



**HB0109**

**Electronic monitoring in long-term care facilities.**

Sponsored By: Representative(s) Kirkbride, Brown, Hallinan, Paxton, Sweeney and Yin and Senator(s) Baldwin and Pappas

AN ACT relating to public health and safety; regulating electronic monitoring in long-term care facilities; providing guidelines and obligations for facilities and residents; providing penalties and evidentiary standards; requiring rulemaking; specifying applicability; and providing for effective dates.

2/5/2020 Bill Number Assigned  
2/7/2020 H Received for Introduction  
2/12/2020 H Introduced and Referred to H10 - Labor 46-13-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Kinner, Kirkbride, Larsen Lloyd, Loucks, Macguire, Newsome, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Clem, Edwards, Eyre, Gray, Hunt, Jennings, Laursen Dan, Lindholm, Miller, Nicholas, Piiparinen, Salazar, Styvar

**Excused:** Representative Henderson

**Ayes 46 Nays 13 Excused 1 Absent 0 Conflicts 0**

2/18/2020 H10 - Labor:Recommend Amend and Do Pass 6-3-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Dayton, Hallinan, Roscoe, Sweeney, Yin

**Nays:** Representative(s) Clem, Styvar, Wilson

**Ayes 6 Nays 3 Excused 0 Absent 0 Conflicts 0**

2/18/2020 H Placed on General File

**HB0109HS001/ADOPTED (CORRECTED COPY)**

Page 3-line 10 Delete "fixed" and insert "permanent fixed and stationary".

Page 15-after line 11 Insert:

"(h) A facility or employee of the facility shall not have access to video or audio recordings captured by an electronic monitoring device except as specified in this act.".

Page 15-line 20 After "Evidence" insert "." and delete balance of line.

Page 15-lines 22 and 23 Delete entirely.

Page 16-lines 1 through 6 Delete entirely. WILSON, CHAIRMAN

2/25/2020 H COW:Passed

**HB0109H2001.01/ADOPTED [DIVIDED AMENDMENT]**

(CORRECTED COPY)

Page 3-line 10 Delete entirely including the House standing committee amendment (HB0109HS001/AC) to this line.

Page 3-line 11 Delete "position" and insert "camera or other device".

Page 3-line 12 After "that is" insert "placed, used or".

Page 3-line 13 After "room" insert ";" and delete balance of line.

Page 3-line 14 Delete entirely. KIRKBRIDE

**HB0109H2001.02/FAILED [DIVIDED AMENDMENT]  
(CORRECTED COPY)**

Page 9-line 2 Delete "a" and insert "an intentional". KIRKBRIDE

2/26/2020 H 2nd Reading:Passed

**HB0109H3001/WITHDRAWN**

**HB0109H3002/ADOPTED**

Page 5-line 9 After "facility." insert "Any recording made by an electronic monitoring device under this subsection shall be the property of the facility subject to reasonable use by residents as provided by rule of the department.".

Page 5-line 13 After "act." insert "Any recording made by an electronic monitoring device under this subsection shall be the property of the resident or the resident's representative but may be used by a facility as provided by rule of the department.". OLSEN

**HB0109H3003/ADOPTED**

Page 9-lines 1 through 4 Delete entirely and insert:

"(ii) Waive any claim of liability against the facility for any civil damages for any release or use of a recording made by an electronic monitoring device under the control or in the custody of the facility or for a violation of the resident's right to privacy in connection with the use of electronic monitoring devices, except for acts or omissions constituting gross negligence or willful or wanton misconduct;".

Page 11-lines 1 through 3 Delete entirely and insert:

"(iii) Waive any claim of liability against the facility for any civil damages for any release or use of a recording made by an electronic monitoring device under the control or in the custody of the facility or for a violation of the resident's right to privacy in connection with the use of electronic monitoring devices, except for acts or omissions constituting gross negligence or willful or wanton misconduct;". OLSEN

**HB0109H3004.01/ADOPTED [DIVIDED AMENDMENT]**

(CORRECTED COPY)

Page 14-line 2 Delete "of a type".  
Page 14-line 3 Delete entirely.  
Page 14-line 4 Delete line through "that is". KIRKBRIDE

**HB0109H3004.02/FAILED [DIVIDED AMENDMENT]  
(CORRECTED COPY)**

Delete the Olsen third reading amendment (HB0109H3003/A) entirely and further amend as follows:

Page 9-line 2 Delete "a" and insert "an unintentional".  
Page 11-line 1 After "any" insert "civil".  
Page 11-line 2 Delete "any" and insert "an unintentional". KIRKBRIDE

