

REFERENCE TITLE: health care facilities; electronic monitoring

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2785

Introduced by
Representatives Nguyen: Bliss, Hernandez C

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-420.06; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-420.06, to read:

4 36-420.06. Electronic monitoring; nursing care institutions;
5 assisted living facilities; prohibitions; civil
6 penalty; definitions

7 A. AN ASSISTED LIVING FACILITY OR NURSING CARE INSTITUTION MAY NOT:

8 1. PROHIBIT A CURRENT OR POTENTIAL RESIDENT FROM INSTALLING AND
9 USING ELECTRONIC MONITORING IN THE RESIDENT'S ROOM.

10 2. REMOVE A CURRENT RESIDENT OR REFUSE TO ADMIT A POTENTIAL
11 RESIDENT OR OTHERWISE DISCRIMINATE OR RETALIATE AGAINST A RESIDENT OR
12 POTENTIAL RESIDENT BECAUSE OF THE RESIDENT'S OR POTENTIAL RESIDENT'S
13 DECISION TO CONDUCT ELECTRONIC MONITORING OF THE RESIDENT'S PRIVATE LIVING
14 SPACE.

15 3. RETALIATE OR DISCRIMINATE AGAINST ANY RESIDENT FOR CONSENTING OR
16 REFUSING TO CONSENT TO ELECTRONIC MONITORING.

17 B. THE DEPARTMENT MAY ASSESS A CIVIL PENALTY PURSUANT TO SECTION
18 36-431.01 AGAINST AN ASSISTED LIVING FACILITY OR NURSING CARE INSTITUTION
19 THAT VIOLATES SUBSECTION A OF THIS SECTION.

20 C. FOR THE PURPOSES OF THIS SECTION:

21 1. "ELECTRONIC MONITORING":

22 (a) MEANS THE USE OF AN ELECTRONIC MONITORING DEVICE IN THE ROOM OF
23 A RESIDENT OF A NURSING CARE INSTITUTION OR ASSISTED LIVING FACILITY TO
24 RECORD OR TRANSMIT SOUNDS OR ACTIVITY TO OR FOR THE RESIDENT, THE
25 RESIDENT'S AUTHORIZED REPRESENTATIVE OR AN AUTHORIZED THIRD PARTY.

26 (b) INCLUDES THE TAPES OR RECORDINGS FROM THE ELECTRONIC MONITORING
27 DEVICE.

28 2. "ELECTRONIC MONITORING DEVICE" MEANS ANY DEVICE OR TECHNOLOGY
29 THAT HAS A PLACED, FIXED OR OTHERWISE INSTALLED LOCATION, THAT CAPTURES,
30 RECORDS OR BROADCASTS AUDIO OR VIDEO, OR BOTH, AND THAT IS USED FOR
31 ELECTRONIC MONITORING.

32 3. "RESIDENT" MEANS A PERSON WHO RESIDES IN AN ASSISTED LIVING
33 FACILITY OR NURSING CARE INSTITUTION AND WHOSE SERVICES PROVIDED BY THE
34 ASSISTED LIVING FACILITY OR NURSING CARE INSTITUTION ARE PAID FOR, IN
35 WHOLE OR IN PART, USING PUBLIC MONIES.