

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4766

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 21335 and 21735.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21335. (1) Except as provided under subsection (2), a
2 home for the aged seeking a license or a renewal of a license
3 under this article shall have, at a minimum, an emergency
4 generator system that during an interruption of the normal
5 electrical supply is capable of both of the following:
6 (a) Providing not less than 4 hours of service.
7 (b) Generating enough power to provide lighting at all
8 entrances and exits and to operate equipment to maintain fire
9 detection, alarm, and extinguishing systems, telephone
10 switchboards, heating plant controls, and other critical
11 mechanical equipment essential to the safety and welfare of the

1 residents, personnel, and visitors.

2 (2) A home for the aged that is licensed under this article
3 on the effective date of the amendatory act that added this
4 section is not required to comply with subsection (1) until that
5 home for the aged undergoes any major building modification. As
6 used in this section, "major building modification" means an
7 alteration of walls that creates a new architectural
8 configuration or revision to the mechanical or electrical systems
9 that significantly revises the design of the system or systems.
10 Major building modification does not include normal building
11 maintenance, repair, or replacement with equivalent components or
12 a change in room function.

13 (3) A home for the aged that is exempt from compliance under
14 subsection (2) shall notify the local medical control authority
15 and the local law enforcement agency that it does not have an
16 emergency generator on site. [Until a home for the aged undergoes any
major building modification as provided under subsection (2), a home for
the aged that is exempt from compliance under subsection (2) shall file
with the department a copy of the home for the aged's written policies
and procedures and existing plans or agreements for emergency situations,
including in the event of an interruption of the normal electrical
supply.]

17 (4) A home for the aged that fails to comply with this
18 section is subject to a civil penalty of not more than \$2,000.00
19 for each violation. Each day a violation continues is a separate
20 offense and shall be assessed a civil penalty of not less than
21 \$500.00 for each day during which the failure continues.

22 Sec. 21735. (1) A nursing home licensed under this article
23 shall have, at a minimum, an emergency generator system that
24 complies with existing state and federal law, including state and
25 federal rules and regulations.

26 (2) A nursing home that fails to comply with this section is
27 subject to a civil penalty as provided under existing state and

1 federal law, including state and federal rules and regulations.

2 Enacting section 1. This amendatory act takes effect 6

3 months after the date this amendatory act is enacted.