

By: Hernandez

H.B. No. 2218

A BILL TO BE ENTITLED

AN ACT

relating to required emergency generators or other backup power sources in certain nursing facilities, assisted living facilities, and senior independent living communities; providing civil penalties.

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 Section 242.053 to read as follows:

Sec. 242.053. EMERGENCY GENERATOR OR OTHER BACKUP POWER SOURCE REQUIRED IN NURSING FACILITIES WITH ELEVATORS. (a) Each nursing facility licensed under this chapter that maintains and operates an elevator shall install and maintain on the premises of each facility building that contains an elevator:

(1) an operational emergency generator or other backup power source with enough capacity to power an elevator in the building for a minimum of 48 hours during a power outage; and

(2) a sufficient fuel supply to power the emergency generator or power source for the period described by Subdivision (1).

(b) A nursing facility that violates Subsection (a) is liable for a civil penalty of not more than \$500 for each violation. Each month a violation continues is considered a separate violation for purposes of assessing the civil penalty.

(c) The attorney general may bring suit to recover the civil

1 penalty authorized by Subsection (b).

2 SECTION 2. Subchapter D, Chapter 247, Health and Safety  
3 Code, is amended by adding Section 247.073 to read as follows:

4 Sec. 247.073. EMERGENCY GENERATOR OR OTHER BACKUP POWER  
5 SOURCE REQUIRED IN ASSISTED LIVING FACILITIES WITH ELEVATORS. (a)  
6 Each assisted living facility licensed under this chapter that  
7 maintains and operates an elevator shall install and maintain on  
8 the premises of each facility building that contains an elevator:

9 (1) an operational emergency generator or backup power  
10 source with enough capacity to power an elevator in the building for  
11 a minimum of 48 hours during a power outage; and

12 (2) a sufficient fuel supply to power the emergency  
13 generator or power source for the period described by Subdivision  
14 (1).

15 (b) An assisted living facility that violates Subsection  
16 (a) is liable for a civil penalty of not more than \$500 for each  
17 violation. Each month a violation continues is considered a  
18 separate violation for purposes of assessing the civil penalty.

19 (c) The attorney general may bring suit to recover the civil  
20 penalty authorized by Subsection (b).

21 SECTION 3. Subtitle B, Title 9, Health and Safety Code, is  
22 amended by adding Chapter 786 to read as follows:

23 CHAPTER 786. EMERGENCY GENERATORS FOR SENIOR INDEPENDENT LIVING  
24 COMMUNITIES

25 Sec. 786.001. DEFINITIONS. In this chapter:

26 (1) "Common amenity" means an amenity or service  
27 offered or provided to residents of a multiunit residential

community, including:

(A) concierge services;

(B) a library;

(C) common dining services;

(D) housekeeping services; and

(E) full-time security.

(2) "Senior independent living community" means a residential community or a portion of a residential community that:

(A) is intended and operated for occupancy by at least one individual 55 years of age or older for each unit;

(B) contains not fewer than 20 residential units in one or more multiunit buildings that are available to occupy; and

(C) provides common amenities.

Sec. 786.002. EXEMPTIONS. This chapter does not apply to:

(1) a health care institution as defined by Section 74.001, Civil Practice and Remedies Code;

(2) a boarding home facility as defined by Section 260.001 that holds a permit issued under Chapter 260;

(3) a supportive housing facility for elderly individuals operated under Section 202, the National Housing Act (12 U.S.C. Section 1701q);

(4) a center for independent living as defined by Section 702 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 796a); or

(5) any other facility that is regulated by the Health and Human Services Commission or in accordance with rules adopted by the Centers for Medicare and Medicaid Services.

1       Sec. 786.003. EMERGENCY GENERATOR OR OTHER BACKUP POWER  
2 SOURCE REQUIRED IN SENIOR INDEPENDENT LIVING COMMUNITIES WITH  
3 ELEVATORS. (a) Each senior independent living community that  
4 maintains and operates an elevator shall install and maintain on  
5 the premises of each building in the community that contains an  
6 elevator:

7               (1) an operational emergency generator or backup power  
8 source with enough capacity to power an elevator in the building for  
9 a minimum of 48 hours during a power outage; and

10              (2) a sufficient fuel supply to power the emergency  
11 generator or power source for the period described by Subdivision  
12 (1).

13              (b) A senior independent living community that violates  
14 Subsection (a) is liable for a civil penalty of not more than \$1,000  
15 for each violation. Each month a violation continues is considered  
16 a separate violation for purposes of assessing the civil penalty.

17              (c) The attorney general may bring suit to recover the civil  
18 penalty authorized by Subsection (b).

19       SECTION 4. (a) A nursing facility is not required to  
20 comply with Section 242.053, Health and Safety Code, as added by  
21 this Act, before March 1, 2026.

22              (b) An assisted living facility is not required to comply  
23 with Section 247.073, Health and Safety Code, as added by this Act,  
24 before March 1, 2026.

25              (c) A senior independent living community is not required to  
26 comply with Chapter 786, Health and Safety Code, as added by this  
27 Act, before March 1, 2026.

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1       SECTION 5.   This Act takes effect September 1, 2025.