

THE HOUSE OF REPRESENTATIVES
Thursday, February 12, 2009

House Bill No. 1535

HOUSE BILL NO. 1535 - By: HOLLAND of the House.

An Act relating to public health and safety; requiring the Oklahoma Health Care Authority to study funding mechanisms for portable generators in certain facilities; requiring the development of a certain funding plan to be submitted to the Governor and Legislature by certain date; providing nursing and specialized facilities immunity from liability in certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 5025.1 of Title 63, unless there is created a duplication in numbering,
3 reads as follows:

4 A. The Oklahoma Health Care Authority shall study the use of federal and state
5 funding to retrofit nursing and specialized facilities, as those terms are defined in Section
6 1-1902 of Title 63 of the Oklahoma Statutes, for portable generators to be utilized during
7 emergency situations.

8 B. The Authority shall submit a funding plan to the Governor and the Legislature
9 by September 30, 2010, that provides for incentives for nursing and specialized facilities
10 to purchase or retrofit generators for use during emergency situations. Facilities that
11 have purchased or made improvements for emergency power capabilities within the
12 previous eight (8) years shall be included in any incentive program.

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 1-843 of Title 63, unless there is created a duplication in numbering,
3 reads as follows:

4 Nursing and specialized facilities shall be immune from liability for civil damages
5 on the basis of any act or omission when providing assistance to individuals seeking
6 shelter during times of natural and manmade disasters, including but not limited to
7 extended heat spells, electrical blackouts, tornados, and ice storms if:

- 8 1. The facility was acting in good faith; and
- 9 2. The acts or omissions were not caused from gross, willful, or wanton acts of
10 negligence.

11 SECTION 3. This act shall become effective November 1, 2009.

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-11-09 - DO
13 PASS.