

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025**

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**HOUSE BILL 591**

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

Sponsors: Representatives Willis, Loftis, and Brody (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 1, 2025

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

**"§ 131E-112.10. Electronic monitoring of nursing home and combination 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 a nursing home or combination home, or that person's responsible party or legal representative.

(b) A nursing home or combination home shall permit a resident to monitor the resident's room through the use of an electronic monitoring device. The nursing home or combination 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.



- 1           (2)   The resident is responsible for all costs associated with the installation,  
2           maintenance, and removal of the electronic monitoring device.
- 3           (3)   To the greatest extent possible, the resident shall protect the privacy rights of  
4           other residents and visitors of the nursing home or combination home.
- 5       (d)   In complying with this section, all of the following apply to nursing homes and  
6       combination homes:
- 7           (1)   Shall not refuse to admit an individual as a resident of the nursing home or  
8           combination home, nor discharge a resident from a nursing home or  
9           combination home, due to a request to install an electronic monitoring device  
10          in the resident's room.
- 11          (2)   Shall make reasonable physical accommodations for a resident's electronic  
12          monitoring device by providing access to power sources, access to the internet  
13          if readily available, and a reasonably secure place to mount the electronic  
14          monitoring device.
- 15          (3)   Shall inform a resident or prospective resident of the resident's right to install  
16          or arrange for the installation of an electronic monitoring device.
- 17          (4)   May require a resident who requests to install an electronic monitoring device  
18          to make the request in writing.
- 19          (5)   Shall not include in any contract between a resident and the nursing home or  
20          combination home a provision that purports to waive or modify the resident's  
21          rights under this section.
- 22       (e)   A recording created through the use of a resident's electronic monitoring device in  
23       either a civil or criminal action brought in a North Carolina court of competent jurisdiction is  
24       admissible, subject to Chapter 8C of the General Statutes.
- 25       (f)   A person who operates a nursing home or combination home in violation of this  
26       section is guilty of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding  
27       two thousand dollars (\$2,000) or imprisonment not exceeding one year, or both.
- 28       (g)   A person who willfully and without the consent of a resident hampers, obstructs,  
29       tampers with, or destroys an electronic monitoring device shall be guilty of a Class A1  
30       misdemeanor and upon conviction is subject to a fine not exceeding two thousand dollars  
31       (\$2,000) or imprisonment not exceeding 90 days, or both."
- 32       **SECTION 3.** G.S. 131E-117 is amended by adding a new subdivision to read:  
33       "(17) To install or have installed at the resident's own expense an electronic  
34       monitoring device in the resident's room pursuant to G.S. 131E-112.10 for the  
35       purpose of ensuring the resident's health and safety."
- 36       **SECTION 4.** Article 1 of Chapter 131D of the General Statutes is amended by  
37       adding a new section to read:  
38       "§ 131D-7.10. Electronic monitoring of adult care home residents.
- 39       (a)   The following definitions apply in this section:
- 40           (1)   Electronic monitoring device. – Any technology capable of capturing and  
41           storing audio or video data, or both, including a video surveillance camera, an  
42           audio device, a mobile telephone, or an internet video surveillance device.
- 43           (2)   Resident. – A person residing in an adult care home or the person's responsible  
44           party or legal representative.
- 45       (b)   An adult care home shall permit a resident to monitor the resident's room through the  
46       use of an electronic monitoring device. The adult care home shall require a resident who exercises  
47       this option to post a notice in a conspicuous location on the door of the resident's room stating  
48       that the room is being monitored by an electronic monitoring device.
- 49       (c)   All of the following apply to monitoring conducted by a resident under this section:
- 50           (1)   Electronic monitoring is noncompulsory and at the election of the resident.

- 1           (2)   The resident is responsible for all costs associated with the installation,  
2           maintenance, and removal of the electronic monitoring device.
- 3           (3)   To the greatest extent possible, the resident shall protect the privacy rights of  
4           other residents and visitors of the adult care home.
- 5       (d)   In complying with this section, all of the following apply to adult care homes:
- 6           (1)   Shall not refuse to admit an individual as a resident of an adult care home, nor  
7           discharge a resident from an adult care home, due to a request to install an  
8           electronic monitoring device in the resident's room.
- 9           (2)   Shall make reasonable physical accommodations for a resident's electronic  
10          monitoring device by providing access to power sources, access to the internet  
11          if readily available, and a reasonably secure place to mount the electronic  
12          monitoring device.
- 13          (3)   Shall inform a resident or prospective resident of the resident's right to install  
14          or arrange for the installation of an electronic monitoring device.
- 15          (4)   May require a resident who requests to install an electronic monitoring device  
16          to make the request in writing.
- 17          (5)   Shall not include in any contract between a resident and the adult care home  
18          a provision that purports to waive or modify the resident's rights under this  
19          section.
- 20       (e)   A recording created through the use of a resident's electronic monitoring device in  
21       either a civil or criminal action brought in a North Carolina court of competent jurisdiction is  
22       admissible, subject to Chapter 8C of the General Statutes.
- 23       (f)   A person who operates an adult care home in violation of this section is guilty of a  
24       Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two thousand  
25       dollars (\$2,000) or imprisonment not exceeding one year, or both.
- 26       (g)   A person who willfully and without the consent of a resident hampers, obstructs,  
27       tampers with, or destroys an electronic monitoring device shall be guilty of a Class A1  
28       misdemeanor and upon conviction is subject to a fine not exceeding two thousand dollars  
29       (\$2,000) or imprisonment not exceeding 90 days, or both."
- 30       **SECTION 5.** G.S. 131D-21 is amended by adding a new subdivision to read:  
31       "(18) To install or have installed at the resident's own expense an electronic  
32       monitoring device in the resident's room pursuant to G.S. 131D-7.10 for the  
33       purpose of ensuring the resident's health and safety."
- 34       **SECTION 6.** This act becomes effective October 1, 2025.