

SENATE BILL NO. 145

BY SENATORS WOMACK, ABRAHAM, BARROW, BARTHELEMY, BASS,
BOUDREAUX, CARTER, CLOUD, DUPLESSIS, FESI, FOIL,
HARRIS, HENRY, JACKSON-ANDREWS, JENKINS, MCMATH,
MIZELL, MORRIS, MYERS AND PRICE

1 AN ACT

2 To enact R.S. 40:2166.11, relative to adult residential care providers; to provide for
3 generators or alternative electrical power sources; to provide for requirements; to
4 provide for duties of the Louisiana Department of Health; provide for waivers; to
5 provide for rulemaking; to provide for duties of the office of the state fire marshal;
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2166.11 is hereby enacted to read as follows:

9 **§2166.11. Generator; alternative electrical power source**

10 **A. All licensed adult residential care providers shall have a generator or**
11 **other alternative electrical power source in the event of the loss of primary**
12 **electrical power in accordance with this Section. "Alternative electrical power**
13 **source" shall include mobile generators, shared campus systems, contracted**
14 **generators, or other engineered emergency power solution.**

15 **B. The generator or alternative electrical power source shall have a**
16 **simultaneous capability of providing sufficient electrical power for all of the**
17 **following:**

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

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

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

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

22 **(5) Electrical components of the approved sewer system.**

23 **(6) Operation of the adult residential care provider's medication**
24 **dispensing and medication refrigerator systems.**

25 **(7) Operation of the adult residential care provider's dietary services and**

1 related refrigeration.

2 (8) Operation of the adult residential care provider's laundry services.

3 (9) Systems necessary to maintain a clinically safe indoor temperature
4 sufficient to protect residents from heat- or cold-related harm.

5 C.(1) The generator or alternative electrical power source shall either be
6 installed permanently onsite at the adult residential care provider facility or
7 provided through an alternative method, including mobile, shared, or
8 temporary systems. The adult residential care provider shall have an adequate
9 supply of fuel to operate the generator or alternative electrical power source
10 under full load for a minimum of seventy-two hours. The fuel shall be stored
11 onsite at the adult residential care provider facility, delivered to the provider
12 prior to the emergency event through contracted fuel delivery agreements or
13 shared fuel resources, or any combination thereof.

14 (2) Natural gas is an allowable fuel source and meets the onsite fuel
15 requirement if there is a direct municipal gas line or an onsite propane tank
16 sufficient in size to meet the fuel requirements provided for this in this Section.

17 D. Each adult residential care provider shall have fuel delivery
18 agreements in place that will extend the uninterrupted operation of the
19 generator or alternative electrical power source under full load for the duration
20 of a single emergency event. Adult residential care providers may interrupt
21 operation of the generator or alternative electrical power source to conduct
22 routine maintenance as recommended by the manufacturer's specifications.

23 E. Each adult residential care provider that does not have a permanently
24 installed onsite generator or alternative electrical power source shall do all of
25 the following:

26 (1) Have a rapid connect system for any contracted or mobile generators
27 and electrical power.

28 (2) Annually update its emergency operations plan to include provisions
29 for the health and safety of the provider's residents in the event of a power loss.

30 The plan shall include information on the mobile generators, shared campus

1 systems, contracted generators, other engineered power solutions, rapid connect
2 systems, and fuel arrangements and agreements. The provider's emergency
3 operations plan, or specific information contained in the plan, shall be
4 submitted to the Louisiana Department of Health upon request.

5 F. Adult residential care providers shall meet the requirements of this
6 Section no later than July 1, 2027. The department may grant a one-time
7 extension, not to exceed twelve months, upon written application by an adult
8 residential care provider that compliance with this Section has been delayed due
9 to extraordinary and unforeseen circumstances. No extension shall be granted
10 if the adult residential care provider fails to provide sufficient evidence of
11 substantial compliance or good faith efforts to comply with the requirement
12 deadline provided for in this Subsection.

13 G. The department, after consultation with the office of the state fire
14 marshal, may promulgate rules and regulations in accordance with the
15 Administrative Procedure Act, to implement the provisions of this Section. The
16 department is authorized to utilize the emergency rulemaking process provided
17 in R.S. 49:962 for adoption of the rules and regulations to implement the
18 provisions of this Section.

19 H. The office of the state fire marshal shall determine the adult
20 residential care provider's compliance with the provisions of Subsections B
21 through D of this Section. The office of the state fire marshal may require the
22 adult residential care provider to submit plan review applications with required
23 documentation, conduct on-site inspections, and determine that an alternative
24 electric power source is not compliant or not able to safely operate to meet the
25 requirements of this Section. Any noncompliance shall be referred to the
26 department.

27 Section 2. The Louisiana Department of Health shall convene a stakeholder advisory
28 workgroup, including representatives of the Louisiana Assisted Living Association and
29 LeadingAge Southeast, to discuss implementation, compliance progress, potential barriers,
30 and rulemaking of the provisions provided for in this Act. The stakeholder advisory

1 workgroup shall be convened for its first meeting no later than October 1, 2026, by the
2 department and shall terminate no later than July 1, 2028.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____