



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1041

~~appropriation; Arizona trail fund~~
(NOW: ~~health care facilities; electronic monitoring~~)

As passed by the Senate, S.B. 1041 appropriated \$100,000 from the state General Fund (state GF) in FY 2027 to the Arizona Trail Fund.

The House of Representatives adopted a strike-everything amendment that does the following:

Purpose

Grants a resident of a long-term care facility or the resident's authorized representative the right to conduct electronic monitoring of the resident's room and establishes requirements relating to terms and conditions of use.

Background

The Department of Health Services (DHS) licenses and regulates long-term care facilities in Arizona. Long-term care facilities provide a variety of services, including medical and personal care, to individuals who are unable to live independently. This may include: 1) assisted living facilities, which are residential care institutions, including adult foster care homes, that provide or contract to provide supervisory care services, personal care services or directed care services on a continuous basis; and 2) nursing care institutions, which are healthcare institutions that provide inpatient or resident beds and nursing services to persons who need continuous nursing services but do not require hospital care or direct daily care from a physician ([A.R.S. § 36-401](#)).

The Vulnerable Adult System Study Committee (Committee) was established by [Laws 2024, Chapter 100](#) with the purpose of researching and recommending best practices to implement a coordinated vulnerable adult delivery system that ensures the health and safety of vulnerable adults in Arizona. On December 10, 2025, the Committee held a public meeting to consider recommendations relating to the use of electronic monitoring devices in long-term care facilities. The Committee recommended that the Legislature consider, while specified state agencies prepare a report examining current health care facility monitoring policies, adopting legislation that provides residents living in long-term care facilities with the statutory authority to utilize privately funded and maintained electronic monitoring devices and internet services in their private living space if requested by the resident or their authorized representative ([Final Report](#)).

There is no anticipated fiscal impact to the state GF associated with this legislation.

Provisions

Right to Electronic Monitoring

1. Grants a resident of a nursing care institution or assisted living home, or the resident's authorized representative, the right to conduct electronic monitoring of the resident's room

through the use of electronic monitoring devices placed, fixed or otherwise installed in the resident's room.

Notice and Consent

2. Requires a resident or authorized representative, before the installation of an electronic monitoring device, to notify the facility of the planned installation and use of an electronic monitoring device in the living quarters of the resident by submitting an outlined notice and consent form to the facility.
3. Specifies that the notice and consent form serves to:
 - a) inform the facility that the resident or authorized representative intends to conduct electronic monitoring and consents to the monitoring; and
 - b) describe how the resident or authorized representative intends to conduct the monitoring.
4. Allows an authorized representative who has the authority to consent to electronic monitoring to consent on behalf of a resident, if:
 - a) the authorized representative has fully explained the proposed electronic monitoring to the resident, including the resident's right to object to electronic monitoring;
 - b) the resident has not affirmatively objected to the proposed form, format and scope of electronic monitoring; and
 - c) if the resident does not have the ability to consent, the resident does not have an executed living will, medical power of attorney, prehospital medical directive or other legal document in which the resident specified the resident's objection to electronic monitoring.
5. Allows a resident or authorized representative to consent to electronic monitoring with any limiting or qualifying terms or conditions that the resident or authorized representative chooses regarding the manner in which the electronic monitoring is conducted.
6. Requires the limiting or qualifying terms regarding electronic monitoring to be specified in the outlined notice and consent form.
7. Requires DHS to prescribe the notice and consent form that must be completed by the resident or authorized representative, including adequate space for the resident or authorized representative to outline choices regarding:
 - a) intent to conduct electronic monitoring and the intended start date;
 - b) the type, function and intended purpose of the electronic monitoring device to be used;
 - c) any installation specifications, such as the planned mounting of a device to a wall or ceiling;
 - d) chosen terms and conditions for the use of the electronic monitoring device, including whether to include or exclude audio or video recording or broadcasting, conditions or restrictions elected by the resident or authorized representative regarding the use of the device, and when to turn the device on or off or block or unblock the video recording component, including how the electronic monitoring device will be turned on or off and turned back on or off and by whom, during:
 - i. an examination or procedure by a health care professional;
 - ii. dressing or bathing; and
 - iii. a visit with a spiritual adviser, ombudsman, attorney, financial planner, intimate partner or other visitor;

- e) whether planned electronic monitoring requires roommate consent, as prescribed;
 - f) a description of who may be able to hear or view the recordings in real time or on demand;
 - g) a description of who may be able to temporarily disable, obscure, or otherwise comply with the chosen terms and conditions;
 - h) a statement of how the recordings may be used and with whom the recording may be shared;
 - i) the resident or authorized representative's signed consent, including:
 - i. if a person other than the resident signs the consent form, an attestation of the source of authority allowing the person's signature; and
 - ii. that the resident did not affirmatively object to electronic monitoring when asked; and
 - j) if the electronic monitoring requires roommate consent, the roommate's or roommate's authorized representative's signed consent, including:
 - i. if a roommate's authorized representative signs the consent form, an attestation of the source of authority allowing the person's signature; and
 - ii. that the roommate did not affirmatively object to electronic monitoring when asked; and
 - k) a signature and date box for outlined signatures.
8. Requires DHS to issue the required notice and consent form within 60 days of the general effective date.
9. Allows a resident to use a form that substantially complies with the outlined notice and consent form until a DHS-prescribed form is available, if DHS has not issued the required form within 60 days of the general effective date.
10. Specifies that a notice and consent form that is used before DHS circulates a department-prescribed form is valid.

