

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 587

By: Senator G. Leding
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO CREATE THE PARENTS' PEACE OF MIND ACT; TO ESTABLISH AUTHORIZATION FOR AND USE OF A MONITORING DEVICE IN A LONG-TERM CARE FACILITY; TO PROVIDE FOR WAIVERS; TO PROVIDE FOR ENFORCEMENT AND PENALTIES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PARENTS' PEACE OF MIND ACT; TO ESTABLISH AUTHORIZATION FOR AND USE OF A MONITORING DEVICE IN A LONG-TERM CARE FACILITY; TO PROVIDE FOR WAIVERS; AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an additional subchapter to read as follows:

Subchapter 26 – Parents' Peace of Mind Act

20-10-2601. Title.

This subchapter shall be known and may be cited as the "Parents' Peace of Mind Act".

20-10-2602. Definitions.

As used in this subchapter:

(1) "Authorized electronic monitoring" means the placement of



electronic monitoring devices in the common areas or room of a resident of a facility and the recordings from such devices under this subchapter;

(2) "Authorized electronic monitoring devices" means:

(A) Video surveillance cameras installed in the common areas or room of a resident of a facility under this subchapter; or

(B) Audio devices installed in the room of a resident under this subchapter that are designed to acquire or record communications or other sounds occurring in the room;

(3) "Facility" means a long-term care facility that is required to be licensed under § 20-10-224;

(4) "Representative" means the representative of a resident or guardian of a resident appointed by a court; and

(5) "Resident" means a person who is a resident of a facility.

20-10-2603. Required notice.

(a) A facility shall provide written notice to each resident or to his or her representative that authorized electronic monitoring of a resident's room conducted under this subchapter is not compulsory and shall only be conducted with the written consent of the resident or his or her representative.

(b) A facility shall not refuse to admit an individual to the facility and shall not remove a resident from a facility because the individual, resident, or his or her representative does not authorize electronic monitoring of the resident's room.

(c) A facility shall post at or near its main entrances a sign that clearly states that authorized electronic monitoring devices may be in use in the facility.

20-10-2604. Prohibition on tampering or destruction.

(a) A person or entity shall not purposefully obstruct, tamper with, or destroy an authorized electronic monitoring device installed in a facility.

(b) A person or entity that purposefully obstructs, tampers with, or destroys a recording or an authorized electronic monitoring device installed in a facility upon conviction is guilty of a Class D felony.

(c) A person or entity shall not intercept a communication or disclose

or use an intercepted communication of an authorized electronic monitoring device placed or installed in a common area of a facility without the express written consent of the facility, or, for an authorized electronic monitoring device installed in a room of the resident, the express written consent of the resident or his or her representative.

20-10-2605. Authorized electronic monitoring device in private room of resident.

(a) A resident or his or her representative may install an authorized electronic monitoring device under this subchapter in his or her private room at the resident's or representative's own expense.

(b) Notice of the authorized electronic monitoring device shall be posted at the entrance of the resident's room that the room is being monitored by an authorized electronic monitoring device.

20-10-2606. Authorized electronic monitoring device in a shared room.

(a)(1) A resident of a shared room or his or her representative may install an authorized electronic monitoring device under this subchapter in the shared quarters only with the written consent of each roommate or his or her representative.

(2) The written consent in subdivision (a)(1) of this section shall be on a form prescribed by the Office of Long-Term Care and shall be placed on file with the administrator of the facility.

(3) The office may include other information as deemed appropriate by the office on the form described in subdivision (a)(2) of this section.

(b) If a resident residing in a shared room or his or her representative does not consent to the use or installation of an authorized electronic monitoring device, the facility shall accommodate the resident or the representative by moving one or more of the residents to different rooms within a reasonable amount of time following a request for a room change.

(c) Consent may be limited in the following manner:

(1) That a video surveillance camera be pointed away from the consenting roommate or his or her portion of the shared room; and

(2) That use of audio or video recordings produced by the authorized electronic monitoring device that depict the voice or likeness of

the consenting roommate shall not be shared without further consent of the consenting roommate or his or her representative.

(d) Consent by a roommate or his or her representative under this section may be revoked at any time.

(e) If authorized electronic monitoring is being conducted in the room of a resident, another resident may not be moved into the room unless the resident or his or her representative has consented to the use of existing authorized electronic monitoring.

(f) Notice of the authorized electronic monitoring device shall be posted at the entrance of the resident's room that the shared room is being monitored by an authorized electronic monitoring device.

SECTION 2. DO NOT CODIFY. Authorized electronic monitoring device – Compliance.

(a) The Office of Long-Term Care shall prepare and make available the written consent forms required by this act sufficiently in advance of the effective date to be accessible on the website of the office.

(b) A resident or his or her representative presently using an electronic monitoring device before the effective date of this act shall comply with all consent and disclosure requirements of this act by the effective date of this act.

SECTION 3. EFFECTIVE DATE.

This act is effective on and after November 1, 2025.