Amendment No. 190

Assembly Amendment to Assembly Bill No. 281 (BDR 40-457)

Proposed by: Assembly Committee on Health and Human Services

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted ☐	Lost ☐		Adopted ☐	Lost ☐	
Concurred In ☐	Not ☐		Concurred In ☐	Not ☐	
Receded ☐	Not ☐		Receded ☐	Not ☐	

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/EWR Date: 4/24/2023

A.B. No. 281—Revises provisions governing senior living facilities.
(BDR 40-457)

ASSEMBLY BILL NO. 281–ASSEMBLYMEN GORELOW;
ANDERSON, CARTER, COHEN, DURAN AND NGUYEN

MARCH 14, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing senior living facilities. (BDR 40-457)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with **a** functional ventilation [and filtration systems;] **system; establishing requirements governing the detection of carbon dioxide at a senior living facility;** establishing requirements for the assessment of and any [improvement] **repair, upgrade or installation** to such **heating,** ventilation [and filtration] **and air-conditioning** systems [;] **at senior living facilities;** requiring certain personnel to complete **and review** an assessment report on such a ventilation [or filtration] system; requiring the administrator of a senior living facility to prepare a report on **work performed on** such a ventilation [or filtration] system; **providing that such a report is a public record;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for certain medical facilities that provide care to persons who are aged or infirm, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. (Chapter 449 of NRS) This bill establishes requirements for the **heating,** ventilation and [filtration] **air-conditioning** systems of a senior living facility.

Section 7 of this bill defines "senior living facility" as any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. **Sections** [3-6]**3-8.7** of this bill define other terms related to ventilation systems in senior living facilities.

Section 9 of this bill sets forth a legislative declaration relating to ventilation [and filtration] systems in senior living facilities. **Section 9.5 of this bill requires the State Board of Health to review each new edition of certain standards incorporated into this bill to determine their suitability for this State.**

Section 10 of this bill requires, to the extent money is available, the administrator of a senior living facility to ensure that the senior living facility is equipped with a functional ventilation system and to have [an assessment] **periodic assessments** of the existing system

conducted by qualified adjusting personnel or qualified testing personnel. ~~[Sections 11-14]~~ **Section 10 also authorizes a facility that is certified as an assisted living facility to use certain federal money received to upgrade and maintain the ventilation system of that facility.**

Section 14 of this bill prescribes requirements governing carbon dioxide detectors at a senior living facility. Section 14 also requires the administrator of a senior living facility to cause an adjustment to the ventilation if the concentration of carbon dioxide exceeds a certain amount.

Section 14.5 of this bill ~~[set]~~ **sets** forth the requirements for ~~[qualified adjusting personnel or]~~ qualified testing personnel to assess ~~[and perform updates to: (1) a filtration system of a senior living facility; (2) the ventilation rates of a senior living facility; (3) the ventilation system of a senior living facility; and (4) the carbon dioxide monitors in a senior living facility.~~

~~Section 15 of this bill sets forth requirements for an assessment of a senior living facility with a limited ventilation system or no ventilation system. Section 16 of this bill]~~ **the heating, ventilation and air conditioning system of a senior living facility. Section 14.5 also** requires ~~[qualified adjusting personnel or]~~ qualified testing personnel to prepare ~~[an]~~ **a heating, ventilation and air-conditioning** assessment report, including certain information relating to the assessments conducted pursuant to ~~[sections 11 to 14,]~~ **that section.**

Section 18 of this bill: (1) requires a heating, ventilation and air-conditioning assessment report to be reviewed by a mechanical engineer; and (2) imposes certain duties on the mechanical engineer to facilitate improvements determined necessary based on the report.

Section 19 of this bill requires a senior living facility to take certain corrective actions in response to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer. Section 20 of this bill imposes certain requirements governing the workforce used to perform such corrective actions.

