

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 591
Mar 31, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10280-MG-117

Short Title: Elec. Monitoring in Nursing/Adult Care Homes.

(Public)

Sponsors: Representative Willis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE G.U.A.R.D. (GUARANTEEING UNINTERRUPTED ACCESS
3 TO RESIDENT DIGNITY) ACT TO PERMIT RESIDENTS OF NURSING HOMES AND
4 ADULT CARE HOMES, AND THEIR FAMILIES, TO MONITOR RESIDENTS
5 THROUGH THE USE OF ELECTRONIC MONITORING DEVICES AT THE EXPENSE
6 OF THE RESIDENTS; TO REQUIRE NURSING HOMES AND ADULT CARE HOMES
7 TO PROVIDE A POWER SOURCE AND MOUNTING SPACE FOR ELECTRONIC
8 MONITORING DEVICES; TO PROHIBIT NURSING HOMES AND ADULT CARE
9 HOMES FROM REFUSING TO ADMIT RESIDENTS BECAUSE OF A REQUEST TO
10 INSTALL AN ELECTRONIC MONITORING DEVICE; TO ALLOW RECORDINGS
11 FROM RESIDENTS' ELECTRONIC MONITORING DEVICES TO BE ADMISSIBLE IN
12 CRIMINAL AND CIVIL ACTIONS, SUBJECT TO THE RULES OF EVIDENCE; AND
13 TO IMPOSE CRIMINAL PENALTIES ON NURSING HOMES AND ADULT CARE
14 HOMES FOR VIOLATIONS OF THE G.U.A.R.D. ACT.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** This act shall be known as "The G.U.A.R.D. Act" or "The
17 Guaranteeing Uninterrupted Access to Resident Dignity Act."

18 **SECTION 2.** Part 1 of Article 6 of Chapter 131E of the General Statutes is amended
19 by adding a new section to read:

20 **"§ 131E-112.10. Electronic monitoring of nursing home and combination home residents.**

21 (a) The following definitions apply in this section:

22 (1) Electronic monitoring device. – Any technology capable of capturing and
23 storing audio or video data, or both, including a video surveillance camera, an
24 audio device, a mobile telephone, or an internet video surveillance device.

25 (2) Resident. – A person residing in a nursing home or combination home, or that
26 person's responsible party or legal representative.

27 (b) A nursing home or combination home shall permit a resident to monitor the resident's
28 room through the use of an electronic monitoring device. The nursing home or combination home
29 shall require a resident who exercises this option to post a notice in a conspicuous location on the
30 door of the resident's room stating that the room is being monitored by an electronic monitoring
31 device.

32 (c) All of the following apply to monitoring conducted by a resident under this section:

33 (1) Electronic monitoring is noncompulsory and at the election of the resident.

34 (2) The resident is responsible for all costs associated with the installation,
35 maintenance, and removal of the electronic monitoring device.



* D R H 1 0 2 8 0 - M G - 1 1 7 *

- (3) To the greatest extent possible, the resident shall protect the privacy rights of other residents and visitors of the nursing home or combination home.
- (d) In complying with this section, all of the following apply to nursing homes and combination homes:
- (1) Shall not refuse to admit an individual as a resident of the nursing home or combination home, nor discharge a resident from a nursing home or combination home, due to a request to install an electronic monitoring device in the resident's room.
- (2) Shall make reasonable physical accommodations for a resident's electronic monitoring device by providing access to power sources, access to the internet if readily available, and a reasonably secure place to mount the electronic monitoring device.
- (3) Shall inform a resident or prospective resident of the resident's right to install or arrange for the installation of an electronic monitoring device.
- (4) May require a resident who requests to install an electronic monitoring device to make the request in writing.
- (5) Shall not include in any contract between a resident and the nursing home or combination home a provision that purports to waive or modify the resident's rights under this section.
- (e) A recording created through the use of a resident's electronic monitoring device in either a civil or criminal action brought in a North Carolina court of competent jurisdiction is admissible, subject to Chapter 8C of the General Statutes.
- (f) A person who operates a nursing home or combination home in violation of this section is guilty of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two thousand dollars (\$2,000) or imprisonment not exceeding one year, or both.
- (g) A person who willfully and without the consent of a resident hampers, obstructs, tampers with, or destroys an electronic monitoring device shall be guilty of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two thousand dollars (\$2,000) or imprisonment not exceeding 90 days, or both."
- SECTION 3.** G.S. 131E-117 is amended by adding a new subdivision to read:
- "(17) To install or have installed at the resident's own expense an electronic monitoring device in the resident's room pursuant to G.S. 131E-112.10 for the purpose of ensuring the resident's health and safety."
- SECTION 4.** Article 1 of Chapter 131D of the General Statutes is amended by adding a new section to read:
- "§ 131D-7.10. Electronic monitoring of adult care home residents.**
- (a) The following definitions apply in this section:
- (1) Electronic monitoring device. – Any technology capable of capturing and storing audio or video data, or both, including a video surveillance camera, an audio device, a mobile telephone, or an internet video surveillance device.
- (2) Resident. – A person residing in an adult care home or the person's responsible party or legal representative.
- (b) An adult care home shall permit a resident to monitor the resident's room through the use of an electronic monitoring device. The adult care home shall require a resident who exercises this option to post a notice in a conspicuous location on the door of the resident's room stating that the room is being monitored by an electronic monitoring device.
- (c) All of the following apply to monitoring conducted by a resident under this section:
- (1) Electronic monitoring is noncompulsory and at the election of the resident.
- (2) The resident is responsible for all costs associated with the installation, maintenance, and removal of the electronic monitoring device.

- 1 (3) To the greatest extent possible, the resident shall protect the privacy rights of
2 other residents and visitors of the adult care home.
- 3 (d) In complying with this section, all of the following apply to adult care homes:
- 4 (1) Shall not refuse to admit an individual as a resident of an adult care home, nor
5 discharge a resident from an adult care home, due to a request to install an
6 electronic monitoring device in the resident's room.
- 7 (2) Shall make reasonable physical accommodations for a resident's electronic
8 monitoring device by providing access to power sources, access to the internet
9 if readily available, and a reasonably secure place to mount the electronic
10 monitoring device.
- 11 (3) Shall inform a resident or prospective resident of the resident's right to install
12 or arrange for the installation of an electronic monitoring device.
- 13 (4) May require a resident who requests to install an electronic monitoring device
14 to make the request in writing.
- 15 (5) Shall not include in any contract between a resident and the adult care home
16 a provision that purports to waive or modify the resident's rights under this
17 section.
- 18 (e) A recording created through the use of a resident's electronic monitoring device in
19 either a civil or criminal action brought in a North Carolina court of competent jurisdiction is
20 admissible, subject to Chapter 8C of the General Statutes.
- 21 (f) A person who operates an adult care home in violation of this section is guilty of a
22 Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two thousand
23 dollars (\$2,000) or imprisonment not exceeding one year, or both.
- 24 (g) A person who willfully and without the consent of a resident hampers, obstructs,
25 tampers with, or destroys an electronic monitoring device shall be guilty of a Class A1
26 misdemeanor and upon conviction is subject to a fine not exceeding two thousand dollars
27 (\$2,000) or imprisonment not exceeding 90 days, or both."

28 **SECTION 5.** G.S. 131D-21 is amended by adding a new subdivision to read:

29 "(18) To install or have installed at the resident's own expense an electronic
30 monitoring device in the resident's room pursuant to G.S. 131D-7.10 for the
31 purpose of ensuring the resident's health and safety."

32 **SECTION 6.** This act becomes effective October 1, 2025.