Roommate Consent

11. Requires a resident or authorized representative to obtain the written consent on a notice and consent form of any other resident residing in the shared living space before implementing electronic monitoring.
12. Requires a resident or authorized representative to describe the form, format and scope of electronic monitoring to which the roommate or roommate's authorized representative agrees.
13. Specifies that the written consent of a roommate or roommate's authorized representative authorizes the resident's use of electronic monitoring.
14. Specifies that two roommates are not prevented from jointly notifying the facility of a joint plan to use electronic monitoring.
15. Allows a roommate or roommate's authorized representative to withdraw consent to electronic monitoring at any time by documenting the withdrawal of consent on the original notice and consent form.
16. Requires any resident who is conducting electronic monitoring that requires roommate consent to immediately remove or disable an electronic monitoring device when:
 - a) a new roommate moves into a shared space until the resident obtains the written consent of the new roommate or the roommate's authorized representative; or
 - b) consent is withdrawn by the roommate or roommate's authorized representative.

17. Allows a resident to resume electronic monitoring after submitting a new roommate's signed notice and consent form to the facility.
18. Requires a facility to make a reasonable attempt to accommodate the roommate who wants to conduct electronic monitoring if the following circumstances apply:
 - a) a roommate refuses to consent to a resident's use of an electronic monitoring device; or
 - b) consent is withdrawn by the roommate or roommate's authorized representative.
19. Specifies that a facility meets the requirement to reasonable attempt to accommodate a resident who wants to conduct electronic monitoring if the facility offers to move the resident to another available shared living space.
20. Requires a resident who chooses to reside in a private living space to accommodate the use of an electronic monitoring device to pay the facility's private room rate.
21. Specifies that a facility is not required to provide a private living space to a resident who is unable or unwilling to pay the private room rate.

Signage

22. Requires a facility where electronic monitoring is occurring to post an outlined sign at each facility entrance in English and Spanish.
23. Allows a resident or authorized representative who conducts authorized electronic monitoring to post and maintain a notice at the entrance to the resident's room stating that the room is being monitored by an electronic monitoring device.

Responsibility for Costs

24. Requires a resident or authorized representative who chooses to conduct electronic monitoring to do so at the resident's own expense, including purchase, installation, internet service, maintenance and removal costs.
25. Specifies that the resident or authorized representative is solely responsible for:
 - a) choosing the electronic monitoring device, subject to the prescribed limits;
 - b) paying the costs associated with electronic monitoring, if applicable, other than the cost of electricity used to power the device;
 - c) restoring the facility's property to its original condition after removing the electronic monitoring device; and
 - d) if applicable, paying the cost of internet service for an electronic monitoring device.
26. Specifies that a facility is not required to provide internet service or network access to any electronic monitoring device.
27. Allows a facility to choose to provide internet service or network access and charge a resident or authorized representative for the service or access that is used for an electronic monitoring device.

28. Prohibits a facility from charging a resident or authorized representative at a rate that exceeds the actual cost of internet service or network access incurred by the facility.
29. Prohibits a facility from preventing a resident or authorized representative from purchasing, maintaining and paying for internet service or network access that is independent from the facility's service or access.

Installation

30. Specifies that an electronic monitoring device must be capable of being temporarily disabled by a resident or authorized representative consistent with the resident's choices as outlined in the notice and consent form.
31. Requires an electronic monitoring device that transmits video or other visual displays, broadcasts or recordings to be installed:
 - a) with a fixed viewpoint of the living quarters;
 - b) in a manner that avoids capturing images of activities such as bathing, dressing and toileting; and
 - c) in a conspicuously visible location in the room.
32. Requires a facility to make a reasonable attempt to accommodate a resident's electronic monitoring installation needs, including:
 - a) providing a reasonably secure place to mount the device;
 - b) providing access to power sources for the device; and
 - c) allowing access to the facility's public-use internet or wi-fi systems when available for other public uses.
33. Specifies that a facility has the burden of proving that a requested accommodation is not reasonable.

Interference or Tampering

34. Prohibits a person other than a resident, authorized representative or an individual expressly authorized by the resident or authorized representative from:
 - a) obstructing, tampering with or destroying the electronic monitoring device or recordings made by the device; or
 - b) viewing or listening to any image or sound that is displayed, broadcast or recorded by the electronic monitoring device.
35. Prohibits a person from knowingly touching, tampering, obstructing, tampering with or destroying an electronic monitoring device placed in a resident's room or private living unit without the permission of the resident or resident's authorized representative.
36. Specifies that it is not a violation of authorized electronic monitoring requirements if a person turns off the electronic monitoring device or blocks the visual recording component of the device at the direction of the resident or authorized representative.
37. Prohibits a facility from:
 - a) interfering with the right of a resident to use an electronic monitoring device; and
 - b) requiring a resident to submit a request for approval.