Section ~~[17]~~ **21** of this bill requires the administrator of a senior living facility to prepare a report on the work performed ~~[by qualified adjusting personnel or qualified testing personnel pursuant to sections 11-15]~~ **pursuant to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer** and to ~~[make the report available to the Office of Energy upon request.]~~ **submit the report to the Division of Public and Behavioral Health of the Department of Health and Human Services.**

Section 22 of this bill provides that a heating, ventilation and air-conditioning assessment report and a report created by an administrator of a senior living facility pursuant to section 21 are public records and available for public inspection. Sections 22.5 and 23 of this bill provide for the expiration of the provisions of this bill where there is no longer sufficient federal money available to facilitate compliance with its provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[17,]~~ **22,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[17,]~~ 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[8,]~~ 8.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apprenticeship program" means an apprenticeship program approved by the State Apprenticeship Council created by NRS 610.030.***

Sec. 3.1. ***"ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.***

Sec. 3.2. ***"Certified TAB technician" means a technician who is certified to perform testing, adjusting and balancing of HVAC systems by the Associated Air***

Balance Council, National Environmental Balancing Bureau, Inc. or the Testing, Adjusting and Balancing Bureau, or a similar successor organization.

Sec. 3.3. *"Functional ventilation system" means a heating, ventilation and air-conditioning system that provides the minimum acceptable level of ventilation in accordance with the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.*

Sec. 3.4. *"HVAC" means heating, ventilation and air-conditioning.*

Sec. 3.5. *"Mechanical engineer" means a professional engineer who is licensed in the discipline of mechanical engineering by this State and who has professional experience with heating, ventilation and air-conditioning systems.*

Sec. 3.6. *"MERV" means minimum efficiency reporting value, as established by ASHRAE Standard 52.2-2017, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.*

Sec. 4. ~~*["Minimum efficiency reporting value" means the minimum efficiency reporting value established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or its successor organization.]*~~ **(Deleted by amendment.)**

Sec. 5. *"Qualified adjusting personnel" means ~~[as]~~ either of the following:*

1. ~~[Technician]~~ A certified ~~[to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations;]~~ TAB technician; or

2. ~~[Skilled]~~ A skilled and trained workforce under the supervision of a certified TAB technician . ~~[certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.]~~

Sec. 6. *"Qualified testing personnel" means ~~[:]~~ either of the following:*

1. A certified TAB technician ; ~~[certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations;]~~ or

2. A person certified to perform assessments of heating, ventilation and air-conditioning systems ~~[through a program accredited]~~ by ~~[the American National Standards Institute.]~~ a certifying body in accordance with the edition of standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 7. *"Senior living facility" means any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person including, without limitation, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care.*

Sec. 8. *"Skilled and trained workforce" means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program ~~[.]~~ for the applicable occupation.*

Sec. 8.3. *"Ventilation verification assessment" means an assessment to determine the status of a ventilation system performed in accordance with section 14 of this act.*

Sec. 8.7. *"Zone means an area of a senior living facility where the temperature is controlled by one thermostat.*

Sec. 9. *The Legislature finds and declares that:*

1. Studies have found:

(a) Most ventilation systems are improperly installed; and

(b) Many of the problems with ventilation systems are linked to the use of inadequately trained personnel to install, test, adjust and balance ventilation systems.

2. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

3. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in senior living facilities negatively impact the health of residents and staff in senior living facilities.

4. Improving indoor air quality in senior living facilities may protect the health of residents and staff, reduce the risk of infectious, airborne diseases and save energy.

5. Senior living facilities should have functioning ventilation systems that meet or exceed recommended health and safety standards.

6. Consistent statewide standards for senior living facilities are necessary to protect the health and safety of residents and staff.

Sec. 9.5. *The Board shall review the editions of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, Standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization, and the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials in effect on the effective date of this act to ensure the suitability of the new edition for this State. Each new edition of those standards shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days after the date of publication of the new edition.*

Sec. 10. *1. To the extent that money is available, the administrator of a senior living facility shall ensure that the senior living facility is equipped with a functional ventilation system that is tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance ~~[.]~~ in accordance with the provisions of sections 2 to 22, inclusive, of this act. Money shall be considered available if the senior living facility:*

(a) Receives federal or state money and allocates such money to equip the senior living facility with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility; or

(b) As a condition of receiving federal or state money is required to ensure the senior living facility is equipped with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility.

