



An Bille um Chúram Máithreachais (Covid-19), 2021
Maternity Care (Covid-19) Bill 2021

Meabhrán Miniúcháin
Explanatory Memorandum



**AN BILLE UM CHÚRAM MÁITHREACHAIS (COVID-19), 2021
MATERNITY CARE (COVID-19) BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to ensure that an accompanying person can attend with a mother receiving maternity care in hospital during childbirth and on specified occasions prior and subsequent to the birth; and to ensure that the accompanying person is permitted to visit the baby in the event that he/she is in a neonatal intensive care unit or special care baby unit. The Bill addresses concerns which have been raised in relation to access at certain hospitals in these contexts, in connection with Covid-19.

Provisions of the Bill

Section 1 defines key terms used in the Bill, including the term “accompanying person” which is central to the Bill. While in most cases the accompanying person would be the father, the definition of “accompanying person” is broad enough to cater for situations where that is not the case.

Section 2 provides that, where a mother attends or is admitted to a hospital for purposes related to her pregnancy, an accompanying person must be permitted to attend at and remain in the hospital with her during the occasions specified in *section 2*, which include the duration of labour and the birth of the baby concerned, as well as relevant occasions prior and subsequent to the birth. Where the baby is in a neonatal intensive care unit or special care baby unit, *section 2* also makes provision for visits by the accompanying person. *Section 2* also provides that section 18(a) of the Interpretation Act 2005 does not apply to the construction of the word ‘person’ in this section. This is to clarify that, having regard to current public health considerations and the practical concerns of some hospitals in connection with Covid-19, the Bill does not introduce a new entitlement for two or more people to accompany the mother concerned when she attends the hospital.

Section 3 provides that *section 2* does not apply to an accompanying person where, having regard to a positive Covid-19 test result or the manifestation of Covid-19 symptoms, there is a substantial risk that, in the circumstances, his or her presence in the hospital at the relevant time would result in transmission of Covid-19 therein.

Section 4 makes clear that nothing in the Bill will invalidate or detract from any permission or entitlement which, independently of the Bill, any person has or would have to attend at and remain in any hospital at any time.

Section 5 provides for the short title of the Bill and its commencement.

Peadar Tóibín, TD,

Deireadh Fómhair, 2021.

Wt. —. 145. 10/21. Essentra. (89700). Gr. 30-15.