

# **FAMILY ISSUE FACT SHEET**

NO. 2022-12 (JANUARY 2022)

## **HB 2449 Care Facilities; Clergy Visitation**

### **EXECUTIVE SUMMARY**

At the height of the Covid pandemic, stories of patients dying alone in hospitals provoked compassion and frustration. Those with deeply held religious beliefs could not fulfill their faith's call in their final moments. The fear of spreading the virus trumped the religious rights of many, while other visitations continued. In 2021, Arizona lawmakers responded by passing a law to ensure visitation rights in hospitals.

HB 2449 extends this same protection to health care facilities such as: assisted living centers, hospice, nursing care institution and other residential care institutions. Clergy visits would be allowed when the facility allows any other kind of in-person visitation. Thus, allowing both clergy and patient to freely exercise their religious rights.

### **WHAT DOES THE BILL DO?**

HB 2449 seeks to ensure health care facilities honor Arizonans' freedom of religion guaranteed in the First Amendment by clarifying the right to religious practices even during a public emergency. The bill requires that if a care facility allows in-person visitation of any kind, it must allow clergy visitations as well.

HB 2449 stipulates that when a patient's death is imminent, a care facility must allow a clergy member to visit the patient in person for religious purposes when requested.

During a public health crisis, the care facility must allow clergy visitation but can require clergy to comply with reasonable health and safety precautions, such as health screenings and protective equipment. But such requirements cannot substantially burden the clergy's free exercise of religion.

The bill relinquishes care facilities from liability if someone contracts an illness, unless the facility is grossly negligent in its safety precautions.

The bill also provides for a civil cause of action in case a care facility is in violation of this law.

## TALKING POINTS

- 1. Religious freedom does not end where a public health emergency begins.  
Dying patients have a right to exercise their religion, even during a pandemic.**
- 2. If family can visit, clergy can visit.**
- 3. HB 2449 ensures care facilities are not liable for good faith efforts to protect everyone.  
There is no reason to keep clergy from a patient of faith in their last days.**

## CONCLUSION

Arizonans should not be denied their religious rights because of a public health emergency. HB 2449 ensures clergy can visit a dying patient for religious purposes if the health care facility allows any other type of visitation.