



# Senate

General Assembly

**File No. 530**

January Session, 2025

Substitute Senate Bill No. 830

*Senate, April 7, 2025*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT ESTABLISHING SAFETY STANDARDS TO PREVENT HEAT-RELATED ILLNESS IN WORKPLACES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:
- 2       (1) "Drinking water" means potable water that is suitable to drink and
- 3       is a temperature of not more than seventy-seven degrees;
- 4       (2) "Emergency medical service" means the provision of care by a
- 5       medically trained person, including, but not limited to, services
- 6       provided by a hospital, clinic, ambulance, disaster car or rescue vehicle;
- 7       (3) "Exertional heat stroke" means a life-threatening medical
- 8       condition characterized by high core body temperature and central
- 9       nervous system dysfunction, occurring during or after strenuous
- 10      physical activity in hot and humid conditions;
- 11      (4) "Heat illness" means a serious medical condition that results from

12 the body's inability to cope with a particular heat load, including, but  
13 not limited to, heat cramps, heat exhaustion, heat syncope, heat stroke  
14 and exertional heat stroke;

15 (5) "Shade" means a natural or artificial blockage of direct sunlight;  
16 and

17 (6) "Temperature" means the dry bulb temperature in degrees  
18 Fahrenheit, as measured by a thermometer in an area where there is no  
19 shade.

20 (b) (1) When the outdoor temperature exceeds eighty degrees, an  
21 employer who employs individuals in positions where a majority of the  
22 work is done in an outdoor setting, including, but not limited to,  
23 positions in the agricultural, construction or landscaping industry, shall  
24 establish and maintain one or more shade areas at all times employees  
25 are present at an outdoor work site. Such shade areas shall be (A) open  
26 to the air or have mechanical ventilation for cooling, (B) located as close  
27 as practicable to areas where employees are working, and (C) large  
28 enough to accommodate the number of employees taking breaks or  
29 meal periods so that each such employee can sit in a normal posture,  
30 fully in the shade, without having physical contact with another  
31 employee.

32 (2) When the outdoor temperature is less than eighty degrees, an  
33 employer subject to the provisions of subsection (b) of this section shall  
34 (A) establish and maintain shade areas in accordance with the  
35 provisions of subdivision (1) of this subsection, or (B) allow employees  
36 reasonable access to shade located at the outdoor work site upon an  
37 employee's request.

38 (3) An employer in the agricultural industry may satisfy the  
39 requirements of this subsection by implementing alternative cooling  
40 measures other than the shade areas pursuant to subdivision (1) of this  
41 subsection, including, but not limited to, the use of misting machines, if  
42 such employer can demonstrate that such alternative cooling measures  
43 are as effective as utilizing the shade areas pursuant to subdivision (1)

44 of this subsection.

45 (c) An employer subject to the provisions of subsection (b) of this  
46 section shall provide a sufficient supply of drinking water at no cost to  
47 its employees so that each employee is able to consume not less than  
48 thirty-two fluid ounces of water per hour for the duration of such  
49 employee's shift, except if an employee is required to wear personal  
50 protective equipment, an employer shall provide an amount of such  
51 drinking water sufficient for such employee to consume not less than  
52 eighty ounces of water per hour. If such drinking water is not plumbed  
53 or otherwise continuously supplied, an employer may provide such  
54 supply of drinking water at the beginning of each employee's shift or in  
55 smaller quantities throughout an employee's shift.

56 (d) (1) Any employer subject to the provisions of subsection (b) of this  
57 section shall provide reasonable breaks in the shade areas required  
58 pursuant to subdivision (1) of subsection (b) of this section to  
59 employees. Such breaks shall be permitted as necessary in order to allow  
60 an employee's body temperature to cool down and prevent overheating  
61 and shall be not less than five minutes in duration, not including the  
62 time the employee needs to access shade.

