



2021 South Dakota Legislature

House Bill 1139

Introduced by: **Representative Phil Jensen**

1 **An Act to authorize visitation of hospital patients and other health care facility**
 2 **residents.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That a NEW SECTION be added:

5 **34-12-67. Visitation of patient--Limitations--Restriction--Notice.**

6 Except as otherwise provided in this section, each patient admitted to a hospital
 7 may designate one person who shall have an unrestricted privilege to be present while
 8 the patient is in the patient's room. If the attending physician determines that the
 9 designated person's presence is medically or therapeutically contraindicated or otherwise
 10 inadvisable, the physician may impose limitations, including the time of day, duration, and
 11 frequency of the presence, and may impose requirements, including the wearing of
 12 personal protective equipment, which must be provided, without charge, by the hospital.

13 The privilege afforded by this section may not be terminated, suspended, or waived
 14 in the event of a disaster or emergency declaration under chapter 34-48A.

15 Each hospital shall inform each patient of the privilege granted by this section and
 16 shall post information regarding this section in a conspicuous place within the hospital.

17 **Section 2.** That a NEW SECTION be added:

18 **34-12-68. Visitation of resident--Limitations--Restrictions--Notice.**

19 Except as otherwise provided in this section, each resident of an assisted living
 20 facility, intermediate care facility, or a skilled nursing facility may designate one person
 21 who shall have an unrestricted privilege to be present while the resident is in the resident's
 22 room. If the facility determines that the designated person's presence is medically or
 23 therapeutically contraindicated or otherwise inadvisable, the facility may impose
 24 limitations, including the time of day, duration, and frequency of the presence, and may

1 impose requirements, including the wearing of personal protective equipment, which must
2 be provided, without charge, by the facility.

3 An assisted living facility, intermediate care facility, or a skilled nursing facility may
4 not restrict the designated person from accompanying the resident to a necessary medical
5 or dental appointment.

6 The privilege afforded by this section may not be terminated, suspended, or waived
7 in the event of a disaster or emergency declaration under chapter 34-48A.

8 Each assisted living facility, intermediate care facility, or skilled nursing facility shall
9 inform each resident of the privilege granted by this section and shall post information
10 regarding this section in a conspicuous place within the facility.