

1-1 By: Uresti S.B. No. 1049
 1-2 (In the Senate - Filed February 23, 2017; March 6, 2017,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 10, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 April 10, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1049 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to safety requirements of assisted living facilities.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subchapter B, Chapter 247, Health and Safety
 1-24 Code, is amended by adding Sections 247.0263 and 247.0264 to read as
 1-25 follows:
 1-26 Sec. 247.0263. LIFE SAFETY CODE TECHNICAL MEMORANDUM.
 1-27 (a) At least twice each year, the commission shall issue a
 1-28 technical memorandum providing guidance on the interpretation of
 1-29 minimum life safety code standards prescribed under this chapter
 1-30 and by commission rule. Any new requirement that relates to an
 1-31 existing standard must first appear in a technical memorandum.
 1-32 (b) The commission shall solicit comments from interested
 1-33 parties and experts to assist in determining which standards need
 1-34 to be addressed in a technical memorandum issued under this
 1-35 section.
 1-36 (c) The commission shall post the technical memorandum on
 1-37 the commission's Internet website.
 1-38 (d) A technical memorandum issued under this section is
 1-39 binding and must be followed by a person conducting a life safety
 1-40 code survey under this chapter.
 1-41 (e) This section does not affect the commission's
 1-42 rulemaking process.
 1-43 Sec. 247.0264. ACCESSIBILITY STANDARDS. (a) The Texas
 1-44 Department of Licensing and Regulation governs the interpretation
 1-45 and enforcement of accessibility standards in assisted living
 1-46 facilities as provided by Chapter 469, Government Code.
 1-47 (b) An assisted living facility that during initial
 1-48 licensing passed an on-site inspection by the Texas Department of
 1-49 Licensing and Regulation relating to the facility's compliance with
 1-50 the accessibility standards may not be cited by the commission for a
 1-51 violation relating to the accessibility standards. If the
 1-52 commission issues a citation relating to compliance with
 1-53 accessibility standards to a facility that has not been inspected
 1-54 by the Texas Department of Licensing and Regulation for compliance
 1-55 with the accessibility standards, the commission shall rescind the
 1-56 citation on the facility's passage of the on-site inspection by the
 1-57 Texas Department of Licensing and Regulation.
 1-58 SECTION 2. Subchapter B, Chapter 247, Health and Safety
 1-59 Code, is amended by adding Section 247.0273 to read as follows:
 1-60 Sec. 247.0273. LIFE SAFETY CODE. (a) The executive

2-1 commissioner by rule shall specify an edition of the Life Safety
2-2 Code of the National Fire Protection Association to be used in
2-3 establishing the life safety requirements for an assisted living
2-4 facility licensed under this chapter.

2-5 (b) The rules adopted under Subsection (a) must specify an
2-6 edition of the Life Safety Code of the National Fire Protection
2-7 Association issued on or after August 1, 2011.

2-8 (c) This section expires September 1, 2021.

2-9 SECTION 3. Subchapter D, Chapter 247, Health and Safety
2-10 Code, is amended by adding Section 247.071 to read as follows:

2-11 Sec. 247.071. LOCAL APPROVAL OF ASSISTED LIVING FACILITY.

2-12 (a) In this section, "governmental unit" means a municipality,
2-13 county, or other political subdivision of the state that has the
2-14 authority to adopt a building code or fire code.

2-15 (b) A governmental unit that adopts a building code or fire
2-16 code governs the interpretation and enforcement of that building
2-17 code or fire code.

2-18 (c) The commission may not issue a citation for a violation
2-19 of a building code or fire code adopted by a governmental unit to an
2-20 assisted living facility that presents evidence of the governmental
2-21 unit's determination that the assisted living facility is compliant
2-22 with the code. If the commission cites an assisted living facility
2-23 for a building code or fire code violation and the assisted living
2-24 facility subsequently provides the evidence described by this
2-25 subsection, the commission shall rescind the citation.

2-26 (d) Subsection (c) does not restrict the authority of the
2-27 commission to issue a citation to an assisted living facility for a
2-28 violation of the life safety requirements established under this
2-29 chapter.

2-30 SECTION 4. As soon as practicable after the effective date
2-31 of this Act, the executive commissioner of the Health and Human
2-32 Services Commission shall adopt the rules necessary to implement
2-33 the changes in law made by this Act.

2-34 SECTION 5. This Act takes effect September 1, 2017.

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