

# SENATE BILL No. 315

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-21-10.

**Synopsis:** Hospital visitation rights for domestic partners. Allows an individual with a domestic partnership to have hospital visitation rights.

**Effective:** July 1, 2009.

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### Errington

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January 8, 2009, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 315



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-21-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]:

4 **Chapter 10. Hospital Visitation Rights for Domestic Partners**

5 **Sec. 1. As used in this chapter, "domestic partnership" means**  
6 **a relationship between two (2) individuals who:**

- 7 (1) **are at least eighteen (18) years of age;**
- 8 (2) **are not related to each other by blood or marriage within**
- 9 **four (4) degrees of consanguinity under civil law;**
- 10 (3) **are not married or in a civil union or domestic partnership**
- 11 **with another individual; and**
- 12 (4) **agree to be in a relationship of mutual interdependence in**
- 13 **which each individual contributes to the maintenance and**
- 14 **support of the other individual and the relationship.**

15 **Sec. 2. An individual who asserts a domestic partnership under**  
16 **this chapter may be required to provide proof of the relationship.**  
17 **Proof may include the following:**



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- (1) An affidavit signed by each individual, stating that the individuals have an established domestic partnership.**
- (2) Documents providing proof of any two (2) of the following:**
  - (A) Joint liability of the two (2) individuals for a mortgage, lease, or loan.**
  - (B) The designation of one (1) of the individuals as the primary beneficiary on the:**
    - (i) life insurance policy on the life;**
    - (ii) retirement plan; or**
    - (iii) will and testament;**
  - of the other individual.**
  - (C) A durable power of attorney for health care or financial management by one (1) of the individuals to the other individual.**
  - (D) Joint ownership or lease of a motor vehicle by the individuals.**
  - (E) A joint checking account, investment account, or credit account held by the two (2) individuals.**
  - (F) A joint renter or homeowner insurance policy held by the two (2) individuals.**
  - (G) Coverage of one (1) of the individuals on the other individual's health insurance policy.**
  - (H) Joint responsibility for child care, including guardianship on school documents.**
  - (I) A cohabitation or relationship contract.**

**Sec. 3. (a) Except as provided in subsection (b), a hospital licensed under this article shall allow:**

- (1) an individual who has a domestic partnership with a patient;**
  - (2) a child of an individual described in subdivision (1); or**
  - (3) the domestic partner of a patient's parent or child;**
- to visit the patient.**

**(b) A hospital may deny visitation to an individual described in subsection (a) under any of the following circumstances:**

- (1) No visitors are allowed at the time of the visitation request.**
  - (2) The hospital determines that the presence of the visitor would endanger the health or safety of the patient or a member of the hospital's staff.**
  - (3) The patient or the patient's legal guardian informs the hospital staff that the patient does not want to see the visitor.**
- (c) This section does not prohibit a hospital from establishing reasonable restrictions on visitation, including restrictions on the**

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1     **number of hours of visitation or the number of visitors allowed to**  
 2     **see a patient at one (1) time.**  
 3         **Sec. 4. (a) This section applies to a medical emergency in which**  
 4     **one (1) adult in good faith tells an emergency medical provider or**  
 5     **hospital staff that the individual and the injured or ill adult are in**  
 6     **a domestic partnership.**  
 7         **(b) An emergency medical provider may allow an adult**  
 8     **described in subsection (a) to accompany an ill or injured adult**  
 9     **being transported to a hospital in an emergency vehicle.**  
 10         **(c) A hospital may allow an adult described in subsection (a) to**  
 11     **visit the ill or injured adult who was admitted to the hospital on an**  
 12     **emergency basis in the same manner as visitation is allowed for a**  
 13     **member of the ill or injured adult's immediate family.**  
 14         **Sec. 5. If an individual with a domestic partnership has**  
 15     **appointed a health care representative under IC 16-36-1-7, the**  
 16     **health care representative retains the authority to make health**  
 17     **care decisions for the individual.**

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