

By: Lalani

H.B. No. 1467

A BILL TO BE ENTITLED

AN ACT

relating to emergency preparedness of assisted living facilities and the health and safety of residents of those facilities; providing civil and administrative penalties.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.059 to read as follows:

Sec. 418.059. ASSISTED LIVING FACILITY HEALTH AND SAFETY PLAN DATABASE. (a) In this section:

(1) "Assisted living facility" means a facility licensed under Chapter 247, Health and Safety Code.

(2) "Health and safety plan" means a health and safety policy and plan prepared by an assisted living facility under Section 247.075, Health and Safety Code.

(b) The division shall:

(1) establish, maintain, and annually update a statewide database of assisted living facilities that includes the health and safety plan filed by each assisted living facility under Section 247.075(c), Health and Safety Code; and

(2) make the database accessible to state and local emergency response and emergency management agencies for the purpose of coordinating emergency response activities and emergency management.

(c) The division may impose an administrative penalty on an

1 assisted living facility that fails to file a health and safety plan
2 as required by Section 247.075(c), Health and Safety Code, or
3 violates a rule adopted under this section.

4 (d) Information in the database is confidential and exempt
5 from disclosure under Chapter 552.

6 (e) The division shall prescribe and periodically update a
7 standard template for an assisted living facility to prepare and
8 submit a health and safety plan.

9 (f) The division shall adopt rules as necessary to implement
10 this section, including rules to:

11 (1) ensure the protection of sensitive information,
12 including personal data of residents of assisted living facilities;
13 and

14 (2) prescribe the form and manner in which an assisted
15 living facility may submit a health and safety plan to the division
16 under Section 247.075(c), Health and Safety Code.

17 SECTION 2. Chapter 247, Health and Safety Code, is amended
18 by adding Subchapter D-1 to read as follows:

19 SUBCHAPTER D-1. HEALTH AND SAFETY OF FACILITY RESIDENTS; EMERGENCY
20 PREPAREDNESS

21 Sec. 247.073. EMERGENCY GENERATOR OR OTHER POWER SOURCE.

22 (a) Each assisted living facility licensed under this chapter
23 shall ensure the facility is equipped with an operational emergency
24 generator or comparable emergency power source and a sufficient
25 amount of fuel to operate the generator or power source during a
26 power outage for a minimum of 72 hours in a manner sufficient to
27 maintain functional electrical outlets to accommodate essential

medical equipment of facility residents, including equipment necessary for respiratory care, in:

(1) an area in the facility of sufficient size to at all times safely maintain facility residents as appropriate for resident needs; and

(2) for a facility that maintains an installed unit locking device, as defined by commission rule, to restrict a facility resident's ability to exit a unit of the facility or the facility, a separately powered area in addition to an area described by Subdivision (1).

(b) An operational emergency generator or comparable emergency power source required by Subsection (a) may be powered by any type of fuel, including natural gas.

(c) An assisted living facility must comply with Subsection (a) not later than September 1, 2026. A facility may submit a request to the commission for an extension not to exceed one year to comply in good faith with Subsection (a). A facility may not request more than two additional one-year extensions and must separately request each extension. This subsection expires September 1, 2029.

Sec. 247.074. GENERATOR INSPECTION. (a) In addition to the inspections required under Sections [247.023\(a\)](#) and [247.027](#), the commission shall conduct an annual inspection of each facility's emergency generator or other power source required by Section [247.073](#).

(b) The executive commissioner by rule shall prescribe a checklist for an inspection conducted under this section.

Sec. 247.075. RESIDENT HEALTH AND SAFETY POLICY AND PLAN.

(a) An assisted living facility shall prepare, maintain, and annually update a health and safety policy and plan.

(b) A health and safety policy and plan maintained under this section must include information regarding:

(1) health and safety measures and protocols for responding to an emergency, including a power outage or disaster as defined by Section 418.004, Government Code;

(2) medical support services available to facility residents; and

(3) the emergency power generation capability of the facility.

(c) An assisted living facility shall:

(1) annually file the health and safety policy and plan with:

(A) the Texas Division of Emergency Management as provided by Section 418.059, Government Code, and rules adopted under that section; and

(B) each local government agency responsible for providing emergency response services to the facility;

(2) provide the health and safety policy and plan to each resident of the facility; and

(3) prominently and conspicuously post a written notice of the health and safety policy and plan in an area of the facility where the facility posts other facility notices.

Sec. 247.076. HEALTH AND SAFETY INVESTIGATIONS AND RESIDENT COMMUNICATIONS. An assisted living facility may not:

1 (1) prevent or inhibit a facility resident from or
2 penalize a facility resident for communicating with a law
3 enforcement officer, social worker, family member, or other
4 interested person regarding the health and safety of the facility's
5 residents; or

6 (2) prevent a law enforcement officer, court officer,
7 social worker, family member, or other interested person from
8 entering a common area of the assisted living facility to conduct a
9 voluntary interview with a facility resident as part of an
10 investigation into the health and safety of the facility's
11 residents or regarding an incident at the facility.

12 Sec. 247.077. CIVIL PENALTY. An assisted living facility
13 that violates this subchapter is liable to the state for a civil
14 penalty of not more than \$1,000 for each violation. Each day a
15 violation continues constitutes a separate violation. The attorney
16 general may bring an action to collect a civil penalty under this
17 section at the request of the Health and Human Services Commission
18 or the Texas Division of Emergency Management.

19 SECTION 3. (a) Not later than December 31, 2025, the Texas
20 Division of Emergency Management shall adopt rules for the
21 implementation of Section 418.059, Government Code, as added by
22 this Act.

23 (b) As soon as practicable after the effective date of this
24 Act, the executive commissioner of the Health and Human Services
25 Commission shall adopt rules necessary to implement Subchapter D-1,
26 Health and Safety Code, as added by this Act.

27 (c) An assisted living facility is not required to comply

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1 with Section 247.075, Health and Safety Code, as added by this Act,
2 before January 1, 2026.

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