63 (2) When an employee takes a break pursuant to this subsection, an  
64 employer shall monitor such employee for signs or symptoms of heat  
65 illness. If an employee is showing signs or experiencing symptoms of  
66 heat illness, an employer shall allow the employee to remain in the  
67 shade until such signs or symptoms subside, and, if necessary,  
68 implement the emergency response procedures required pursuant to  
69 subsection (e) of this section, except if an employee is showing signs or  
70 experiencing symptoms of exertional heat stroke, an employer shall  
71 immediately implement the emergency response procedures required  
72 pursuant to subsection (e) of this section.

73 (e) An employer subject to the provisions of subsection (b) of this  
74 section shall develop and implement effective emergency response  
75 procedures for employees showing signs or experiencing symptoms of  
76 heat illness. Such emergency response procedures shall, at a minimum,

77 include (1) first aid measures, including, but not limited to, whole body  
78 cooling measures for employees showing signs or experiencing  
79 symptoms of exertional heat stroke, and (2) the implementation of an  
80 emergency medical plan to ensure the rapid provision of medical  
81 services to employees showing signs or experiencing symptoms of heat  
82 illness, including, but not limited to, transportation of such employee if  
83 the outdoor work site is not in proximity to emergency medical services.

84 (f) An employer subject to the provisions of subsection (b) of this  
85 section shall implement additional high heat practices when the  
86 temperature at the outdoor work site equals or exceeds ninety degrees.  
87 Such practices shall, to the extent possible, include:

88 (1) Ensuring that employees at such work site are able to contact a  
89 supervisor by maintaining effective communication by voice or an  
90 electronic device. If an employer chooses to utilize an electronic device,  
91 including, but not limited to, a cell phone or text messaging device, such  
92 employer shall ensure reception in the area is reliable;

93 (2) Monitoring employees for signs and symptoms of heat illness by  
94 designating a supervisor, or a supervisor's designee, to observe twenty  
95 or fewer employees or by implementing a mandatory buddy system or  
96 other effective means of observation;

97 (3) Designating one or more employees at such work site to call for  
98 emergency medical services when needed and allowing other  
99 employees to call for emergency medical services when such designated  
100 employees are unavailable;

101 (4) Reminding employees throughout the work shift to drink plenty  
102 of water and to take breaks pursuant to subsection (d) of this section;

103 (5) Implementing a schedule to provide employees a preventative  
104 cool-down rest period of not less than ten minutes every two hours.  
105 Such rest period may be provided concurrently with a meal or rest  
106 period required under state or federal law; and

107 (6) Holding meetings before the commencement of a work shift to

108 review the high heat practices required pursuant to this subsection.

109 (g) An employer subject to the provisions of subsection (b) of this  
110 section shall develop and implement effective acclimatization practices  
111 for (1) new employees assigned to work at an outdoor work site where  
112 the temperature exceeds eighty degrees, and (2) employees returning to  
113 an outdoor work site where the temperature exceeds eighty degrees  
114 after not working at such work site for fourteen or more consecutive  
115 days, in order for such employees to gradually adapt to such working  
116 conditions. Such practices shall start such employees at twenty per cent  
117 of an employee's normal work load and increase such work load by  
118 twenty per cent each day until one hundred per cent of such employee's  
119 work load is reached.

120 (h) The provisions of this section shall not apply to an employee who  
121 drives an air-conditioned or fan-ventilated vehicle and may experience  
122 some heat exposure for duties conducted outside such vehicle, provided  
123 such employee has unrestricted access to such vehicle.

124 Sec. 2. (NEW) (*Effective October 1, 2025*) (a) For the purposes of this  
125 section:

126 (1) "Drinking water" means potable water that is suitable to drink and  
127 is a temperature of not more than seventy-seven degrees;

128 (2) "Emergency medical service" means the provision of care by a  
129 medically trained person, including, but not limited to, services  
130 provided by a hospital, clinic, ambulance, disaster car or rescue vehicle;

131 (3) "Exertional heat stroke" means a life-threatening medical  
132 condition characterized by high core body temperature and central  
133 nervous system dysfunction, occurring during or after strenuous  
134 physical activity in hot and humid conditions;

135 (4) "Heat illness" means a serious medical condition that results from  
136 the body's inability to cope with a particular heat load, including, but  
137 not limited to, heat cramps, heat exhaustion, heat syncope, heat stroke  
138 and exertional heat stroke; and

139 (5) "Temperature" means the dry bulb temperature in degrees  
140 Fahrenheit, as measured by a thermometer in an area where there is no  
141 shade.

