

57 device in the resident's room if the resident ~~§→ [or] and ←§~~ the resident's legal representative
 57a ~~§→ , if any, unless the resident is incapable of informed consent ←§ :~~

58 (a) notifies the resident's facility in writing ~~§→ [:~~

59 ~~(i)] ←§ that the resident or the resident's legal representative, if any:~~

60 ~~§→ [(A)] (i) ←§ intends to operate or install a monitoring device in the resident's room; and~~

61 ~~§→ [(B)] (ii) ←§ consents to a waiver agreement, if required by a facility:~~

62 ~~§→ [(ii) of the specific location where the resident or the resident's legal representative will~~
 63 ~~operate or install the monitoring device; and~~

64 ~~(iii) of the technical specifications and capabilities of the monitoring device;] ←§~~

65 (b) obtains written consent from each of the resident's roommates, and their legal
 66 representative, if any, that specifically states the hours when each roommate consents to the
 67 resident or the resident's legal representative operating the monitoring device; and

68 (c) assumes all responsibility for any cost related to installing or operating the
 69 monitoring device.

70 (2) A facility shall not be civilly or criminally liable to:

71 (a) a resident or resident's roommate for the operation of a monitoring device
 72 consistent with this part; and

73 (b) any person other than the resident or resident's roommate for any claims related to
 74 the use or operation of a monitoring device consistent with this part, unless the claim is caused
 75 by the acts or omissions of an employee or agent of the facility.

76 (3) Notwithstanding any other provision of this part, an individual may not, under this
 77 part, operate a monitoring device in a facility without a court order:

78 (a) in secret; or

79 (b) with an intent to intercept a wire, electronic, or oral communication without notice
 80 to or the consent of a party to the communication.

81 Section 4. Section **26-21-304** is enacted to read:

82 **26-21-304. Monitoring device -- Facility admission, patient discharge, and posted**
 83 **notice.**

84 (1) A facility may not deny an individual admission to the facility for the sole reason
 85 that the individual or the individual's legal representative requests to install or operate a
 86 monitoring device in the individual's room.

87 (2) A facility may not discharge a resident for the sole reason that the resident or the