

By: Klick

H.B. No. 4095

A BILL TO BE ENTITLED

AN ACT

relating to safety requirements of assisted living facilities.

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

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Sections 247.0263 and 247.0264 to read as follows:

Sec. 247.0263. LIFE SAFETY CODE TECHNICAL MEMORANDUM. (a)

At least twice each year, the commission shall issue a technical memorandum providing guidance on the interpretation of minimum life safety code standards prescribed under this chapter and by commission rule. The technical memorandum must include guidance regarding any new standard proposed or adopted by the executive commissioner under Section 247.026 that is essential to the safety of the residents of an assisted living facility and not otherwise required by this chapter.

(b) The commission shall solicit comments from interested parties and experts to determine any additional minimum standards that need to be addressed in a technical memorandum issued under this section.

(c) The commission shall post the technical memorandum on the commission's Internet website.

(d) A technical memorandum issued under this section is legally binding and must be followed by a person conducting a life safety code survey under this chapter.

1 Sec. 247.0264. ACCESSIBILITY STANDARDS. Accessibility
2 standards of assisted living facilities are governed by the Texas
3 Commission of Licensing and Regulation in accordance with Chapter
4 469, Government Code. The executive commissioner may not adopt
5 rules governing the accessibility standards of assisted living
6 facilities.

7 SECTION 2. The heading to Section 247.027, Health and
8 Safety Code, is amended to read as follows:

9 Sec. 247.027. INSPECTIONS; WAIVER.

10 SECTION 3. Section 247.027, Health and Safety Code, is
11 amended by adding Subsection (c) to read as follows:

12 (c) A municipal fire marshal may grant a waiver for a
13 violation of a life safety requirement or fire safety standard
14 cited in the commission's final official statement of violations
15 after an inspection conducted under this section provided the
16 waiver will not have any adverse effect on the safety of the
17 residents of the assisted living facilities.

18 SECTION 4. Subchapter B, Chapter 247, Health and Safety
19 Code, is amended by adding Section 247.0273 to read as follows:

20 Sec. 247.0273. LIFE SAFETY CODE. (a) The executive
21 commissioner by rule shall specify an edition of the Life Safety
22 Code of the National Fire Protection Association to be used in
23 establishing the life safety requirements for an assisted living
24 facility licensed under this chapter.

25 (b) The rules adopted under Subsection (a) must specify an
26 edition of the Life Safety Code of the National Fire Protection
27 Association issued on or after January 1, 2012.

1 (c) This section expires September 1, 2021.

2 SECTION 5. Subchapter D, Chapter 247, Health and Safety
3 Code, is amended by adding Section 247.071 to read as follows:

4 Sec. 247.071. LOCAL CERTIFICATE OF OCCUPANCY. The
5 commission shall recognize a certificate of occupancy or other
6 approval issued by a municipality or county indicating that a
7 structure complies with all building, fire, and health requirements
8 of the municipality or county, as applicable.

9 SECTION 6. As soon as practicable after the effective date
10 of this Act, the executive commissioner of the Health and Human
11 Services Commission shall adopt the rules necessary to implement
12 the changes in law made by this Act.

13 SECTION 7. This Act takes effect September 1, 2017.