

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3313

By: Roe

4  
5  
6 AS INTRODUCED

7 An Act relating to COVID-19 visitation; defining  
8 terms; creating right to visitors; creating private  
9 cause of action; creating requirements; specifying  
10 damages; prohibiting official state claims; providing  
11 for codification; providing an effective date; and  
12 declaring an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-706b of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. As used in this act:

18 1. "COVID-19" means a disease caused by SARS-CoV-2 that can  
19 trigger what a licensed physician diagnoses as a respiratory tract  
20 infection;

21 2. "Medical entity" means any hospital, nursing facility,  
22 skilled nursing facility, or long-term care facility where a COVID-  
23 19 patient may be admitted for treatment of the condition;

24 3. "Isolation" means the state of being in a place or situation  
that is separate from other patients; and

1 4. "Visitation" means having the same ability to receive  
2 visitors as a patient who is not being treated for COVID-19.

3 B. It shall be unlawful for any medical entity in this state to  
4 deny visitation to COVID-19 patients, even when such patients are  
5 deemed to be in isolation from the general public and other  
6 patients. COVID-19 patients shall notify the entity's  
7 administration of an individual who shall hold visitation rights to  
8 the patient. Individuals who exercise these visitation rights may  
9 be required to comply with certain hospital requirements, including,  
10 but not limited to:

11 1. Signing an acknowledgment-of-risks document;

12 2. Receiving a health screening administered by hospital staff;

13 and

14 3. Wearing personal protective equipment provided by the  
15 hospital.

16 C. Individuals who exercise their visitation rights of COVID-19  
17 patients shall be required to comply with all reasonable safety  
18 protocols and rules of conduct. The hospital may revoke visitation  
19 rights to individuals if he or she fails to comply with the safety  
20 protocols or visitation policies. Where an individual's visitation  
21 right has been revoked, the patient shall designate a new individual  
22 to exercise visitation rights, and the medical entity shall allow  
23 visitation. Individuals who have been suspended from visitation  
24

1 shall be reviewed by hospital administration every thirty (30) days  
2 for reinstatement of visitation rights.

3 D. This act shall be enforced exclusively through private civil  
4 actions.

5 E. Any person, other than an officer or employee of a state or  
6 local governmental entity in this state, may bring a civil action  
7 against any person who:

8 1. Isolates a COVID-19 patient without visitation rights under  
9 this act;

10 2. Knowingly engages in conduct that aids or abets the  
11 isolation of a COVID-19 patient without visitation rights under this  
12 act in violation of this act, regardless of whether the person knew  
13 or should have known that the isolation would be conducted in  
14 violation of this act; or

15 3. Intends to engage in the conduct described by this act.

16 F. If a claimant prevails in an action brought under this  
17 section, the court shall award:

18 1. Injunctive relief sufficient to prevent the defendant from  
19 violating this act or engaging in acts that aid or abet violations  
20 of this act;

21 2. Statutory damages in the amount of Two Thousand Five Hundred  
22 Dollars (\$2,500.00) for each day that the defendant isolated a  
23 COVID-19 patient in violation of this act, and for each day aided or  
24 abetted such isolation; and

1 3. Costs and attorney fees.

2 A court may not award relief under this section in response to a  
3 violation of this act if the defendant demonstrates that the  
4 defendant previously paid the full amount of statutory damages in a  
5 previous action for that particular isolated COVID-19 patient in  
6 violation of this act, or for the particular conduct that aided or  
7 abetted the isolation of the COVID-19 patient in violation of this  
8 act.

9 G. A person may bring an action under this act not later than  
10 one (1) year after the date the cause of action accrues.

11 H. Notwithstanding any other law, this state, a state official,  
12 or a district may not intervene in an action brought under this  
13 section. This subsection does not prohibit a person described by  
14 this subsection from filing an amicus curiae brief in the action.

15 I. A court shall not award costs or attorney fees to a  
16 defendant in an action brought under this act.

17 SECTION 2. This act shall become effective July 1, 2022.

18 SECTION 3. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 58-2-10092 KN 01/19/22  
24