

By: Manuel

H.B. No. 1199

A BILL TO BE ENTITLED

AN ACT

relating to emergency generators or other power sources for nursing facilities and assisted living facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Sections 242.053 and 242.054 to read as follows:

Sec. 242.053. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

(a) Each nursing facility licensed under this chapter shall ensure the facility is equipped with an operational emergency generator or comparable emergency power source and a sufficient amount of fuel to operate the generator or power source during a power outage for a minimum of 72 hours in:

(1) an area in the facility of sufficient size to at all times safely maintain residents as appropriate for resident needs; and

(2) for a facility that maintains an installed unit locking device, as defined by commission rule, to restrict a resident's ability to exit a unit of the facility or the facility, a separately powered area in addition to an area described by Subdivision (1).

(b) An operational emergency generator or comparable emergency power source required by Subsection (a) may be powered by any type of fuel, including natural gas.

1 (c) A nursing facility must comply with Subsection (a) not
2 later than September 1, 2026. A facility may submit a request to
3 the commission for an extension not to exceed one year to comply in
4 good faith with Subsection (a). A facility may not request more
5 than two additional one-year extensions and must separately request
6 each extension. This subsection expires September 1, 2029.

7 Sec. 242.054. GENERATOR INSPECTION. (a) In addition to the
8 inspections required under Sections 242.043 and 242.044, the
9 commission shall conduct an annual inspection of each facility's
10 emergency generator or other power source required by Section
11 242.053.

12 (b) The executive commissioner by rule shall prescribe a
13 checklist for an inspection conducted under this section.

14 SECTION 2. Subchapter D, Chapter 247, Health and Safety
15 Code, is amended by adding Sections 247.073 and 247.074 to read as
16 follows:

17 Sec. 247.073. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

18 (a) Each assisted living facility licensed under this chapter
19 shall ensure the facility is equipped with an operational emergency
20 generator or comparable emergency power source and a sufficient
21 amount of fuel to operate the generator or power source during a
22 power outage for a minimum of 72 hours in:

23 (1) an area in the facility of sufficient size to at
24 all times safely maintain residents as appropriate for resident
25 needs; and

26 (2) for a facility that maintains an installed unit
27 locking device, as defined by commission rule, to restrict a

1 resident's ability to exit a unit of the facility or the facility, a
2 separately powered area in addition to an area described by
3 Subdivision (1).

4 (b) An operational emergency generator or comparable
5 emergency power source required by Subsection (a) may be powered by
6 any type of fuel, including natural gas.

7 (c) An assisted living facility must comply with Subsection
8 (a) not later than September 1, 2026. A facility may submit a
9 request to the commission for an extension not to exceed one year to
10 comply in good faith with Subsection (a). A facility may not
11 request more than two additional one-year extensions and must
12 separately request each extension. This subsection expires
13 September 1, 2029.

14 Sec. 247.074. GENERATOR INSPECTION. (a) In addition to the
15 inspections required under Sections 247.023(a) and 247.027, the
16 commission shall conduct an annual inspection of each facility's
17 emergency generator or other power source required by Section
18 247.073.

19 (b) The executive commissioner by rule shall prescribe a
20 checklist for an inspection conducted under this section.

21 SECTION 3. As soon as practicable after the effective date
22 of this Act, the executive commissioner of the Health and Human
23 Services Commission shall adopt rules necessary to implement
24 Sections 242.053, 242.054, 247.073, and 247.074, Health and Safety
25 Code, as added by this Act.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.