142 (b) (1) When the outdoor temperature exceeds eighty degrees, an  
143 employer shall measure the temperature at an indoor work area that  
144 does not have effective or functioning air conditioning and make a  
145 record of such measurement.

146 (2) The records required pursuant to subdivision (1) of this subsection  
147 shall include the temperature, date, time and specific location of all  
148 measurements. Any records required pursuant to this section shall be  
149 maintained by an employer for a period of at least one year and made  
150 available to employees upon request.

151 (3) An employer shall take measurements required pursuant to  
152 subdivision (1) of this subsection again when the temperature is  
153 expected to be ten degrees higher than the previous measurement and  
154 at times when employee exposure to heat illness is expected to be the  
155 greatest.

156 (c) At times when the temperature in such indoor work areas  
157 described in subsection (b) of this section equals or exceeds eighty-two  
158 degrees, an employer shall:

159 (1) Establish and maintain one or more cool-down areas during times  
160 when employees are present at such indoor work area, except when the  
161 employer can demonstrate that the establishment of such cool-down  
162 areas is impracticable. Such cool-down area shall (A) maintain a  
163 temperature of less than eighty-two degrees, (B) be located as close as  
164 practicable to areas where employees are working, and (C) be large  
165 enough to accommodate the number of employees taking breaks or  
166 meal periods;

167 (2) Provide a sufficient supply of drinking water at no cost to its  
168 employees so that each employee is able to consume not less than thirty-  
169 two fluid ounces of water per hour for the duration of such employee's

170 shift, except if an employee is required to wear personal protective  
171 equipment, an employer shall provide an amount of such drinking  
172 water sufficient for such employee to consume not less than eighty  
173 ounces of water per hour. If such drinking water is not plumbed or  
174 otherwise continuously supplied, an employer shall provide such  
175 supply of drinking water at the beginning of each employee's shift or in  
176 smaller quantities throughout an employee's shift; and

177 (3) Provide reasonable breaks in the cool-down areas required  
178 pursuant to subdivision (1) of this subsection. Such breaks shall be  
179 permitted as necessary in order to allow an employee's body  
180 temperature to cool down and prevent overheating and shall be not less  
181 than five minutes in duration, not including the time the employee  
182 needs to access such cool-down area. When an employee takes a break  
183 pursuant to this subdivision, an employer shall monitor such employee  
184 for signs or symptoms of heat illness. If an employee is showing signs  
185 or experiencing symptoms of heat illness, an employer shall allow the  
186 employee to remain in the cool-down area until such signs or symptoms  
187 subside, and, if necessary, implement the emergency response  
188 procedures established required pursuant to subsection (e) of this  
189 section, except if an employee is showing signs or experiencing  
190 symptoms of exertional heat stroke, an employer shall immediately  
191 implement the emergency response procedures established pursuant to  
192 subsection (e) of this section.

193 (d) An employer shall monitor the temperature of an indoor work  
194 area for indoor work areas described in subsection (a) of this section and  
195 implement control measures (1) when such temperature equals or  
196 exceeds eighty-seven degrees, or (2) where individuals employed at  
197 such indoor work area are required to wear clothing that restricts heat  
198 removal or work in a high radiant heat area, when such temperature  
199 equals or exceeds eighty-seven degrees. Such control measures may  
200 include:

201 (A) Implementing engineering controls, including, but not limited to,  
202 air conditioning, cooling fans, cooling mist fans, evaporative coolers,

203 natural ventilation or local exhaust ventilation, in order to reduce and  
204 maintain the temperature of such indoor work area to (i) below eighty-  
205 seven degrees, or (ii) where individuals employed at such indoor work  
206 area are required to wear clothing that restricts heat removal or to work  
207 in a high radiant heat area, below eighty-two degrees;

208 (B) Implementing administrative controls in order to limit exposure  
209 to heat illness, including, but not limited to, rotating employees,  
210 scheduling work earlier or later in the day, implementing rest schedules,  
211 reducing work intensity or speed, reducing work hours, using relief  
212 workers and changing required work clothing; or

213 (C) Providing personal heat-protective equipment, including, but not  
214 limited to, water-cooled garments, air-cooled garments, cooling vests,  
215 wetted overgarments and heat-reflective clothing.

