

House Bill 3595
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SENATE VERSION (IE)

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

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

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

(2) respond to inquiries from residents' designated contacts

CONFERENCE

House Bill 3595
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

(e) The commission shall 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:

(1) 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

(2) the evacuation of assisted living facility residents to an area of refuge or climate-controlled room, as applicable, in emergencies.

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

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

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

(2) assisted living facility residents, including bedfast

SENATE VERSION (IE)

during an emergency. [FA1(1)]

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

(2) assisted living facility residents, including bedfast

CONFERENCE

House Bill 3595
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

residents and residents who are dependent on electrically powered medical equipment.

(h) On request, an assisted living facility shall 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) The commission may assess a penalty in accordance with Subchapter C against an assisted living facility found in violation of this section.

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

SENATE VERSION (IE)

residents and residents who are dependent on electrically powered medical equipment.

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

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

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

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

(B) if the facility's backup power source is a mobile generator, whether the mobile generator connects to an automatic or manual switch; and

(C) the estimated number of hours the backup power source will power the facility. [FA1(2)]

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

(j) This section does not preempt an ordinance, resolution, rule, or other regulation adopted by a political subdivision relating to emergency preparedness and contingency operations planning for assisted living facilities during an emergency if the ordinance, resolution, rule, or other regulation is compatible with and equal to or more stringent than a requirement prescribed by this section. [FA1(3)]

SECTION 2. Same as House version.

CONFERENCE

House Bill 3595
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Act.
(b) 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:
(1) the first date that the assisted living facility is issued a new or renewal license under Chapter 247, Health and Safety Code, on or after September 1, 2026; or
(2) January 1, 2027.

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

SECTION 3. Same as House version.