

## **BILL ANALYSIS**

H.B. 2858  
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State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

People with disabilities regularly experience outcomes during and after a disaster that are worse than the outcomes for the general population. Despite the fact that the federal Americans with Disabilities Act requires that states and localities practice inclusive disaster planning, there is no meaningful effort being made at the state level to ensure that people with disabilities don't suffer during disasters.

Due to things like varied resources, a lack of education, and piecemeal government statute, disaster planning is not inclusive of the needs of people with disabilities and other vulnerable populations. This unawareness puts individuals with disabilities at an increased risk for injury and harm because they cannot access the same critical resources as their nondisabled neighbors during and after disasters. Proper planning and preparedness are what mitigates risk and potential harm for the entire community. Planning can identify gaps, create more options for recovery, and build awareness and resources for communities.

State law needs to be updated to clarify the responsibilities of state and local government entities when it comes to disaster planning for people with disabilities and other vulnerable populations. To ensure that people with disabilities and other vulnerable populations do not fare worse than the general population during and after disasters, an inclusive planning process that identifies and understands the needs of these populations must be engrained in day-to-day operations. H.B. 2858 seeks to update state law accordingly.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2858 amends the Government Code to require the model guide for local officials regarding disaster response and recovery developed by the Texas Division of Emergency Management to include information on planning practices for developing and reviewing local and interjurisdictional emergency management plans to ensure:

- the needs of the community's vulnerable populations, including persons with disabilities, persons who are homeless, and low-income households, are accurately identified;
- the emergency management plans address the identified needs; and
- the community resources that vulnerable populations rely on remain available during a disaster.

H.B. 2858 requires each local and interjurisdictional emergency management plan to provide for the following, in addition to the topics currently provided for:

- integrated and inclusive operations specific to individuals with disabilities to afford those individuals an equitable opportunity to benefit from all disaster response and recovery measures, programs, services, and activities;
- the increase in the capabilities of local emergency shelters in the provision of shelter and care for individuals with disabilities during a disaster;
- wellness checks for individuals with disabilities;
- the establishment of minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance;
- an emergency notification system that notifies individuals with disabilities of a disaster or emergency and of any actions the individuals should take to prepare for or respond to the disaster or emergency;
- personnel surge capacity during a disaster, including plans for providing lodging and meals for disaster relief workers and volunteers; and
- horizontal integration of emergency preparedness and response plans required for licensed facilities and providers serving individuals with disabilities.

H.B. 2858 requires the disaster and emergency education program established by the Department of State Health Services (DSHS) to address the resources, services, and programs that are available to address the needs of persons with disabilities during a disaster or other emergency. The bill requires the DSHS preparedness coordinating council to create a framework and provide guidance for the development of crisis standards of care plans. In developing the standards, the council must consult with DSHS; health care facilities; county officials; trauma service area regional advisory councils; and each council of government, regional planning commission, or similar regional planning agency. The bill revises the requirement for each council of government, regional planning commission, or similar regional planning agency to develop a regional plan for personnel surge capacity during disasters to require that this regional plan be part of a crisis standards of care plan.

H.B. 2858 requires the dynamic information database on which a public service provider's emergency notification system relies to allow the provider to send emergency messages in both audio and visual formats.

H.B. 2858 requires the governor's homeland security strategy to include specific plans for building community resilience and reducing long-term vulnerability for persons with disabilities by implementing inclusive disaster and emergency planning practices at all levels of government.

H.B. 2858 amends the Health and Safety Code to require a declaration of a statewide or regional public health disaster or an order of a statewide or regional public health emergency to include the threshold event for implementing crisis standards of care.

#### **EFFECTIVE DATE**

September 1, 2023.