

CHAPTER 583

S.B. No. 28

AN ACT

relating to procedural and fire safety requirements relating to long-term care facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 242.039, Health and Safety Code, is amended to read as follows:

Sec. 242.039. FIRE SAFETY REQUIREMENTS. (a) *The board shall adopt rules necessary to specify the edition of the Life Safety Code of the National Fire Protection Association that will be used to establish the life safety requirements for an institution licensed under this chapter.*

(b) *The board shall adopt the edition of the Life Safety Code of the National Fire Protection Association for fire safety as designated by federal law and regulations for an institution or portion of an institution that is constructed after September 1, 1993, and for an institution or portion of an institution that was operating or approved for construction on or before September 1, 1993.*

(c) *The board may not require more stringent fire safety standards than those required by federal law and regulation. The rules adopted under this section may not prevent an institution licensed under this chapter from voluntarily conforming to fire safety standards that are compatible with, equal to, or more stringent than those adopted by the board.*

(d) *Licensed health care facilities in existence at the time of the effective date of this subsection may have their existing use or occupancy continued if such facilities comply with fire safety standards and ordinances in existence at the time of the effective date of this subsection.*

(e) *Notwithstanding any other provision of this section, a municipality shall have the authority to enact additional and higher fire safety standards applicable to new construction beginning on or after the effective date of this subsection.*

(f)(1) *An advisory committee is created to propose rules for adoption by the department concerning the applicability of municipal ordinances and regulations to the remodeling and renovation of existing structures to be used as health care facilities licensed under this chapter.*

(2) *The advisory committee shall be appointed by the board and composed as follows:*

(A) *two municipal fire marshals;*

(B) *four individuals representing the nursing home industry;*

(C) *the commissioner of human services or a designee;*

(D) *one building official from a municipality that has adopted the Uniform Building Code;*

(E) *one building official from a municipality that has adopted the Standard Building Code;*

(F) *one architect licensed under state law;*

(G) *one member of the Texas Board of Human Services; and*

(H) *one state Medicaid director or designee.*

(3) *The advisory committee shall serve without compensation or remuneration of any kind. [An institution licensed under this chapter shall comply with the 1985 edition of the Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code (Pamphlet No. 101) of the National Fire Protection Association. The department*

~~shall determine which occupancy chapter of that code is applicable to an institution other than a nursing home or custodial care home.~~

~~[(b) A nursing home or custodial care home or a portion of a home that was operating or approved for construction before September 1, 1987, must comply with the Life Safety Code provisions relating to existing construction.~~

~~[(c) A nursing home or custodial care home or a portion of a home that is operating or approved for construction on or after September 1, 1987, must comply with the Life Safety Code provisions relating to new construction.~~

~~[(d) This section does not preclude an institution from conforming to a higher or additional fire safety standard or provision.]~~

SECTION 2. Section 242.094, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) Venue for an action brought under this section is in Travis County.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 16, 1993, by a viva-voce vote; the Senate concurred in House amendment on May 23, 1993, by a viva-voce vote; passed the House, with amendment, on May 21, 1993, by a non-record vote.

Approved June 13, 1993.

Effective Sept. 1, 1993.