216 (e) An employer subject to the provisions of subsections (b) to (d),  
217 inclusive, of this section shall develop and implement effective  
218 emergency response procedures for employees showing signs or  
219 experiencing symptoms of heat illness. Such emergency response  
220 procedures shall, at a minimum, include procedures for:

221 (1) Ensuring that employees at the work site can contact a supervisor  
222 by maintaining effective communication by voice or an electronic  
223 device. If an employer chooses to utilize an electronic device, including,  
224 but not limited to, a cell phone or text messaging device, such employer  
225 shall ensure reception in the area is reliable; and

226 (2) Responding to employees showing signs and symptoms of heat  
227 illness, which shall include, but need not be limited to, (A) first aid  
228 measures, including, but not limited to, whole body cooling measures  
229 for employees showing signs or experiencing symptoms of exertional  
230 heat stroke, and (B) implementing an emergency medical plan to ensure  
231 the rapid provision of medical services to employees showing signs or  
232 experiencing symptoms of heat illness.

233 (f) An employer subject to the provisions of subsections (b) to (d),



234 inclusive, of this section shall develop and implement effective  
235 acclimatization practices for (1) new employees (A) assigned to work at  
236 indoor work areas where the temperature exceeds eighty-seven degrees,  
237 (B) required to wear clothing that restricts heat removal at indoor work  
238 areas where the temperature exceeds eighty-two degrees, or (C)  
239 assigned to work in a high radiant heat area that exceeds eighty-two  
240 degrees, and (2) employees returning to the working conditions  
241 described in subparagraphs (A) to (C), inclusive, of subdivision (1) of  
242 this subsection after not working for fourteen or more consecutive days,  
243 in order for such employees to gradually adapt to such working  
244 conditions. Such practices shall start such employees at twenty per cent  
245 of an employee's normal work load and increase such work load by  
246 twenty per cent each day until one hundred per cent of such employee's  
247 work load is reached.

248       Sec. 3. (NEW) (*Effective October 1, 2025*) (a) An employer subject to the  
249 provisions of section 1 or 2 of this act shall provide each employee with  
250 training on heat illness and the employer's procedures regarding heat  
251 illness. Such training shall include, but need not be limited to,  
252 information regarding:

253       (1) The environmental and personal risk factors for heat illness,  
254 including the added burden of heat load on the body caused by exertion,  
255 clothing and personal protective equipment;

256       (2) The employer's procedures for complying with the provisions of  
257 sections 1 and 2 of this act, including the employee's right to exercise  
258 such employee's rights under such sections without retaliation;

259       (3) The importance of frequent consumption of up to thirty-two  
260 ounces of water per hour when the work environment is hot and the  
261 employee is likely to be sweating more than usual in the performance of  
262 such employee's duties;

263       (4) The concept, importance and methods of acclimatization;

264       (5) The different types of heat illness, the common signs and

265 symptoms of heat illness and appropriate first aid or emergency  
266 responses to different types of heat illness;

267 (6) The importance of employees immediately reporting to the  
268 employer signs and symptoms of heat illness in such employee or in  
269 other employees;

270 (7) The employer's emergency response procedures for responding to  
271 signs and symptoms of possible heat illness, including how emergency  
272 medical services will be provided should such services become  
273 necessary; and

274 (8) The employer's emergency response procedures regarding the  
275 contacting of emergency medical services and, if necessary, the  
276 transportation of employees to a location where such employee is  
277 reachable by an emergency medical service provider.

