

By: Barry

H.B. No. 3595

A BILL TO BE ENTITLED

AN ACT

relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency; providing penalties.

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

SECTION 1. Subchapter D, Chapter 247, Health and Safety Code, is amended by adding Section 247.073 to read as follows:

Sec. 247.073. EMERGENCY PREPAREDNESS AND CONTINGENCY OPERATIONS PLAN; TEMPERATURE REGULATION. (a) In this section:

(1) "Area of refuge" means a climate-controlled area in an assisted living facility that is designated for use when sheltering in place during a power outage or other emergency to provide safety, care, and other resources to residents.

(b) An assisted living facility shall adopt and implement an emergency preparedness and contingency operations plan that requires the facility to provide in a power outage:

(1) for each assisted living facility resident a climate-controlled area of refuge with at least 15 square feet per resident; and

(2) notice to the commission of an unplanned interruption or loss for more than 12 hours of electric utility service.

(c) An emergency preparedness and contingency operations plan adopted in accordance with this section must require an

1 assisted living facility to maintain a temperature between 68 and  
2 82 degrees Fahrenheit for each area of refuge designated for  
3 assisted living facility residents.

4 (d) The executive commissioner shall adopt rules to enforce  
5 this section.

6 (e) The commission shall establish construction and  
7 licensure standards for assisted living facilities constructed  
8 after September 1, 2026, including standards for:

9 (1) the integration of backup power systems or a  
10 connection point for a backup power system; or

11 (2) the evacuation of assisted living facility  
12 residents in emergencies to other buildings on the same premises  
13 which have a back up power system or a connection point for a  
14 portable back up power system.

15 (f) An assisted living facility shall submit the emergency  
16 preparedness and contingency operations plan required by this  
17 section to the commission in the form and manner prescribed by the  
18 commission.

19 (g) An assisted living facility shall include in the  
20 emergency preparedness and contingency operations plan adopted in  
21 accordance with this section its policies and information on:

22 (1) building equipment, if any, including the location  
23 of and type of on-site generator equipment or backup power source;  
24 and

25 (2) assisted living facility residents, including  
26 residents who are medically-dependent on electrically powered  
27 equipment.

1        (h) a summary of an emergency preparedness and contingency  
2 operations plan that addresses sheltering in place shall be made  
3 available to residents and their families.

4        (g) Each assisted living facility shall post signs in  
5 conspicuous locations within the facility that include information  
6 regarding:

7                (1) the location of the area of refuge on the premises  
8 of the facility and directions to that location;

9                (2) the contact information of the facility's  
10 designated emergency contact; and

11                (3) emergency procedures for employees and residents  
12 of the facility.

13        SECTION 3. (a) Not later than January 1, 2026, each  
14 assisted living facility shall adopt and implement an emergency  
15 preparedness and contingency operations plan as required by Section  
16 247.073, Health and Safety Code, as added by this Act.

17        (b) Notwithstanding Sections 242.405 and 247.073, Health  
18 and Safety Code, as added by this Act, an assisted living facility  
19 is not subject to assessment of a penalty for a violation of those  
20 sections until on or after January 1, 2027.

21        SECTION 4. This Act takes effect September 1, 2025.