



Fact Sheet on House Bill 353

Hospital Visitation and Medical Decision Making Bill

Equality Texas Supports HB 353

Bill Number:	House Bill 353
Unofficial Name:	Hospital Visitation & Medical Decision Making Bill
Bill Author:	Representative Eddie Rodriguez
Joint Author:	Representative Ellen Cohen
Short description:	HB 353 would allow domestic partners to visit their partners in the hospital, ride with them in an ambulance, and make medical decisions for them if they can't on their own.
Committee Assignment:	Public Health
Current Status:	2/17/09 – Referred to Public Health Committee 12/1/08 – Filed

SUPPORTIVE STATEMENTS:

While a majority of Texans do not currently support marriage equality for same-sex couples, they do understand that committed, loving couples deserve to be treated with fairness and dignity.

Medical decisions should be made by the patient and their loved ones, not bureaucrats or strangers.

QUICK FACTS:

Everyone has the right to make their own health care decisions. This bill is designed to address those situations when someone is unconscious, or incapacitated.

HB 353 would clarify that domestic partners have the right to stay with their loved ones during emergencies. “Domestic Partnerships” are determined by claims of marriage or civil union.

Since the option of marriage to a same-sex partner has been taken away, there is no law in Texas that would allow someone access to their dying or unconscious partner. There is no legal means for partners to make medical decisions for each other, in the absence of other legal documents.

For every sophisticated, modern hospital that unofficially allows partners access, or recognizes their decision-making authority for compassionate reasons, there may be a narrow-minded bureaucrat who denies someone else such rights in a similar situation. Visitation and decision-making authority should not depend upon to which hospital a person is taken, or who is on duty when they arrive.

There are legal documents that can explicitly grant the rights enumerated in **HB 353**, but these documents are not always handy when you need them and can be easily ignored by hospital staff until it is too late.

HB 353 would cover medical decision making, hospital visits, ambulance ride along, organ donation, funeral and burial decisions, and consent to an autopsy.