278 (b) In addition to the training required pursuant to subsection (a) of  
279 this section, an employer shall provide training to supervisory  
280 employees on the following:

281 (1) Supervisor-specific procedures required to implement the  
282 provisions of sections 1 and 2 of this act;

283 (2) Supervisor-specific procedures required when an employee  
284 exhibits signs or reports symptoms consistent with possible heat illness,  
285 including emergency response procedures required pursuant to  
286 subsection (e) of section 1 of this act and subsection (e) of section 2 of  
287 this act; and

288 (3) How to monitor weather reports and how to respond to heat  
289 advisories.

290 Sec. 4. (NEW) (*Effective October 1, 2025*) The provisions of sections 1  
291 and 2 of this act shall not apply to employees responsible for emergency  
292 operations directly involving the protection of life or property or the  
293 restoration of essential services, including, but not limited to, instances  
294 when an employee is engaged in evacuation services, rescue services,

295 emergency medical services, structural firefighting, law enforcement  
296 services and utility repair.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	New section
Sec. 2	October 1, 2025	New section
Sec. 3	October 1, 2025	New section
Sec. 4	October 1, 2025	New section

**Statement of Legislative Commissioners:**

In Section 1(b)(1), "provide" was changed to "establish and maintain" for consistency with other provisions of the Subsec. and in Section 1(b)(2), "pursuant to" was changed to "in accordance with the provisions of" for consistency with standard drafting conventions; in Subsec. (c), "provided" was changed to "except" for consistency with standard drafting conventions; Subsecs. (d) and (e) were rewritten for consistency with standard drafting conventions; in Subsec. (g)(2), "such work site" was changed to "an outdoor work site where the temperature exceeds eighty degrees" for clarity; in Section 2, in Subsec. (b)(2), "temperature," was inserted before "date" for clarity; Subsecs. (c) to (e), inclusive, were rewritten for clarity; in Subsec. (f)(2), "such working conditions" was changed to "the working conditions described in subparagraphs (A) to (C), inclusive, of subdivision (1) of this subsection" for clarity; in Section 3(a)(7) and (8) were rewritten for clarity; and in Section 4, "directly involved in" was changed to "directly involving" for clarity.

**LAB**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
Various State Agencies	App Fund - Potential Cost	See Below	See Below

Note: App Fund=All Appropriated Funds

### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
All Municipalities	Potential Cost	See Below	See Below

## **Explanation**

The bill establishes requirements for certain employers to decrease the risk of heat-related illnesses at indoor and outdoor workplaces but does not specify an enforcement mechanism.<sup>1</sup> This may result in a potential cost to the state and municipalities as employers to the extent they require additional resources to meet the requirements of the bill.

As a reference, if the Department of Labor (DOL) was tasked with enforcing of the provisions of the bill, this would result in a cost to the (1) DOL of \$236,913 for each FY 26 and FY 27 and (2) State Comptroller-Fringe Benefits account of \$89,912 for each FY 26 and FY 27. The costs are related to the hiring of two occupational hygienists since the Wage and Workplace Standards Division lacks expertise in this area.

## **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

<sup>1</sup> Currently, the jurisdiction of workplace standards for private employers is within Federal OSHA.

**OLR Bill Analysis****sSB 830*****AN ACT ESTABLISHING SAFETY STANDARDS TO PREVENT HEAT-RELATED ILLNESS IN WORKPLACES.*****SUMMARY**

This bill sets heat-related requirements for certain employers.

It requires employers who employ people in positions where a majority of the work is done in an outdoor setting, such as in the agricultural, construction, or landscaping industries (referred to as “covered outdoor employers” below) to (1) supply employees with a certain amount of free drinking water, (2) give employees reasonable breaks in shaded areas, (3) implement heat-related emergency response procedures that meet certain criteria, and (4) implement certain acclimatization practices for certain new hires and employees who have not recently worked in these conditions. The bill also adds additional requirements when outdoor temperatures exceed 80 and 90 degrees.

The bill sets similar requirements for employers that have an indoor work area that does not have effective or functioning air conditioning. When the outdoor temperature exceeds 80 degrees, the bill requires these employers to measure and record the temperature at the work area and if it reaches at least 82 degrees, implement similar measures for cool-down areas, drinking water, and employee breaks. It also requires additional measures if indoor temperatures exceed 87 degrees or employees must wear certain types of clothing.