2. ~~[The]~~ Not later than July 1, 2025, and at least once every 5 years thereafter, the administrator of ~~[the]~~ a senior living facility or any other person that ensures ~~[the]~~ a senior living facility is equipped with a functional ventilation system pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel , or cause such persons to be contracted, to ~~[assess]~~ perform a ventilation verification assessment in accordance with section 14.5 of this act to determine the status of and make any necessary improvements to the ~~[:~~

~~(a) Filtration]~~ heating, ventilation and air-conditioning system of the senior living facility . ~~[in accordance with the provisions of section 11 of this act;~~

~~(b) Ventilation rates of the senior living facility in accordance with the provisions of section 12 of this act;~~

~~(c) Ventilation system of the senior living facility in accordance with the provisions of section 13 of this act; and~~

~~(d) Carbon dioxide monitors at the senior living facility in accordance with the provisions of section 14 of this act.~~

~~3. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to this section shall have performed any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than $200,000. The administrator may have performed any additional recommended work that exceeds an estimated cost of $200,000.]~~

3. A senior living facility that is an assisted living facility certified by the Housing Division of the Department of Business and Industry pursuant to NRS 319.147 may use federal money received pursuant to paragraph (a) of subsection 1 to upgrade and maintain the ventilation system of that facility.

Sec. 11. ~~[In assessing a filtration system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:~~

~~1. Review the capacity and airflow of the filtration system to determine the type of filters with the best minimum efficiency reporting value based on industry standards that can be installed without adversely impacting the filtration system;~~

~~2. Ensure that the filters used in the filtration system are of the type determined pursuant to subsection 1 with the best possible minimum efficiency reporting value;~~

~~3. Ensure that the filters are properly installed and replace or upgrade the filters as needed;~~

~~4. If a filtration system uses ultraviolet germicidal irradiation to disinfect air, ensure that the ultraviolet bulb is operating properly and does not shine on the filters, and replace the ultraviolet bulbs as needed;~~

~~5. If a filtration system uses an economizer, test and repair the economizer dampers; and~~

~~6. Recommend any additional maintenance, replacements or upgrades to improve the overall performance of the filtration system.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[1. In assessing the ventilation rates of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:~~

~~(a) Ensure that the ventilation rates in each room of the facility that is routinely occupied meet the minimum requirements for ventilation rates set forth in the Uniform Mechanical Code;~~

~~(b) Calculate the required minimum outside air ventilation rates for each room of the facility that is routinely occupied based on the maximum anticipated rate of occupancy and the minimum required ventilation rate per occupant in accordance with the Uniform Mechanical Code;~~

~~(c) Ensure that the minimum outside air ventilation rates meet the required minimum rate calculated pursuant to paragraph (b);~~

~~(d) If the minimum outside air ventilation rates do not meet the required minimum rate calculated pursuant to paragraph (b):~~

~~(1) Determine whether additional ventilation can be provided without adversely impacting the performance of the filtration system or the environmental quality of the building; and~~

~~(2) If additional ventilation can be provided, adjust the ventilation rates to meet the required minimum rate;~~

~~(e) If the minimum outside air ventilation rate cannot be met after adjusting the ventilation rates pursuant to paragraph (d), explain why the rate cannot be met;~~

~~(f) Conduct survey readings of the inlets and outlets to:~~

~~(1) Ensure that ventilation is reaching the served zone and is adequately distributed;~~

~~(2) Ensure that the inlets and outlets are balanced to be tolerated by the design of the filtration systems;~~

~~(3) Document read values and deficiencies; and~~

~~(4) If the original values of the design of the filtration system for inlets and outlets of the filtration system are not available, document the available information and note the unavailability of the original values;~~

~~(g) Ensure that there is a positive pressure differential between the building and the outdoors, that the building is not overly pressurized and that rooms designated for temporary occupation by sick residents or staff maintain a negative pressure differential or a pressure differential otherwise set forth by the applicable industry standards;~~

~~(h) Ensure that the coil velocities and the coil and unit discharge air temperatures maintain the desired indoor conditions and avoid moisture carryover from the cooling coils;~~

~~(i) Ensure that the separation between the outdoor air intakes and the exhaust discharge outlets is in accordance with the Uniform Mechanical Code;~~

~~(j) Verify that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the design of the filtration system;~~

~~(k) Measure the air volume for the exhaust fans and document any discrepancies in volume between the measurements and the original volume of the design of the filtration system;~~

~~(l) Verify that the coil condition, condensate drainage, air temperature differentials of the cooling coils, operation of the heat exchangers and drive assembly meet applicable industry standards;~~

~~(m) Review the control sequences to verify that the systems will maintain the intended ventilation, temperature and humidity;~~

