 of his or her choosing during the facility's visiting hours,  
45 subject to the requirements of the health care facility's  
46 policies and procedures, which shall be consistent with this  
47 section and established in accordance with subsection (d).

48 (d) No later than 30 days after the effective date of  
49 this act, each health care facility shall establish visitation  
50 policies and procedures. The policies and procedures must, at  
51 a minimum, include each of the following:

52 (1) Infection control and education policies for  
53 visitors.

54 (2) Screening, personal protective equipment, and other  
55 infection control protocols for visitors.

56 (3) The permissible length of visits and numbers of



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57 visitors in accordance with this section.

58 (4) Designation of an individual responsible for  
59 ensuring that staff adhere to the policies and procedures.

60 (e) (1) Safety-related policies and procedures may not  
61 be more stringent than those established for the facility's  
62 staff and may not require visitors to submit proof of any  
63 vaccination or immunization. The policies and procedures must  
64 allow consensual physical contact between a resident, client,  
65 or patient and the visitor.

66 (2) The policies and procedures shall allow any visitor  
67 who is 18 years of age or younger to be accompanied by an  
68 adult during visitation.

69 (f) (1) A resident, client, or patient may designate a  
70 visitor who is a family member, friend, guardian, or other  
71 individual as an essential caregiver. The resident, client, or  
72 patient may designate a different essential caregiver each  
73 day, if he or she chooses. Additionally, he or she may  
74 establish a rotation designating who his or her essential  
75 caregiver will be on a given day. The health care facility  
76 shall allow in-person visitation by the essential caregiver  
77 for at least two hours daily in addition to any other  
78 visitation authorized by the facility. This subsection does  
79 not require an essential caregiver to provide necessary care  
80 to a resident, client, or patient of a facility, and  
81 facilities may not require an essential caregiver to provide  
82 such care.

83 (2)a. If a patient, client, or resident is  
84 incapacitated and unable to designate an essential caregiver,



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85 one of the following shall appoint an essential caregiver on  
86 behalf of the patient, client, or resident, in the following  
87 order of priority:

88 1. The individual's guardian, as defined by Section  
89 26-2A-20.

90 2. The individual's durable power of attorney, as  
91 provided in Section 26-1-2.

92 b. If the individual does not have a guardian or a  
93 durable power of attorney, a family member shall appoint an  
94 essential caregiver on behalf of the patient, client, or  
95 resident, in the following order of priority:

96 1. The individual's spouse.

97 2. The individual's child or children, provided the  
98 child or children has reached 19 years of age or older.

99 3. The individual's parent or parents.

100 4. The individual's sibling or siblings.

101 c. An individual appointing an essential caregiver on  
102 behalf of an incapacitated patient, client, or resident may  
103 appoint a caregiver in the same manner as provided in  
104 subdivision (1).

105 (3) Health care facilities shall allow a resident,  
106 client, or patient to have in-person visitation with a member  
107 of the clergy in the same manner that visitation is provided  
108 to an essential caregiver.

109 (g) The visitation policies and procedures required by  
110 this section must allow in-person visitation in all of the  
111 following circumstances, unless the resident, client, or  
112 patient objects:



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- 113 (1) End-of-life situations.
- 114 (2) A resident, client, or patient who was living with  
115 family before being admitted to the health care facility's  
116 care is struggling with the change in environment and lack of  
117 in-person family support.
- 118 (3) The resident, client, or patient is making one or  
119 more major medical decisions.
- 120 (4) A resident, client, or patient is experiencing  
121 emotional distress or grieving the loss of a friend or family  
122 member who recently died.
- 123 (5) A resident, client, or patient needs cueing or  
124 encouragement to eat or drink which was previously provided by  
125 a family member or caregiver.
- 126 (6) A resident, client, or patient who used to talk and  
127 interact with others is seldom speaking.
- 128 (7) For hospitals, childbirth, including labor and  
129 delivery.
- 130 (8) Pediatric patients.
- 131 (h) The policies and procedures may require a visitor  
132 to agree in writing to follow the health care facility's  
133 policies and procedures. A health care facility may suspend  
134 in-person visitation of a specific visitor if the visitor  
135 violates the facility's policies and procedures.
- 136 (i)(1) Each health care facility shall provide its  
137 visitation policies and procedures to the Alabama Department  
138 of Health when applying for initial licensure, licensure  
139 renewal, or change of ownership. The health care facility must  
140 make the visitation policies and procedures available to the



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141 agency for review at any time, upon request.

142 (2) Within 24 hours after establishing the policies and  
143 procedures required under this section, health care facilities  
144 must make the policies and procedures easily accessible from  
145 the homepage of their websites.

146 (3) The Alabama Department of Public Health shall  
147 dedicate a stand-alone page on its website to explain the  
148 visitation requirements of this section and provide a link to  
149 the agency's webpage to report complaints.

150 (j) An individual may not bring a civil action against  
151 a health care facility, its employees, or its contracted staff  
152 for injuries sustained because of the acts or omissions of a  
153 health care facility, its employees, or its contracted staff  
154 taken in compliance with this section, unless the complaining  
155 party can show by substantial evidence that the health care  
156 facility, its employees, or its contracted staff failed to  
157 follow this section and applicable guidelines. This subsection  
158 does not apply to wanton, willful, reckless, or intentional  
159 misconduct.

160 (k) This section does not apply to either of the  
161 following:

162 (1) Any health care facility designated for psychiatric  
163 care, including a psychiatric hospital.

164 (2) Any unit, ward, floor, wing, or other area of any  
165 health care facility which is designated for psychiatric care.

166 Section 3. Sections 22-21-430 through 22-21-436, Code  
167 of Alabama 1975, relating to hospital visitation during a  
168 public health emergency, are repealed.



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169           Section 4. This act shall become effective immediately  
170 following its passage and approval by the Governor, or its  
171 otherwise becoming law.





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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB113

Senate 23-Mar-23

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

House of Representatives  
Amended and passed: 06-Apr-23

Senate concurred in House amendment 11-Apr-23

APPROVED

*4-18-2023*

TIME

*2:50 pm*

By: Senator Senator Gudger

Alabama Secretary Of State

Act Num....: 2023-24  
Bill Num....: S-113

GOVERNOR

Recv'd 04/18/23 03:20pmSLF

DATE: 3-23 2023  
 RD 1 RFD / HEALTH

**REPORT OF STANDING COMMITTEE**  
 This bill having been referred by the House to its standing committee on Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub. This 5th day of April, 2023.  
Paula Fox, Chairperson

DATE: 4-5 2023  
 RF RD 2 CAL

DATE: 20\_\_  
 RE-REFERRED  RE-COMMITTED   
 Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 113.  
 YEARS 99 NAYS 3  
 JOHN TREADWELL,  
 Clerk

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 113.  
 years 33 nays 0 abstain 0  
 PATRICK HARRIS,  
 Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.  
 PATRICK HARRIS,  
 Secretary

**CONFERENCE COMMITTEE**  
 Senate Conferees \_\_\_\_\_

- 19 Weaver
- 20 Girhan
- 21 Allen
- 22 Butler
- 23 Jones
- 24 Orr
- 25 Chesteen
- 26 Price
- 27 Carnley
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