The bill also requires employers to train their employees on certain heat-related topics, such as risk factors for heat illness, the employer's heat-related procedures required by the bill, and the importance of drinking a certain amount of water. It requires related training for the employer's supervising employees.

Lastly, the bill specifies that it does not apply to employees responsible for emergency operations that directly involve protecting life or property or restoring essential services, such as instances when an employee is engaged in evacuation, rescue, or emergency medical services; structural firefighting; law enforcement; or utility repair.

(The bill does not specify an enforcement mechanism for violations of its provisions or whether it covers the state and other public employers.)

EFFECTIVE DATE: October 1, 2025

## **EMPLOYERS WITH OUTDOOR WORK AREAS**

The bill sets heat-related requirements for employers who employ people in positions where most of the work is done in an outdoor setting, such as in the agricultural, construction, or landscaping industries (it does not further specify how to determine which employers it covers). Some of these requirements apply regardless of the outdoor temperature (as measured in an unshaded area), while others vary depending on the temperature. They do not, however, apply to employees who drive air conditioned or fan-ventilated vehicles and may experience some heat exposure for duties conducted outside the vehicle, as long as they have unrestricted access to the vehicle.

### ***Requirements Regardless of Temperature***

***Drinking Water.*** The bill requires covered outdoor employers to provide enough free drinking water (no warmer than 77 degrees) so that each employee can drink at least 32 ounces per hour for the duration of his or her shift. If the employee must wear personal protective equipment (PPE), then the employer must supply enough water for the employee to drink at least 80 ounces of water per hour. If the water is not plumbed or otherwise continuously supplied, the employer must supply it at the start of each employee's shift or in smaller quantities throughout the shift.

***Reasonable Breaks and Monitoring.*** The bill requires outdoor employers to give employees reasonable breaks in shaded areas to allow

an employee's body temperature to cool down and prevent overheating. A break must be at least five minutes long, not including the time the employee needs to access the shade.

Under the bill, when an employee takes one of these breaks the employer must monitor the employee for signs or symptoms of heat illness. If an employee shows these signs or experiences these symptoms, the employer must allow the employee to remain in the shade until they subside, and if necessary, implement the emergency response procedures required by the bill (see below). However, the emergency response procedures must be implemented immediately if an employee has signs or symptoms of exertional heat stroke.

Under the bill, "heat illness" is a serious medical condition that results from the body's inability to cope with a particular heat load, such as heat cramps, heat exhaustion, heat syncope, heat stroke, or exertional heat stroke. "Exertional heat stroke" is a life-threatening medical condition characterized by high core body temperature and central nervous system dysfunction, occurring during or after strenuous physical activity.

**Emergency Response Procedures.** The bill requires outdoor employers to develop and implement effective emergency response procedures for employees with signs or symptoms of heat illness. The procedures must at least include (1) first aid measures, such as whole body cooling measures for employees showing signs or experiencing symptoms of exertional heat stroke and (2) an emergency medical plan, implemented to ensure rapid provision of medical services to employees with signs or symptoms of heat illness. The emergency medical plan must include transporting the employee if the outdoor work site is not near emergency medical services. Under the bill, "emergency medical service" is the provision of care by a medically trained person, such as those services provided by a hospital, clinic, ambulance, disaster car, or rescue vehicle.

**Acclimatization Practices.** The bill requires outdoor employers to develop and implement effective acclimatization practices so that

certain employees can gradually adapt to working conditions at an outdoor work site where the temperature exceeds 80 degrees. The practices must be for (1) new employees assigned to work at these outdoor work sites and (2) employees returning to work at one after at least 14 consecutive days away. The practices must start the employees at 20% of an employee's normal work load and then increase by 20% (presumably, an additional 20 percentage points) each day until reaching 100% of the employee's work load.