~~(n) Verify that daily flushes are scheduled in accordance with the standards set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air Conditioning Engineers and any applicable local or state guidance; and~~

~~(o) Ensure that the operation times and set points of the ventilation system and exhaust fans are in accordance with any applicable guidance set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air Conditioning Engineers and any applicable local or state guidance.~~

~~2. Except as otherwise provided in subsection 3, if a demand control ventilation system is installed at a senior living facility, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that the set point for carbon dioxide is set to 800 parts per million or less.~~

~~3. Qualified adjusting personnel, qualified testing personnel or a licensed professional engineer shall disable a demand control ventilation system installed at a senior living facility and configure the overall ventilation system to meet the minimum requirements of sections 2 to 17, inclusive, of this act if:~~

~~(a) The demand control ventilation system does not maintain an average daily maximum carbon dioxide concentration of less than 1,100 parts per million;~~

~~(b) The administrator of the senior living facility, as applicable, determines that a public health crisis caused by an airborne illness is in effect; and~~

~~(c) Disabling the demand control ventilation system would not adversely affect the operation of the overall ventilation system,~~

~~→ until the administrator determines that a public health crisis caused by an airborne illness is no longer in effect.]~~ (Deleted by amendment.)

Sec. 13. ~~[In assessing the ventilation system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall assess the overall performance of the ventilation system. If a ventilation system is broken, fails to meet the minimum requirements for ventilation established by sections 2 to 17, inclusive, of this act or is otherwise unable to operate at the level intended by the original design of the system, qualified adjusting personnel or qualified testing personnel, as applicable, shall recommend any necessary repairs or maintenance. Any repairs or maintenance to the ventilation system must be performed by a skilled and trained workforce.]~~ (Deleted by amendment.)

Sec. 14. ~~[In assessing the carbon dioxide monitors of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that each room]~~

1. Except as otherwise provided in subsection 2, each zone in ~~[the]~~ a senior living facility ~~[is]~~ must be equipped with a carbon dioxide monitor ~~[that:]~~ and at least one carbon dioxide monitor for each 10,000 square feet of floor space. Such a carbon dioxide monitor must:

~~[1. Is]~~ (a) Be hardwired , ~~[or]~~ plugged in or battery-operated and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;

~~[2. Displays]~~ (b) Display readings of the concentration of carbon dioxide to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular telephone;

~~[3. Provides]~~ (c) Provide a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular telephone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;

~~[4. Maintains]~~ (d) Maintain a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;

~~[5. Has]~~ (e) Have a range of 400 parts per million to ~~[2,000]~~ 5,000 parts per million or more; and

~~[6. Is]~~ (f) Be certified by the manufacturer of the carbon dioxide monitor to ~~[be]~~ :

(1) Be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million ; and ~~[requires]~~

(2) Require calibration not more than once every 5 years.

2. The technical specifications for carbon dioxide monitors set forth in subsection 1 may be amended by regulation of the Board as necessary to reflect available technology and to achieve the intent of that subsection.

3. If appropriate personnel observe a concentration of carbon dioxide exceeding 1,100 parts per million more than once in any 7-day period in any zone, the administrator of the senior living facility shall cause qualified adjusting personnel to adjust the ventilation of the zone as necessary to ensure that the concentration of carbon dioxide in the zone remains below 1,100 parts per million.

***Sec. 14.5.** 1. In a ventilation verification assessment of a senior living facility performed pursuant to section 10 of this act, qualified testing personnel must:*

(a) Record information from HVAC equipment and the motor nameplate.

(b) Conduct such testing as necessary to determine that filters are performing at maximum efficiency.

(c) Obtain physical measurements of the outside air rates at minimum and maximum load conditions.

(d) For each zone, estimate the number of occupants and determine the current occupancy categories, as listed in Table 402.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(e) Verify the operation of components of the ventilation system.

(f) Measure all inlets and outlets for air distribution.

(g) Verify the proper operation of each unit of the HVAC system.

(h) Verify that maintenance has been performed in accordance with section 8 and table 8.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(i) Verify that control sequences are organized in a manner that facilitates proper operation of the HVAC system.

(j) Verify the installation of carbon dioxide monitors as required by section 14 of this act and the accuracy of all carbon dioxide monitors within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million.

