

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 324

Representatives Click, Lipps

**Cosponsors: Representatives Fowler Arthur, Johnson, McClain, Stoltzfus, Merrin,
Ghanbari, John, Gross, Riedel, Young, T., Creech, White, Hall, Ginter, Ferguson,
Richardson, Fraizer**

A BILL

To enact section 3727.30 of the Revised Code to 1
permit hospital visitation during a public 2
health emergency or outbreak of a contagious 3
disease, to establish criteria for those visits, 4
and to name this act Shirley and Wilma's Law. 5

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

Section 1. That section 3727.30 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3727.30. (A) During a public health emergency related 8
to the spread of a contagious disease or at any time when a 9
contagious disease is unusually prevalent, a hospital shall 10
permit in-person patient visitation in accordance with this 11
section by the patient's family, caretakers, or clergy persons 12
to the same extent as before the emergency was declared or 13
disease prevalence increased. 14

(B) No public health order issued under section 3701.13, 15
3701.14, 3709.20, or 3709.21 of the Revised Code to control the 16

spread of a contagious disease shall restrict or prohibit in- 17
person patient visitation in a hospital. 18

(C) During the emergency or increased prevalence of a 19
contagious disease described under division (A) of this section, 20
a hospital may do all of the following: 21

(1) Require screening of visitors for symptoms of the 22
disease before the visitor enters the hospital, in the same 23
manner as for hospital staff and volunteers; 24

(2) Prohibit hospital entry to a visitor if there is 25
specific evidence demonstrating that the visitor has the disease 26
and poses a risk to people working in the hospital and patients; 27

(3) Require a visitor to visit the patient in the 28
patient's room, if the patient has a single room, or designated 29
visitor space and to limit movement throughout the hospital; 30

(4) Require a visitor to wear personal protective 31
equipment, perform frequent hand hygiene, maintain appropriate 32
physical distancing, and follow other reasonable safety 33
precautions while in the hospital and during visits. If the 34
visitors and facility staff identify a way to allow for personal 35
contact between the visitor and patient safely during a visit, 36
the hospital shall not restrict a visitor from providing that 37
personal contact. 38

(5) Provide visitors with information and warnings about 39
the transmission of the contagious disease, including methods of 40
reducing the transmission risk; 41

(6) Limit the number of visitors seeing a patient at one 42
time, but a hospital shall not limit a patient to only one 43
designated visitor; 44

(7) Require a visitor to sign a waiver affirming that the hospital is not liable if the visitor contracts the disease while visiting a patient. 45
46
47

(D) In the case of a patient who displays a substantial change of condition indicating that death is imminent, a hospital, including its staff and health care professionals providing care in the hospital, shall do all of the following: 48
49
50
51

(1) Permit the number of visitors during a patient's end of life to the same extent as the hospital's policy before the emergency or increased prevalence of the disease; 52
53
54

(2) Permit visitors to be in close physical proximity to the patient, including holding the patient's hand; 55
56

(3) Make every reasonable effort to permit in-person visitation if the patient, family member, caretaker, or clergy has the contagious disease, including by providing for visitation in an environment, such as an isolation room, that is safe for the visitor, the patient, other hospital patients, and hospital staff and volunteers. 57
58
59
60
61
62

(E) The patient or an individual authorized to make decisions on the patient's behalf may designate the family members, caretakers, and clergy authorized to visit the patient under this section. 63
64
65
66

(F) A hospital's visitor policy for purposes of this section shall provide maximum access to patients, including by offering evening and weekend visits. 67
68
69

(G) This section shall not be construed or implemented in such a way as to conflict with federal regulatory guidance relating to the contagious disease that is the subject of the emergency or unusual prevalence described in division (A) of 70
71
72
73

this section, such as guidance issued by the centers for 74
medicare and medicaid services or the centers for disease 75
control and prevention. 76

(H) No hospital shall violate divisions (A) through (G) of 77
this section. A person may bring a civil action against a 78
hospital seeking damages resulting from an alleged violation of 79
this section by the hospital. 80

Section 2. This act shall be known as Shirley and Wilma's 81
Law. 82