

Senate Bill 449

By: Senators Mallow of the 2nd, Howard of the 35th, Jackson of the 41st, Kemp of the 38th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to require certain long-term
3 care facilities to acquire and maintain sufficient emergency and standby power systems to
4 ensure the provision of certain care and services for residents at such facilities; to provide for
5 definitions; to provide for the Department of Community Health and the office of Safety Fire
6 Commissioner to coordinate inspection and enforcement; to provide for a grant program; to
7 provide priority to rural counties; to provide for related matters; to provide for an effective
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
12 regulation of hospitals and related institutions, is amended in Code Section 31-7-3, relating
13 to requirements for permits to operate institutions, by adding new subsections to read as
14 follows:

15 "(e)(1) As used in of this Code section, the term:

16 (A) 'Emergency and standby power system' means:

17 (i) An on-site operational backup generator and an on-site supply of fuel sufficient
18 to sustain such generator; or

19 (ii) An alternate power source approved by the department by rule or regulation.

20 (B) 'Long-term care facility' means any skilled nursing home, intermediate care home,
21 assisted living community, or personal care home subject to regulation and licensure
22 by the department that uses a building that is two or more stories in height as a
23 residence for persons receiving care at such facility and has a minimum of 25 beds.

24 (C) 'Rural county' means a county in this state that has a population of less than 50,000
25 according to the United States decennial census of 2020 or any future such census;
26 provided, however, that, for counties which contain a military base or installation, the
27 military personnel and their dependents living in such county shall be excluded from
28 the total population of such county for purposes of this definition.

29 (2) On and after January 1, 2027, the department shall require any long-term care facility
30 to acquire and maintain an emergency and standby power system sufficient to ensure
31 continuity of operation for not less than 96 hours, including, but not limited to, providing
32 power to safe egress, emergency lighting, life support equipment, and temperature control
33 for the protection of resident health and safety.

34 (3) The department and the office of Safety Fire Commissioner shall coordinate
35 inspection and enforcement to ensure compliance with the provisions of this subsection.

36 (f) Subject to appropriations by the General Assembly or other available funding, the
37 department shall establish a grant program to provide funding to long-term care facilities
38 for the purpose of acquiring, installing, or both acquiring and installing emergency and
39 standby power systems to ensure compliance with the provisions of subsection (e) of this
40 Code section. The department, in consultation with the office of Safety Fire
41 Commissioner, shall establish grant criteria and make award decisions; provided, however,
42 that, to the greatest extent possible, priority shall be given to applications for long-term

43 care facilities located in rural counties. The department shall be authorized to establish the
44 grant amount awarded to each recipient on a case-by-case basis."

45 **SECTION 2.**

46 This Act shall become effective upon its approval by the Governor or upon its becoming law
47 without such approval.

48 **SECTION 3.**

49 All laws and parts of laws in conflict with this Act are repealed.