(k) If the facility is not currently equipped with mechanical ventilation, collect field data to determine the feasibility of installing such ventilation.

(l) Identify such adjustments, repairs, upgrades or replacements described in section 19 of this act as are necessary to meet:

(1) The minimum requirements concerning ventilation and filtration prescribed by any applicable local building code; and

(2) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, most recently approved by the Board pursuant to section 9.5 of this act.

(m) Document the performance of each task performed pursuant to paragraphs (a) to (l), inclusive.

2. Based on the documentation described in paragraph (m) of subsection 1, the qualified testing personnel who perform a ventilation verification assessment pursuant to section 10 of this act must prepare an HVAC assessment report and provide the report to a mechanical engineer for review in accordance with section 18 of this act.

Sec. 15. ~~*[1. If a senior living facility has a limited ventilation system or no ventilation system, qualified adjusting personnel or qualified testing personnel, as applicable, shall document existing conditions and provide a licensed professional engineer with any information necessary for the licensed professional engineer to make recommendations for upgrading or installing a ventilation system.*~~

~~*2. Qualified adjusting personnel or qualified testing personnel that conduct an assessment of a senior living facility with a limited ventilation system or no ventilation system shall determine whether carbon dioxide monitors that meet the requirements of section 14 of this act are installed in each room of the senior living facility.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. Qualified adjusting personnel or qualified testing personnel, as applicable, shall prepare an assessment report of any assessment performed in a senior living facility pursuant to section 10 of this act. A licensed professional engineer shall:*~~

~~*(a) Review the assessment report and determine if any:*~~

~~*(1) Additional adjustments or repairs are necessary to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act; and*~~

~~(2) Cost-effective upgrades for energy efficiency are warranted; and~~

~~(b) Provide an estimated cost of any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than $200,000 and an estimated cost of any additional recommended work up to an estimated cost of not more than $200,000.~~

~~2. The assessment report must include, without limitation:~~

~~(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;~~

~~(b) For each piece of equipment assessed, the model number, serial number, general condition and any additional information that could be used to assess options for replacements, repairs or upgrades;~~

~~(c) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;~~

~~(d) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;~~

~~(e) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;~~

~~(f) Verification that each assessment conducted pursuant to sections 11 to 15, inclusive, of this act meets the requirements of the applicable section;~~

~~(g) If the minimum outside air ventilation rate cannot be met, the explanation of why the rate cannot be met prepared pursuant to paragraph (e) of subsection 1 of section 12 of this act;~~

~~(h) If the original values of the design of the filtration system for the inlets and outlets of the filtration system are not available, the documentation of the available information and the notation of the unavailability of the original values prepared pursuant to paragraph (f) of subsection 1 of section 12 of this act;~~

~~(i) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;~~

~~(j) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;~~

~~(k) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and~~

~~(l) Recommendations for additional maintenance, replacements or upgrades to improve the energy efficiency, safety or performance of any system assessed pursuant to section 10 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to section 10 of this act shall prepare a report on the status of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as a result of those assessments. The report must include, without limitation:~~

~~(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;~~

~~*(b) A description of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as result of those assessments;*~~

~~*(c) Verification that the administrator of the senior living facility, as applicable, has complied with the requirements of sections 2 to 17, inclusive, of this act;*~~

~~*(d) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;*~~

~~*(e) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;*~~

~~*(f) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;*~~

~~*(g) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;*~~

~~*(h) Documentation of the initial operating verifications and adjustments, the final operating verifications and adjustments and any adjustments or repairs performed;*~~

~~*(i) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;*~~

~~*(j) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and*~~

~~*(k) Verification that all work has been performed by qualified adjusting personnel or qualified testing personnel or a skilled and trained workforce, as appropriate, which may include, without limitation, the provision of the name and, if applicable, certification number of any contractor, qualified adjusting personnel or qualified testing personnel who performed such work.*~~

~~*2. The administrator of a senior living facility shall maintain the report prepared pursuant to subsection 1 for at least 5 years and make a copy of the report available to the Office of Energy upon request.]*~~ **(Deleted by amendment.)**

Sec. 18. *The mechanical engineer who reviews an HVAC assessment report pursuant to subsection 2 of section 14.5 of this act must:*

1. Verify or adjust the estimated minimum outside air ventilation rates.

2. Determine what, if any, additional adjustments, repairs, upgrades or replacements described in section 19 of this act are necessary to meet:

(a) The minimum ventilation and filtration requirements of the local building code; and

(b) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

3. Provide the senior living facility with an estimate of costs for all recommended work.

Sec. 19. *1. A senior living facility shall take any corrective actions:*

(a) Identified in an HVAC assessment report created pursuant to subsection 2 of section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act; or

(b) Identified by a mechanical engineer pursuant to section 18 of this act.