**Over 80 Degrees**

If the outdoor temperature exceeds 80 degrees, the bill requires covered outdoor employers to establish and maintain at least one shade area whenever employees are present at an outdoor work site. The shade area must be (1) either open to the air or have mechanical ventilation for cooling; (2) as close as practicable to areas where employees are working; and (3) large enough to accommodate employees taking breaks or meal periods at the same time so that they can sit in a normal posture, fully shaded, and without physically touching another employee.

The bill allows the employers in the agricultural industry to meet these requirements by using other cooling measures such as misting machines if they can show that they are as effective as the shade areas required by the bill (the bill does not specify how or to whom they must show this).

**Under 80 Degrees.** If the outdoor temperature is less than 80 degrees, then a covered outdoor employer must either provide these same shade areas or allow employees reasonable access to shade at an outdoor work site upon request. (The bill does not specify any requirements for when the temperature is 80 degrees.)

**Over 90 Degrees**

The bill requires a covered outdoor employer to implement additional high heat practices when the temperature at the outdoor work site is at least 90 degrees. To the extent possible, these practices



must include the following:

1. ensuring that employees at the work site can contact a supervisor by maintaining effective communication by voice or an electronic device (if using an electronic device, the employer must ensure that reception in the area is reliable);
2. monitoring employees for signs and symptoms of heat illness by designating a supervisor, or a supervisor's designee, to observe 20 or fewer employees, or by implementing a mandatory buddy system or other effective means of observation;
3. designating at least one employee at the site to call for emergency medical services when needed and allowing other employees to call when designated employees are unavailable;
4. reminding employees throughout the work shift to drink plenty of water and to take breaks as allowed under the bill;
5. implementing a schedule to allow employees to take a minimum 10-minute preventative cool-down rest period every two hours, which can be concurrent with a legally required meal or rest period; and
6. holding meetings before a work shift starts to review the high heat practices required by the bill.

## **EMPLOYERS WITH INDOOR WORK AREAS**

When the outdoor temperature exceeds 80 degrees, the bill requires employers (presumably, all employers) to measure and record the temperature at an indoor work area that does not have effective or functioning air conditioning (the bill does not specify how to determine whether air conditioning is "effective"). If the indoor work area's temperature exceeds certain thresholds, it also requires the employer to take additional actions.

### ***Indoor Temperature Records***

Under the bill, the employer's indoor work area temperature records

must include the temperature, date, time, and specific location of all measurements. The employer must maintain these records for least one year and make them available to employees upon request.

An employer must take the measurements again when the temperature is expected to be 10 degrees higher than the previous measurement and when employee exposure to heat illness is expected to be the greatest (the bill does not specify how an employer must make these determinations).

### ***Indoor Temperatures of at Least 82 Degrees***

When the indoor work area's temperature is at least 82 degrees, the bill requires the employer to take the steps below.

***Cool-Down Area.*** Establish and maintain at least one cool-down area when employees are present at the work area unless the employer can demonstrate that doing so is impracticable. The cool-down area must (1) maintain a temperature of less than 82 degrees, (2) be located as close as practicable to areas where employees are working, and (3) be large enough to accommodate the number of employees taking breaks or meal periods.

***Drinking Water.*** Provide enough free drinking water so that each employee can drink at least 32 ounces per hour for the duration of his or her shift. If an employee must wear PPE, an employer must provide enough drinking water for the employee to drink at least 80 ounces per hour. If the water is not plumbed or otherwise continuously supplied, an employer must supply it at the beginning of each employee's shift or in smaller quantities throughout an employee's shift.

***Reasonable Breaks and Monitoring.*** Provide reasonable breaks in the cool-down areas as needed to allow an employee's body temperature to cool down and prevent overheating. The breaks must be at least five minutes long, not including the time needed to access the cool-down area. When an employee takes one of these breaks, the employer must monitor the employee for signs or symptoms of heat illness. If an employee has these signs or symptoms, the employer must

allow the employee to remain in the cool-down area until they subside, and, if necessary, implement the emergency response procedures established under the bill. If an employee has signs or symptoms of exertional heat stroke, the employer must immediately implement the required emergency response procedures.

