

## **BILL ANALYSIS**

Senate Research Center

H.B. 3595  
By: Barry et al. (Perry)  
Health & Human Services  
5/16/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During severe weather or natural disasters, power outages in assisted living facilities can create dangerous conditions for vulnerable residents, particularly those who are medically fragile or unable to evacuate independently. These outages may also disrupt communication with families, creating uncertainty about residents' safety and well-being.

Currently, there is no statutory requirement for assisted living facilities in Texas to maintain climate-controlled areas of refuge or implement specific protocols for sustained power outages. As extreme weather events become more frequent and severe, it is increasingly important to ensure that facilities have comprehensive emergency preparedness plans in place.

H.B. 3595 addresses this gap by requiring assisted living facilities to adopt and implement a power outage emergency plan, including designated climate-controlled areas of refuge and notification protocols. The bill also directs the Health and Human Services Commission (HHSC) to establish related construction and licensure standards, such as requirements for backup power systems and evacuation procedures.

H.B. 3595 amends current law relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency, and provides penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 247.073, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 247, Health and Safety Code, by adding Section 247.073, as follows:

Sec. 247.073. EMERGENCY PREPAREDNESS AND CONTINGENCY OPERATIONS PLAN; TEMPERATURE REGULATION. (a) Defines "area of refuge" and "bedfast resident."

(b) Requires an assisted living facility to adopt and implement an emergency preparedness and contingency operations plan that requires the facility to provide in the event of a power outage certain resources.

(c) Requires that an emergency preparedness and contingency operations plan adopted in accordance with this section require an assisted living facility to maintain a temperature between 68 and 82 degrees Fahrenheit for each area of refuge designated for assisted living facility residents and each climate-controlled room for bedfast residents.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt rules to enforce this section.

(e) Requires HHSC to establish construction and licensure standards for assisted living facilities for which a permit is issued to begin construction after September 1, 2026, including standards for backup power systems, such as the integration of multiple backup power sources or the use of a generator connection box to connect a building of the facility to a backup power source and the evacuation of assisted living facility residents to an area of refuge or climate-controlled room, as applicable, in emergencies.

(f) Requires an assisted living facility on request to make the emergency preparedness and contingency operations plan required by this section available to HHSC in the form and manner prescribed by HHSC.

(g) Requires an assisted living facility to include in the emergency preparedness and contingency operations plan adopted in accordance with this section its policies and information on building equipment, if any, including the location of and type of on-site generator equipment or backup power source and assisted living facility residents, including bedfast residents and residents who are dependent on electrically powered medical equipment.

(h) Requires an assisted living facility, on request, to provide a summary of the facility's emergency preparedness and contingency operations plan adopted in accordance with this section to a facility resident or a resident's family member.

(i) Authorizes HHSC to assess a penalty in accordance with Subchapter C (General Enforcement) against an assisted living facility found in violation of this section.

(j) Provides that, to the extent of any conflict, this section and rules adopted under this section preempt and supersede any ordinance, resolution, rule, or other regulation adopted by a political subdivision of this state relating to emergency preparedness and contingency operations planning for assisted living facility residents during an emergency.

SECTION 2. (a) Requires each assisted living facility, not later than January 1, 2026, to adopt and implement an emergency preparedness and contingency operations plan as required by Section 247.073, Health and Safety Code, as added by this Act.

(b) Provides that, notwithstanding Section 247.073(e), Health and Safety Code, as added by this Act, an assisted living facility is not required to comply with the construction and licensure standards established under that subsection before the later of the first date that the assisted living facility is issued a new or renewal license under Chapter 247 (Assisted Living Facilities), Health and Safety Code, on or after September 1, 2026, or January 1, 2027.

SECTION 3. Effective date: September 1, 2025.