2/27/2020 H 3rd Reading:Passed 33-25-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Brown, Burkhart, Clausen, Crank, Dayton-Selman, Duncan, Eklund, Freeman, Furphy, Haley, Hallinan, Harshman, Kinner, Kirkbride, Macguire, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Salazar, Simpson, Sommers, Stith, Sweeney, Washut, Yin, Zwonitzer

**Nays:** Representative(s) Blake, Burlingame, Clem, Clifford, Connolly, Edwards, Eyre, Flitner, Gray, Greear, Hunt, Jennings, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Miller, Piiparinen, Schwartz, Styvar, Tass, Walters, Western, Wilson, Winter

**Excused:** Representative(s) Blackburn, Henderson

**Ayes 33 Nays 25 Excused 2 Absent 0 Conflicts 0**

2/28/2020 S Received for Introduction  
2/28/2020 S Introduced and Referred to S10 - Labor  
3/4/2020 S10 - Labor:Recommend Amend and Do Pass 4-1-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Baldwin, Pappas, Schuler, Scott

**Nays:** Senator Bouchard

**Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0**

3/4/2020 S Placed on General File

**HB0109SS001/ADOPTED (TO ENGROSSED COPY)**

Page 3-line 12 After "room" insert "for the purpose of remote monitoring".  
Page 5-line 4 Delete "electronic".  
Page 5-line 5 Delete "monitoring devices or".  
Page 5-line 8 Delete "an".

Page 5-line 9 Delete "electronic monitoring device" and insert "security surveillance devices".

Page 5-line 10 After "facility" insert "." and delete balance of line.

Page 5-line 11 Delete entirely.

Page 5-line 13 After "resident" insert "or resident's representative".

Page 9-line 10 Delete "an electronic monitoring device" and insert "security surveillance devices". SCOTT, CHAIRMAN

**HB0109SW001/WITHDRAWN**

**HB0109SW002/FAILED**

**(TO ENGROSSED COPY)**

Page 4-line 18 After "act." insert "No facility shall be required to allow or engage in electronic monitoring or use of electronic monitoring devices.". BOUCHARD, NETHERCOTT

**HB0109SW003/WITHDRAWN**

**HB0109SW004/ADOPTED**

**(TO ENGROSSED COPY)**

Page 3-lines 9 through 12 Delete entirely including the Senate standing committee amendment (HB0109SS001/AE) and the Bouchard, et al. committee of the whole amendment (HB0109SW001/AE) to these lines and insert:

"(iv) Electronic monitoring device" means a video camera or other surveillance instrument with a fixed position that captures, records, transmits or broadcasts audio, video or both and that is installed in a resident's room and used for electronic monitoring of the resident and activities in the room;".  
BALDWIN

3/9/2020 S COW:Passed  
3/10/2020 S 2nd Reading:Passed  
3/11/2020 S 3rd Reading:Passed 16-12-2-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Boner, Case, Ellis, Gierau, Kinskey, Kost, Moniz, Nethercott, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Bebout, Biteman, Bouchard, Coe, Dockstader, Hicks, Hutchings, James, Landen, Pappas, Perkins, Steinmetz

**Excused:** Senator(s) Agar, Driskill

**Ayes** 16    **Nays** 12    **Excused** 2    **Absent** 0    **Conflicts** 0

3/11/2020 H Received for Concurrence  
3/12/2020 H Concur:Passed 36-22-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clifford, Dayton-Selman, Duncan, Eyre, Flitner, Furphy, Haley, Hallinan, Harshman, Henderson, Kinner, Kirkbride, Laursen Dan, Macguire, Newsome, Northrup, Obermueller, Paxton, Pelkey, Pownall, Roscoe, Simpson, Sommers, Stith, Sweeney, Tass, Washut, Yin, Zwonitzer

**Nays:** Representative(s) Clem, Connolly, Edwards, Eklund, Gray, Greear, Hunt, Jennings, Larsen Lloyd, Lindholm, Loucks, Miller, Nicholas, Olsen, Piiparinen, Salazar, Schwartz, Styvar, Walters, Western, Wilson, Winter

**Excused:** Representative(s) Crank, Freeman

**Ayes** 36    **Nays** 22    **Excused** 2    **Absent** 0    **Conflicts** 0

3/12/2020    Assigned Number HEA No. 0089  
3/12/2020    H Speaker Signed HEA No. 0089  
3/12/2020    S President Signed HEA No. 0089  
3/17/2020    Governor Signed HEA No. 0089  
3/17/2020    Assigned Chapter Number 126

Chapter No. 126    Session Laws of Wyoming 2020