Recording Access and Confidentiality

38. Specifies that any recording obtained from an authorized electronic monitoring device is considered the personal property of the resident who installed the device.
39. Prohibits a person, facility or facility representative from accessing any video or audio recording created through authorized electronic monitoring without the written consent of the resident or authorized representative.
40. Allows the following persons to temporarily disable or view or listen to the images or sounds that are displayed, broadcast or recorded by an authorized electronic monitoring device:
 - a) anyone to whom the resident or authorized representative grants permission;
 - b) a representative of a law enforcement agency who is conducting an investigation;
 - c) a representative of DHS or the Department of Economic Security, Division of Adult Protective Services, who is conducting an investigation;
 - d) the Arizona Long-Term Care Ombudsman, with the permission of the resident or authorized representative; and
 - e) an attorney who is representing the resident or a roommate of the resident and who acts within the scope of that representation.
41. Allows an employee of the facility or an employee of a contractor providing services at the facility who is the subject of proposed disciplinary action based on images, video or sound obtained by a resident's electronic monitoring device to be given access to that material for the purposes of defending against the proposed action, consistent with rules and evidence of procedure in that jurisdiction.
42. Requires any person who views, hears, obtains or receives a recording or copy of a recording obtained through electric monitoring to:
 - a) treat the recording or copy confidentially; and
 - b) return any copy of the recording to the facility or resident who provided the copy when it is no longer needed for purposes of defending against a proposed action.
43. Prohibits any person who views, hears, obtains or receives a recording or copy of a recording obtained through electric monitoring from further disseminating the recording to any other person except as required by law.
44. Specifies that, except as prohibited by any other law, a recording or copy of a recording made by an electronic monitoring device may be disseminated only by the resident or authorized representative or any recipient of the recording for the purpose of addressing health, safety or welfare concerns of one or more residents.
45. Prohibits a resident or authorized representative from posting or sharing any recording created by an authorized electronic monitoring device on a social media platform or website without the consent of each individual depicted in the recording.
46. Requires a resident or authorized representative, on reasonable request, to provide a copy of any recording to any authorized party involved in a civil, criminal or administrative proceeding related to health, safety or welfare concerns of one or more residents that is recorded by an electronic monitoring device.

47. Specifies that any recording created through authorized electronic monitoring may be admitted into evidence in a civil, criminal or administrative proceeding.

Resident Protections

48. Prohibits a facility from:
- a) removing, refusing to admit or otherwise discriminating or retaliating against a resident or potential resident because of the resident's or potential resident's decision to conduct electronic monitoring;
 - b) retaliating or discriminating against a resident for consenting or refusing to consent to electronic monitoring;
 - c) influencing or attempting to influence a roommate to object to or withdraw consent for the purpose of obfuscating a resident's choice to have electronic monitoring; and
 - d) moving, or attempting to move, into a resident's room, a new roommate who the facility knows is likely to object to electronic monitoring for the purpose of obfuscating a resident's choice to have electronic monitoring.
49. Deems that a contract that prohibits, limits or otherwise modifies the outlined rights and obligations for authorized electronic monitoring contrary to public policy, void and unenforceable.

Facility Protections

50. Specifies that a facility may not be held liable for any breach of privacy or data security related to an electronic monitoring device installed by a resident or authorized representative.
51. Prohibits a facility from being held responsible for:
- a) maintaining, repairing or replacing an electronic monitoring device installed by a resident or authorized representative unless the damage is caused by facility staff; and
 - b) an electronic monitoring device that does not work during a power outage.
52. Requires a facility to have a policy or procedure:
- a) to notify employees that electronic monitoring may be taking place in a resident's living space; and
 - b) regarding employees who refuse to enter the living space of a resident that contains an electronic monitoring device.

Miscellaneous

53. Allows DHS to assess a civil penalty against a facility that violates outlined procedures for authorized electronic monitoring.
54. Allows DHS to adopt rules necessary to implement outlined requirements for authorized electronic monitoring.
55. Defines *electronic monitoring*:
- a) as the use of an electronic monitoring device in the room of a resident of a nursing care institution or assisted living facility to record or transmit sounds or activity to or for the resident, the resident's authorized representative or an authorized third party; and
 - b) to include the tapes or recordings from the electronic monitoring device.

56. Defines *electronic monitoring device* as any device or technology that has a placed, fixed or otherwise installed location, that captures, records or broadcasts audio or video, or both, and that is used for electronic monitoring.

57. Defines terms.

58. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Adopted the strike-everything amendment relating to electronic monitoring in long-term care facilities.

House Action

LARA	3/25/26	W/D	
APPROP	3/31/26	DPA/SE	16-1-1-1
3 rd Read	4/22/26		41-11-7-0-1

Prepared by Senate Research

April 22, 2026

MM/MS/ci