

CHAPTER 98

H.B. No. 37

AN ACT

relating to fire safety requirements for nursing homes, custodial care homes, and similar institutions.

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

SECTION 1. Section 4A, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4442c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4A. FIRE SAFETY REQUIREMENTS. (a) The Licensing Agency shall require all nursing homes and custodial care homes *licensed under this Act* [~~and major additions over One Hundred Thousand Dollars (\$100,000) to existing nursing homes and custodial care homes which are approved for construction or conversion after September 1, 1979,~~] to comply with the 1985 [1976] 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. *A nursing home or custodial care home or a portion of a home that is operating or approved for construction before September 1, 1987, must comply with the Life Safety Code provisions relating to existing construction. A nursing home or custodial care home or a portion of a home that is approved for construction on or after September 1, 1987, must comply with the Life Safety Code provisions relating to new construction.*

(b) [~~After September 1, 1979, those building sections of a licensed nursing home or custodial care home, regardless of ownership, which have complied with or without waiver, with either the 1967 or 1973 edition of the Life Safety Code of the National Fire Protection Association will be recognized as meeting licensing requirements for fire safety as long as they continue to be in substantial compliance with either the 1967 or 1973 code edition.~~]

(c) The requirements of this section do not preclude an institution from conforming to a higher or additional fire safety standard or provision.

(d) *An institution, other than a nursing home or custodial care home, that is licensed under this Act must comply with the 1985 edition of the Code for Safety to Life from Fire in Buildings and Structures (Pamphlet No. 101) of the National Fire Protection Association. The Licensing Agency shall determine the "occupancy chapter" of the code that is applicable to those institutions* [~~where required by federal law or regulation. Where provisions of this section conflict with federal laws or regulations adopted after September 1, 1979, then the federal requirements prevail, if required for participation in federal programs.~~]

(e) [~~As provided in the 1976 edition of the Life Safety Code, the Licensing Agency shall have discretionary powers to grant exceptions to the code under certain conditions or in the interest of common and uniform applicability.~~]

~~[(e) Fire safety requirements for institutions other than nursing homes or custodial care homes shall be as determined by the Licensing Agency].~~

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. 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 by the House on March 31, 1987, by a non-record vote. Passed by the Senate on April 30, 1987, by a viva-voce vote.

Approved May 14, 1987.

Effective Sept. 1, 1987.