

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 21435 and 21735.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 21435. (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 have at a minimum an executed written  
15 contract for the use of a generator in the event of an  
16 interruption of the normal electrical supply until it undergoes  
17 any major building modification as provided under subsection

18 (2) [and shall notify the local medical control authority and the local  
19 law enforcement agency that it does not have an emergency generator on  
20 site]. A copy of the contract shall be provided to the department  
21 upon request. The department shall develop clear and uniform  
22 rules to be used in determining what constitutes an acceptable  
23 contract for compliance with this section. The department may  
24 promulgate additional rules for the operation and maintenance of  
25 an emergency electrical system in a home for the aged.

26       (4) A home for the aged that fails to comply with this  
27 section is subject to a civil penalty of not more than \$2,000.00  
for each violation. Each day a violation continues is a separate  
offense and shall be assessed a civil penalty of not less than

1 \$500.00 for each day during which the failure continues.

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

6       (2) A nursing home that fails to comply with this section is  
7 subject to a civil penalty as provided under existing state and  
8 federal law, including state and federal rules and regulations.

9       Enacting section 1. This amendatory act takes effect 6  
10 months after the date this amendatory act is enacted.