

ACT No. 619

2022 Regular Session

HOUSE BILL NO. 384

BY REPRESENTATIVE WHEAT

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 40:2193.6, relative to pediatric
3 day health care facilities licensed by the Louisiana Department of Health; to require
4 that such facilities install cameras at their licensed premises; to require such facilities
5 to develop and disseminate policies concerning cameras installed at their premises;
6 to provide requirements and limitations with respect to the location and placement
7 of such cameras; to provide authorizations and restrictions with respect to video and
8 audio recordings made by such cameras; to exempt such video and audio recordings
9 from the provisions of the Public Records Law; to provide for an effective date; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:2193.6 is hereby enacted to read as follows:

13 §2193.6. Cameras; condition of licensure

14 A. Each pediatric day health care facility shall provide for the installation
15 and operation at its licensed premises of cameras that record both video and audio.
16 Compliance with the provisions of this Section shall be a condition of a pediatric day
17 health care facility's licensure by the department as provided in this Part.

18 B. The director of each pediatric day health care facility shall develop and
19 share with all facility employees and parents of children served at the facility a
20 policy relative to cameras at the facility that, at minimum, provides for all of the
21 following:

1 (1) The location and placement of cameras in any room, except a location
 2 identified in Paragraph (2) of this Subsection, in which children may be cared for.

3 (2) A prohibition against the recording of the interior of a restroom or any
 4 other area in which a child's bare body is normally exposed.

5 (3) A requirement that written notice of the cameras be provided to facility
 6 employees, parents of children served at the facility, and authorized visitors.

7 (4) A requirement that all employees who provide services at the facility
 8 receive training concerning the provisions of this Section.

9 (5) Provisions relative to the duration of retention of video and audio data
 10 recorded by the devices required by this Section and procedures for data storage and
 11 disposal.

12 (6) Procedures for protecting children's privacy and for determining to whom
 13 and under what circumstances video or audio data may be disclosed. Such policies
 14 shall restrict authorization to review video or audio data recorded by the devices
 15 required by this Section to the following persons, exclusively:

16 (a) The director of the pediatric day health care facility.

17 (b) The secretary of the department or his designee.

18 (c) A parent of a recorded child pursuant to an allegation or evidence of
 19 abuse, neglect, or injury.

20 (d) Any member of law enforcement while investigating, in his official
 21 capacity, an allegation or evidence of abuse, neglect, or injury.

22 (e) Any party designated in a subpoena issued by a court of law.

23 (7) A requirement that any person who views a recording showing what he
 24 believes could be a violation of state or federal law shall report the suspected
 25 violation to the appropriate law enforcement agency.

26 (8) A requirement that any camera installed pursuant to this Section be in
 27 compliance with the National Fire Protection Association Life Safety Code.

28 C. Recordings made by cameras at pediatric day health care facilities
 29 installed and operated in accordance with this Section shall be kept confidential and

1 are not public records; however, such a recording may be viewed by a party
2 designated in Paragraph (B)(6) of this Section.

3 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

4 §4.1. Exceptions

5 * * *

6 B. The legislature further recognizes that there exist exceptions, exemptions,
7 and limitations to the laws pertaining to public records throughout the revised
8 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
9 limitations are hereby continued in effect by incorporation into this Chapter by
10 citation:

11 * * *

12 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1,
13 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1168.3, 1171.4, 1203.4,
14 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019,
15 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2193.6, 2532, 2845.1

16 * * *

17 Section 3. The requirements enacted by Section 1 of this Act relating to installation
18 and operation of cameras at pediatric day health care facilities shall not become enforceable
19 until the date of adoption of administrative rules promulgated by the Louisiana Department
20 of Health for implementation of the provisions of this Act.

21 Section 4. This Act shall become effective on January 1, 2023.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____