

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 517

By: Senators C. Penzo, B. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE NO PATIENT LEFT ALONE ACT; TO SET
CERTAIN REQUIREMENTS REGARDING CLERGY MEMBER
VISITATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE NO PATIENT LEFT ALONE ACT;
AND TO SET CERTAIN REQUIREMENTS REGARDING
CLERGY MEMBER VISITATION.

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

SECTION 1. Arkansas Code § 20-6-408 is amended to read as follows:

20-6-408. Clergy member or lay person offering religious or spiritual support visitation.

(a) A clergy member or lay person offering religious or spiritual support may be physically present with a patient to pray with or offer spiritual support for the patient while the patient receives care in a healthcare facility.

(b) If a healthcare facility has a visitation policy that allows in-person visitation of any kind, the healthcare facility shall allow a clergy member to visit a patient who requests a visit in person or consents to be visited in person for religious purposes by a clergy member, including during a state of emergency.

(c) Notwithstanding any other provision of this chapter, when a patient's death is imminent, the healthcare facility shall allow a clergy member to visit a patient in person for religious purposes if:

(1) The patient requests or consents to be visited by the clergy



member; or

(2) The patient's healthcare agent or support person requests that the patient be visited by the clergy member.

(d)(1) The healthcare facility may require the clergy member to comply with reasonable health and safety precautions, including reasonable health screenings and wearing personal protective equipment, imposed by the healthcare facility in connection with in-person visitation for the prevention of spreading communicable diseases unless the precaution substantially burdens the ability of the clergy member to freely exercise his or her religion.

(2) If the requirements substantially burdens the ability of the clergy member, the healthcare facility may require compliance with the precautions only if compliance in that instance furthers a compelling government interest and imposes the least restrictive burden on the clergy member's exercise of religion.

(3) Notwithstanding any other provision in this chapter, a healthcare facility may restrict visits of a clergy member who fails a reasonable health screening measure or tests positive for a communicable disease.

(e)(1)(A) The protection afforded by this section is in addition to the protections provided under federal law, state law, and the state and federal constitutions.

(B) This section does not:

(i) Preempt or repeal any state or local law that is equally or more protective of clergy member visitation rights; or

(ii) Narrow the meaning or application of any state or local law protecting clergy member visitation.

(2)(A) This section applies to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise and whether adopted before or after the effective date of this section.

(B) State laws enacted after the effective date of this section are subject to this section unless the law explicitly excludes application by reference to this section.

APPROVED: 4/11/23