### ***Indoor Temperatures of at Least 87 Degrees***

The bill requires employers to monitor indoor work area temperatures and implement control measures when they are at least 87 degrees. (The bill has an unclear internal reference. It makes a distinction for monitoring employees who must wear clothing that restricts heat removal or work in a high radiant heat area, but applies the same 87-degree temperature threshold.) The control measures may include:

1. engineering controls, such as air conditioning, cooling fans, cooling mist fans, evaporative coolers, natural ventilation, or local exhaust ventilation to reduce and keep the area's temperature (a) below 87 degrees or (b) where employees must wear clothing that restricts heat removal or work in a high radiant heat area, below 82 degrees;
2. administrative controls to limit exposure to heat illness, such as rotating employees, scheduling work earlier or later in the day, implementing rest schedules, reducing work intensity or speed, reducing work hours, using relief workers, and changing required work clothing; or
3. providing personal heat-protective equipment, such as water-cooled garments, air-cooled garments, cooling vests, wetted overgarments, and heat-reflective clothing.

### ***Emergency Response Procedures***

The bill requires employers to develop and implement effective emergency response procedures for employees with signs or symptoms of heat illness (it is unclear whether this applies to all employers or only those with an indoor work area without effective or functioning air

conditioning when temperatures are over 80 degrees). These must at least include procedures for:

1. ensuring that employees at the work site can contact a supervisor by maintaining effective communication by voice or an electronic device (if using an electronic device, the employer must ensure reception in the area is reliable) and
2. responding to employees with signs or symptoms of heat illness, which must at least include (a) first aid measures, such as whole body cooling measures for employees showing signs or symptoms of exertional heat stroke, and (b) implementing an emergency medical plan to ensure rapid provision of medical services to employees showing signs or symptoms of heat illness.

### ***Acclimatization Practices***

The bill requires employers to develop and implement effective acclimatization practices for certain employees to gradually adapt to certain high-temperature indoor working conditions (it is unclear whether this applies to all employers or only those with an indoor work area that does not have effective or functioning air conditioning when temperatures are over 80 degrees). The practices must start at 20% of an employee's normal work load and then increase by 20% (presumably, 20 percentage points) each day until reaching 100% of the employee's work load. They must apply to:

1. new employees (a) assigned to work at indoor work areas where the temperature exceeds 87 degrees, (b) required to wear clothing that restricts heat removal at indoor work areas where the temperature exceeds 82 degrees, or (c) assigned to work in a high radiant heat area that exceeds 82 degrees, and
2. employees returning to these working conditions after not working for at least 14 consecutive days.

### **TRAINING**

The bill requires covered outdoor employers and other employers to

train each employee on heat illness and the employer's procedures on heat illness. (For employers who are not covered outdoor employers, it is unclear if this applies to all employers or only those with an indoor work area that does not have effective or functioning air conditioning when temperatures are over 80 degrees). The training must at least include information about the:

1. environmental and personal risk factors for heat illness, including the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment;
2. employer's procedures for complying with the bill's outdoor and indoor heat-related provisions, including the employee's right to exercise his or her rights under these provisions without retaliation;
3. importance of frequently consuming up to 32 ounces of water per hour when the work environment is hot and the employee is likely to be sweating more than usual while performing his or her duties;
4. concept, importance, and methods of acclimatization;
5. different types of heat illness, their common signs and symptoms, and the appropriate first aid or emergency responses;
6. importance of employees immediately reporting to the employer signs and symptoms of heat illness in the employee or in other employees;
7. employer's emergency response procedures for responding to signs and symptoms of possible heat illness, including how emergency medical services will be provided if needed; and
8. employer's emergency response procedures for contacting emergency medical services and, if needed, transporting employees to a location where they are reachable by an emergency medical service provider.

**Supervisor Training**

Under the bill, the employers must train their supervisory employees on:

1. supervisor-specific procedures required to implement the bill's outdoor and indoor heat-related provisions;
2. supervisor-specific procedures required when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures required by the bill; and
3. how to monitor weather reports and respond to heat advisories.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9      Nay 4      (03/20/2025)