

SENATE BILL NO. 33

BY SENATOR FRED MILLS AND REPRESENTATIVE GLOVER

1 AN ACT

2 To enact R.S. 40:2009.24, relative to nursing facilities; to require an emergency alternative
3 electrical power source; to provide for minimum requirements; to provide for fuel;
4 to provide for waivers; to provide for a compliance deadline; to provide for an
5 extension; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2009.24 is hereby enacted to read as follows:

8 **§2009.24. Alternative electrical power source required**

9 **A. Nursing facilities shall have a generator or other Louisiana**
10 **Department of Health approved alternate electrical power source in the event**
11 **of the loss of primary electrical power in accordance with this Section.**

12 **B. The generator or alternate electrical power source shall have a**
13 **simultaneous capability of providing sufficient electrical power for all of the**
14 **following:**

15 **(1) Life safety systems.**

16 **(2) Lighting in patient care areas.**

17 **(3) Medical equipment in patient care areas.**

18 **(4) Electrical components of the approved potable water system.**

19 **(5) Electrical components of the approved sewer systems.**

20 **(6) Operation of the nursing facility's medication dispensing and**
21 **medication refrigeration systems.**

22 **(7) Operation of the nursing facility's dietary services and related**
23 **refrigeration.**

24 **(8) Operation of the nursing facility's laundry services.**

25 **(9)(a) For nursing facilities built or whose construction plans have been**
26 **approved by the department prior to August 1, 2022, HVAC systems or**

1 portions of systems required to maintain a safe indoor temperature to be
2 powered at a minimum fifty percent of the air conditioning systems and fifty
3 percent of the heating systems in the facility.

4 (b) For nursing facilities approved for construction and built on or after
5 August 1, 2022, HVAC systems or portions of systems required to maintain a
6 safe indoor temperature to be powered at a minimum ninety percent of the air
7 conditioning systems and ninety percent of the heating systems in the facility.

8 C.(1) The generator or alternate electrical power source shall be
9 permanently installed onsite at the nursing facility and shall have fuel stored
10 onsite at the nursing facility or delivered prior to the emergency event, in the
11 following quantities:

12 (a) For nursing facilities built or whose construction plans have been
13 approved by the department prior to August 1, 2022, an amount sufficient to
14 operate the generator or alternative electrical power source under full load for
15 forty-eight hours.

16 (b) For nursing facilities approved for construction and built on or after
17 August 1, 2022, an amount sufficient to operate the generator or alternative
18 electrical power source under full load for seventy-two hours.

19 (2) Natural gas is an allowable fuel source and meets the onsite fuel
20 requirement if there is an onsite propane tank sufficient in size to meet the fuel
21 requirements provided for in this Section.

22 D. Each nursing facility shall have fuel delivery agreements in place that
23 will extend the uninterrupted operation of the generator or alternative electrical
24 power source under full load to a total period of one hundred sixty-eight hours
25 for a single emergency event. Nursing facilities may interrupt operation of the
26 generator or alternative electrical power source to conduct routine maintenance
27 as recommended by manufacturer's specifications.

28 E.(1) For nursing facilities built or whose construction plans have been
29 approved by the department prior to August 1, 2022, the Louisiana Department
30 of Health may provide a waiver for the permanently installed generator or

1 alternative electrical power source required by this Section if it is determined
 2 that there is not sufficient physical space available or a governmental ordinance
 3 exists that makes it impossible to place a generator or alternative electrical
 4 power source and the fuel required by this Section on the premises of the
 5 nursing facility.

6 (2) Each nursing facility which receives a waiver pursuant to this
 7 Subsection shall annually submit to the department for review and approval a
 8 plan to provide for the health and safety of the facility's residents in the event
 9 of power loss. The annual plan may incorporate but is not limited to mobile
 10 generators, chillers, or evacuation.

11 F. Nursing facilities shall meet the requirements of this Section no later
 12 than June 30, 2023. The department may grant a one-time extension, not to
 13 exceed six months, upon written application by a nursing facility that
 14 compliance with this Section has been delayed due to extraordinary and
 15 unforeseen circumstances. No extension shall be granted if the nursing facility
 16 fails to provide sufficient evidence of substantial compliance or good faith
 17 efforts to comply with the requirement deadline provided for in this Subsection.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____