

By: Little

H.B. No. 200

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of emergency communication devices for certain facilities serving vulnerable populations.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 787 to read as follows:

CHAPTER 787. EMERGENCY COMMUNICATION DEVICES FOR CERTAIN FACILITIES

Sec. 787.001. DEFINITION. In this chapter, "floodplain" means any area:

(1) with a one percent annual chance of flooding and susceptible to periodic inundation by water from any source; or

(2) within a 100-year floodplain identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

Sec. 787.002. APPLICABILITY. This chapter applies only to a facility that:

(1) provides services to vulnerable populations, including children, elderly individuals, and individuals with disabilities; and

(2) either:  
(A) is located within a floodplain; or  
(B) has previously been affected by a natural disaster resulting in an inability of individuals to communicate

1 within the facility during the disaster.

2 Sec. 787.003. REQUIRED FACILITY EMERGENCY COMMUNICATION  
3 DEVICE. A facility to which this chapter applies shall maintain a  
4 device adequate to allow communication by the individuals receiving  
5 services at the facility during an emergency without regard to  
6 access to landline technologies or cell tower connectivity,  
7 including:

8 (1) portable satellite communications equipment; or

9 (2) radios.

10 Sec. 787.004. CIVIL LIABILITY. (a) An individual  
11 receiving services at a facility to which this chapter applies may  
12 bring an action against the facility for damages resulting from a  
13 violation of this chapter.

14 (b) A prevailing claimant in an action brought under this  
15 section may recover attorney's fees and costs incurred in bringing  
16 the action.

17 SECTION 2. This Act takes effect on the 91st day after the  
18 last day of the legislative session.