

SENATE AMENDMENTS
2nd Printing

By: Barry, Howard, Johnson, King, Darby,
et al. H.B. No. 3595

A BILL TO BE ENTITLED

AN ACT

relating to an emergency preparedness and contingency operations
plan, including temperature regulation, for assisted living
facility residents during an emergency; providing penalties.

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

SECTION 1. Subchapter D, Chapter 247, Health and Safety
Code, is amended by adding Section 247.073 to read as follows:

Sec. 247.073. EMERGENCY PREPAREDNESS AND CONTINGENCY
OPERATIONS PLAN; TEMPERATURE REGULATION. (a) In this section:

(1) "Area of refuge" means a climate-controlled area
in an assisted living facility that is designated for use during a
power outage, or other emergency that does not require the
evacuation of the entire facility, to provide safety, care, and
other resources to residents.

(2) "Bedfast resident" means an assisted living
facility resident who:

(A) is unable to transfer out of bed and unable to
turn and position themselves in bed; and

(B) is unable to be transported by another person
during an emergency.

(b) An assisted living facility shall adopt and implement an
emergency preparedness and contingency operations plan that
requires the facility to provide in the event of a power outage:

(1) for each assisted living facility resident other

1 than a bedfast resident, a climate-controlled area of refuge with
2 at least 15 square feet per resident;

3 (2) for each bedfast resident, a climate-controlled
4 room; and

5 (3) notice to the commission of an unplanned
6 interruption or loss for more than 12 hours of electric utility
7 service.

8 (c) An emergency preparedness and contingency operations
9 plan adopted in accordance with this section must require an
10 assisted living facility to maintain a temperature between 68 and
11 82 degrees Fahrenheit for:

12 (1) each area of refuge designated for assisted living
13 facility residents; and

14 (2) each climate-controlled room for bedfast
15 residents.

16 (d) The executive commissioner shall adopt rules to enforce
17 this section.

18 (e) The commission shall establish construction and
19 licensure standards for assisted living facilities for which a
20 permit is issued to begin construction after September 1, 2026,
21 including standards for:

22 (1) backup power systems, such as the integration of
23 multiple backup power sources or the use of a generator connection
24 box to connect a building of the facility to a backup power source;
25 and

26 (2) the evacuation of assisted living facility
27 residents to an area of refuge or climate-controlled room, as

1 applicable, in emergencies.

2 (f) An assisted living facility on request shall make the
3 emergency preparedness and contingency operations plan required by
4 this section available to the commission in the form and manner
5 prescribed by the commission.

6 (g) An assisted living facility shall include in the
7 emergency preparedness and contingency operations plan adopted in
8 accordance with this section its policies and information on:

9 (1) building equipment, if any, including the location
10 of and type of on-site generator equipment or backup power source;
11 and

12 (2) assisted living facility residents, including
13 bedfast residents and residents who are dependent on electrically
14 powered medical equipment.

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

19 (i) The commission may assess a penalty in accordance with
20 Subchapter C against an assisted living facility found in violation
21 of this section.

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

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

5 (b) Notwithstanding Section 247.073(e), Health and Safety
6 Code, as added by this Act, an assisted living facility is not
7 required to comply with the construction and licensure standards
8 established under that subsection before the later of:

9 (1) the first date that the assisted living facility
10 is issued a new or renewal license under Chapter 247, Health and
11 Safety Code, on or after September 1, 2026; or

12 (2) January 1, 2027.

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

ADOPTED

MAY 26 2025

Lately Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY

Carl Allen

1 Amend H.B. No. 3595 (senate committee report) in SECTION 1 of
2 the bill, in added Section 247.073, Health and Safety Code, as
3 follows:

4 (1) Immediately following added Subsection (b) (page 1,
5 between lines 48 and 49), insert the following:

6 (b-1) An emergency preparedness and contingency operations
7 plan adopted in accordance with this section must include
8 strategies to:

9 (1) prevent resident complications from heat or cold
10 exposure during a power outage; and

11 (2) respond to inquiries from residents' designated
12 contacts during an emergency.

13 (2) Strike added Subsection (h) (page 2, lines 22 through
14 25), and substitute the following:

15 (h) On request of a facility resident or a resident's family
16 member or designated contact, an assisted living facility shall
17 provide, in a written or electronic format:

18 (1) a summary of the facility's emergency preparedness
19 and contingency operations plan adopted in accordance with this
20 section; and

21 (2) information regarding the type of backup power
22 source the facility will deploy in a power outage, including:

23 (A) whether the backup power source is on-site or
24 mobile;

25 (B) if the facility's backup power source is a

1 mobile generator, whether the mobile generator connects to an
2 automatic or manual switch; and

3 (C) the estimated number of hours the backup power
4 source will power the facility.

5 (3) Strike added Subsection (j) (page 2, lines 29 through
6 34), and substitute the following:

7 (j) This section does not preempt an ordinance, resolution,
8 rule, or other regulation adopted by a political subdivision
9 relating to emergency preparedness and contingency operations
10 planning for assisted living facilities during an emergency if the
11 ordinance, resolution, rule, or other regulation is compatible
12 with and equal to or more stringent than a requirement prescribed
13 by this section.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 28, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3595 by Barry (Relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency; providing penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

This analysis assumes that any costs associated with the bill could be absorbed using existing resources.

According to the Comptroller of Public Accounts, the number of violations that would result in civil or administrative penalty revenue is unknown; however, the impact to the state is not be expected to be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, LBI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 19, 2025

TO: Honorable Lois W. Kolhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3595 by Barry (Relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency; providing penalties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, LBI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 15, 2025

TO: Honorable Lacey Hull, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3595 by Barry (Relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency; providing penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This analysis assumes that any costs associated with the bill could be absorbed using existing resources.

According to the Comptroller of Public Accounts, the number of violations that would result in civil or administrative penalty revenue is unknown; however, the impact to the state is not be expected to be significant.

Local Government Impact

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Source Agencies: 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, LBI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 31, 2025

TO: Honorable Lacey Hull, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3595 by Barry (Relating to an emergency preparedness and contingency operations plan, including temperature regulation, for assisted living facility residents during an emergency; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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According to the Comptroller of Public Accounts, the number of violations that would result in civil or administrative penalty revenue is unknown; but would not be expected to be significant.

Local Government Impact

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