

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 517

5 By: Senators C. Penzo, B. Johnson  
6

## For An Act To Be Entitled

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

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14 TO AMEND THE NO PATIENT LEFT ALONE ACT;  
15 AND TO SET CERTAIN REQUIREMENTS REGARDING  
16 CLERGY MEMBER VISITATION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 20-6-408 is amended to read as follows:

22 20-6-408. Clergy member or lay person offering religious or spiritual  
23 support visitation.

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

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

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

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



1 member; or

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

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

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

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

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

23 (B) This section does not:

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

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

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

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

35 **APPROVED: 4/11/23**

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