2. Corrective actions identified in an HVAC assessment report or by a mechanical engineer must include, where necessary:

(a) Testing, adjusting and balancing the mechanical ventilation system of the senior living facility, if any; and

(b) If necessary or cost effective, repairs, upgrades or replacement of the HVAC system or installation of a stand-alone mechanical ventilation system.

3. Corrective actions identified in an HVAC assessment report or by a mechanical engineer may additionally include , without limitation:

(a) General maintenance.

(b) Reading and adjustment of ventilation rates.

(c) Replacement of filters to meet a MERV of at least 13 if equipment allows, while ensuring that the pressure drop is less than the capability of the fan.

(d) Direct outside airflow intake measurement.

4. A senior living facility may only use portable filtration and air cleaners:

(a) If the infrastructure of the existing HVAC system is not able to meet the requirements for filtration and ventilation prescribed by sections 2 to 22, inclusive, of this act.

(b) As recommended by a mechanical engineer as a supplemental enhancement to the permanent infrastructure of the HVAC system:

(1) When the desired indoor air quality cannot be maintained with the mechanical ventilation system; or

(2) There exist concerns relating to outdoor air contaminants such as those created by wildfires and air pollution.

5. All adjustments to an HVAC system at a senior living facility must be performed by qualified adjusting personnel.

Sec. 20. *1. The administrator of a senior living facility shall ensure that all work required by section 19 of this act including, without limitation, repairs, upgrades and replacements of an HVAC system, is performed by a skilled and trained workforce of the construction industry and in compliance with applicable regulations of the Board.*

2. The Division and the Board shall work in consultation with the Labor Commissioner, as necessary, to ensure that assessments and construction required pursuant to sections 2 to 22, inclusive, of this act satisfy any applicable standards and requirements of the edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 21. *1. Upon the completion of work required by section 19 of this act, the administrator of a senior living facility shall submit a report to the Division. The report must include:*

(a) The name and address of:

(1) The senior living facility;

(2) The person preparing and certifying the report; and

(3) The qualified testing personnel, qualified adjusting personnel, mechanical engineers, contractors and the members of the skilled and trained workforce of the construction industry who performed assessments, adjustments or construction relating to the work.

(b) Copies of the certification and license, if applicable, of each person identified in subparagraph (3) of paragraph (a).

(c) A copy of all procurement documents relating to the work.

(d) Documentation of:

(1) Verifications of initial operating ventilation rates.

(2) Adjustments, repairs, upgrades and replacements performed pursuant to section 19 of this act.

(3) The final operating conditions of the HVAC system, including, without limitation, the MERV of the filtration system and verified ventilation and exhaust rates for classrooms, auditoriums, gymnasiums, restrooms, offices and other occupied spaces.

(4) Verification that all work has been tested by qualified testing personnel and adjusted by qualified adjusting personnel.

(5) Verification that all repairs, upgrades and replacements were performed by a contractor who uses a skilled and trained workforce of the construction industry and who is in compliance with any applicable standards of the United States Department of Labor.

(6) Compliance with section 19 of this act, including, without limitation, the make and model of each carbon dioxide monitor installed in the senior living facility.

Sec. 22. *An HVAC assessment report created pursuant to section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act and a report submitted to the Division by the administrator of a senior living facility pursuant to section 21 of this act are public records and are available for public inspection.*

Sec. 22.5. **1. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall regularly monitor the amount of federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act. On the date on which the Administrator determines that there is insufficient federal money available for that purpose, the Administrator shall transmit notice of that determination to the Governor and the Director of the Legislative Counsel Bureau.**

2. As used in this section, "senior living facility" has the meaning ascribed to it in section 7 of this act.

Sec. 23. **This act:**

1. Becomes effective upon passage and approval; and

2. Expires by limitation on the date on which the Director of the Legislative Counsel Bureau receives notice of a determination by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 22.5 of this act that there is insufficient federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act.