



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2812

Introduced 2/6/2025, by Rep. Paul Jacobs

#### SYNOPSIS AS INTRODUCED:

410 ILCS 50/3.2

from Ch. 111 1/2, par. 5403.2

Amends the Medical Patient Rights Act. Provides that every health care facility in this State shall permit the next of kin of a patient who is on life support to remain with the patient, at the patient's bedside, irrespective of regular hours of visitation. Provides that health care facilities may institute reasonable policies, including reasonable requirements that promote the health, safety, and welfare of the next of kin, the patient, and the employees and other patients of the health care facility without revoking the basic right afforded to the next of kin of a patient who is on life support. Defines "next of kin".

LRB104 09994 BDA 20064 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Medical Patient Rights Act is amended by  
5 changing Section 3.2 as follows:

6 (410 ILCS 50/3.2) (from Ch. 111 1/2, par. 5403.2)

7 Sec. 3.2. Visitation rights, policies, and procedures.

8 (a) Every health care facility in this State shall permit  
9 visitation by any person or persons designated by a patient  
10 who is 18 years of age or older and who is allowed rights of  
11 visitation unless (1) the facility does not allow any  
12 visitation for a patient or patients, or (2) the facility or  
13 the patient's physician determines that visitation would  
14 endanger the physical health or safety of a patient or  
15 visitor, or would interfere with the operations of the  
16 facility.

17 (a-5) Notwithstanding subsection (a), during a period for  
18 which the Governor has issued a proclamation under Section 7  
19 of the Illinois Emergency Management Agency Act declaring that  
20 a disaster exists or in the event of an outbreak or epidemic of  
21 a communicable disease in the community in which the health  
22 care facility is located, a health care facility shall ensure  
23 an opportunity for at least one visitor to visit a resident or

1 patient of the health care facility. A health care facility  
2 shall not count a clergy member toward any limit on the number  
3 of visitors permitted to visit a resident or patient at one  
4 time and shall permit a clergy member to visit with a resident  
5 or patient in addition to the permitted number of visitors.  
6 Visitation shall be subject to the guidelines, conditions, and  
7 limitations of the health care facility's visitation policy  
8 and any rules or guidelines established by the U.S. Centers  
9 for Medicare and Medicaid Services and the Centers for Disease  
10 Control and Prevention.

11 Visitors under this subsection may be required by the  
12 health care facility to submit to health screenings necessary  
13 to prevent the spread of infectious disease. A health care  
14 facility may restrict facility access to a visitor who does  
15 not pass its health screening requirement. A health care  
16 facility may require a visitor to adhere to infection control  
17 procedures, including wearing personal protective equipment. A  
18 health care facility may deny visitation under this Act if  
19 visitation would endanger the physical health or safety of a  
20 patient, the visitor, or health care workers or would  
21 otherwise create a public health or safety problem.

22 (a-10) Notwithstanding subsection (a), a skilled nursing  
23 home, extended care facility, or intermediate care facility  
24 may prohibit an individual from visiting a resident or patient  
25 of the nursing home or facility if specific facts demonstrate  
26 that the individual would endanger his or her physical health

1 or safety or the health or safety of a resident, patient, or  
2 health care worker of the nursing home or facility. Any denial  
3 of visitation under this subsection (a-10) shall be in writing  
4 and shall be provided to the individual and the resident or  
5 patient with whom the individual was denied visitation.

6 (a-15) Each skilled nursing home, extended care facility,  
7 and intermediate care facility shall:

8 (1) inform each resident of the nursing home or  
9 facility (or that individual's representative) of the  
10 resident's visitation rights and the nursing home or  
11 facility's visitation-related policies and procedures,  
12 including any clinical or safety-related restriction or  
13 limitation on visitation rights, the reasons for the  
14 restriction or limitation, and the persons to whom the  
15 restriction or limitation may apply;

16 (2) inform each resident of the resident's right:

17 (A) to consent to receive designated visitors,  
18 such as a spouse, including, without limitation, a  
19 same-sex spouse; a domestic partner, including,  
20 without limitation, a same-sex domestic partner;  
21 another family member; or a friend; and

22 (B) to withdraw or deny that consent at any time;

23 (3) not restrict, limit, or otherwise deny visitation  
24 privileges on the basis of race, color, national origin,  
25 religion, sex, gender identity, sexual orientation, or  
26 disability; and

1           (4) ensure that all of the resident's visitors enjoy  
2           full and equal visitation privileges, consistent with the  
3           resident's preferences.

4           (a-20) Notwithstanding subsection (a), every health care  
5           facility in this State shall permit the next of kin of a  
6           patient who is on life support to remain with the patient, at  
7           the patient's bedside, irrespective of regular hours of  
8           visitation. Every health care facility in this State may  
9           institute reasonable policies, including reasonable  
10           requirements that promote the health, safety, and welfare of  
11           the next of kin, the patient, and the employees and other  
12           patients of the health care facility without revoking the  
13           basic right afforded under this subsection to the next of kin  
14           of a patient who is on life support to remain with the patient  
15           or at the patient's bedside. In this subsection, "next of kin"  
16           means one and only one person who is a spouse, or, in the  
17           absence of a spouse, a parent, or, in the absence of a parent,  
18           a child, or, in the absence of a child, a sibling.

19           (b) Except as provided in subsection (a-5) and subsection  
20           (a-20), nothing in this Section shall be construed to further  
21           limit or restrict the right of visitation provided by other  
22           provisions of law or to restrict the ability of a health care  
23           facility to regulate hours of visitation, the number of  
24           visitors per patient, or the movement of visitors within the  
25           health care facility.

26           (c) For the purposes of this Section a "health care

1 facility" does not include a developmental disability  
2 facility, a mental health facility or a mental health center.  
3 (Source: P.A. 102-989, eff. 5-27-22.)