

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2026 Regular Session**

Part I: Measure Information

Bill Request #:	1843	Bill #:	HB 491
Document ID #:	4025	Sponsor:	Rep. DJ Johnson
Bill Title:	AN ACT relating to long-term care facilities.		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Law Enforcement, Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 491 creates a new section in Kentucky law governing long-term care facilities and establishes rules for residents to authorize electronic monitoring in their rooms. The bill defines key terms such as “attorney-in-fact,” “electronic monitoring device,” “guardian,” and “long-term care facility,” “resident,” and allows residents or their legal representatives to install cameras or audio devices after completing a state-issued form and paying all associated costs except electricity. If the room is shared, consent from the other resident or their representative is required, and conditions such as camera placement may be imposed. Consent can be withdrawn at any time, and facilities must document these changes in the resident’s clinical record.

Facilities are required to make reasonable accommodations for installation, including providing a secure mounting location, access to power, and scheduling installation times, and they must post a notice at the entrance of any monitored room. Recordings may only be used to promote safety or investigate incidents, not for routine staff evaluations, and must be retained for at least three months or until any related proceedings conclude.

Access to recordings is limited to the resident, their legal representative, or law enforcement unless otherwise authorized.

HB 491 prohibits retaliation against residents who choose monitoring and makes tampering with devices or recordings a Class B misdemeanor. Facilities acting in good faith are shielded from liability for privacy violations resulting from resident-directed monitoring, but the law does not provide immunity for abuse or neglect. The Cabinet for Health and Family Services will create the necessary forms and regulations to implement these provisions.

The fiscal impact of HB 491 on local government is indeterminable but likely negative. While there will be costs associated with violations of this legislation, the number of misdemeanors cannot be predicted and is unknown.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$47.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$47.43 per day.

Data Source(s): Department of Corrections, LRC Staff

Preparer: HT **Reviewer:** MS (MDA) **Date:** 1/28/26