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EMERGENCY BILL (PRE–FILED)

1lr0974 CF 1lr0976

By: **Delegate Valderrama** Requested: October 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

Occupational Safety and Health Standards to Protect Employees – Aerosol Transmissible Diseases and COVID-19

4 FOR the purpose of requiring the Commissioner of Labor and Industry to adopt regulations 5 establishing a certain occupational safety and health standard protecting employees 6 from certain exposure to certain diseases on or before a certain date; providing for 7 the content of certain regulations; requiring the Secretary of Labor, in consultation 8 with the Commissioner and the Maryland Department of Health, to develop an 9 Emergency Temporary Occupational Safety and Health Standard for use by 10 employers; requiring that a certain occupational safety and health standard be 11 published on the website of the Maryland Department of Labor in certain languages 12 within a certain period of time; providing for the content of a certain occupational 13 safety and health standard; specifying that a certain occupational safety and health 14 standard requires certain employers to take certain actions; requiring the Secretary 15 and Commissioner to publish certain information on the Department's website 16 relating to certain reporting by employers; providing for the termination of certain 17 provisions of this Act; making this Act an emergency measure; and generally relating 18 to occupational safety and health and employee protection from aerosol 19 transmissible diseases and COVID-19.

20 BY adding to

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21 Article – Labor and Employment

22 Section 5–308.2

Annotated Code of Maryland

24 (2016 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

Article - Labor and Employment

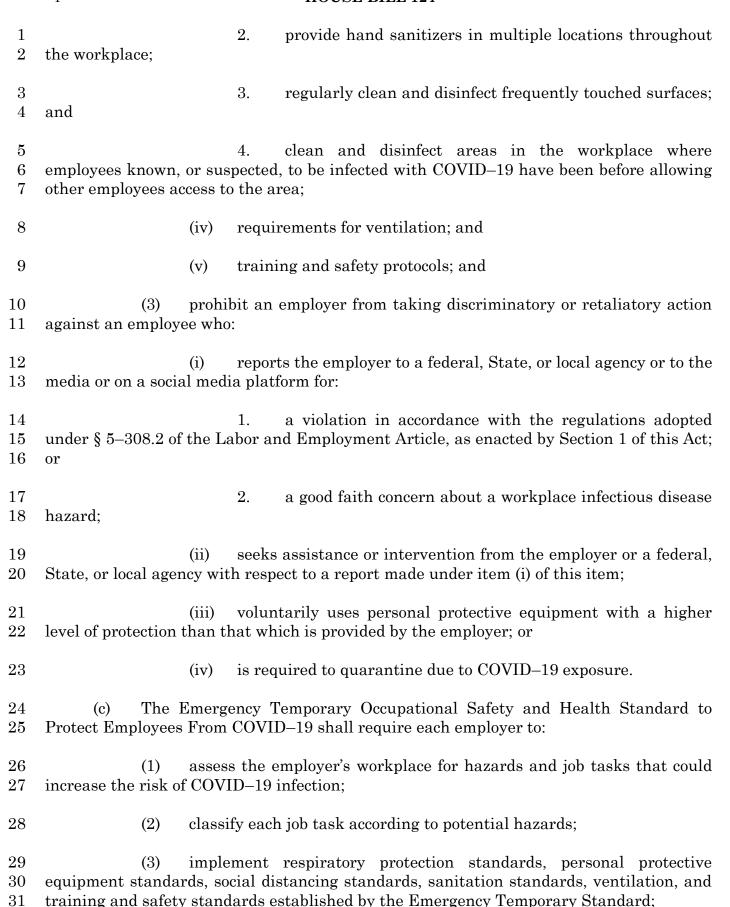
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

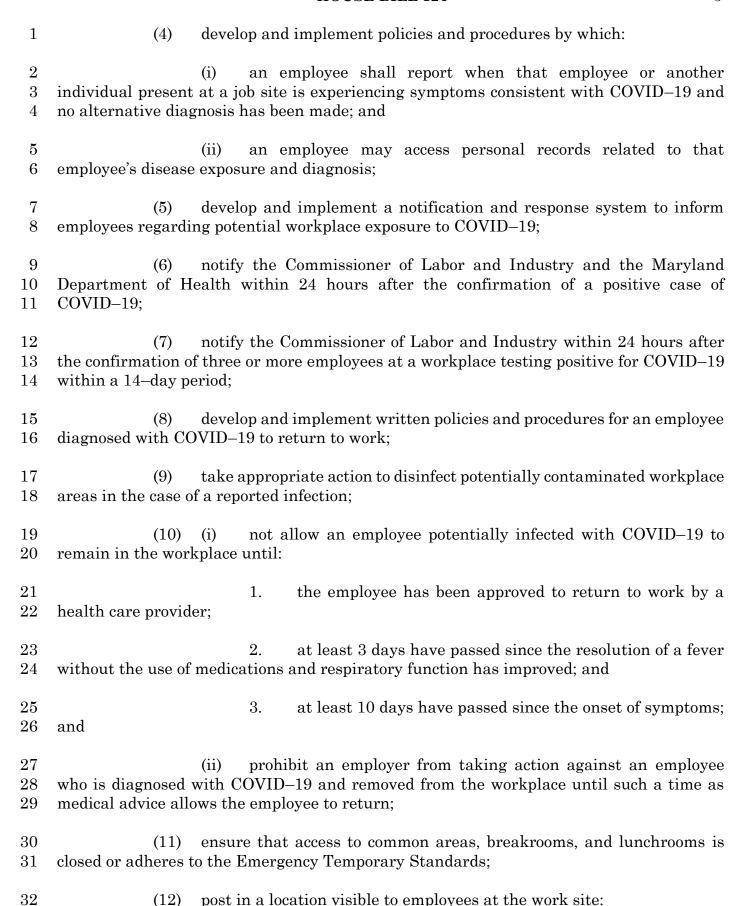
[Brackets] indicate matter deleted from existing law.



- 1 **5–308.2**.
- 2 (A) ON OR BEFORE OCTOBER 1, 2021, THE COMMISSIONER SHALL ADOPT
- 3 REGULATIONS THAT ESTABLISH A PERMANENT OCCUPATIONAL SAFETY AND
- 4 HEALTH STANDARD TO PROTECT EMPLOYEES FROM OCCUPATIONAL EXPOSURE TO
- 5 AEROSOL TRANSMISSIBLE DISEASES.
- 6 (B) THE REGULATIONS REQUIRED UNDER SUBSECTION (A) OF THIS 7 SECTION SHALL:
- 8 (1) CONTAIN INDUSTRY-APPROPRIATE STANDARDS OF PROTECTION
- 9 FOR EMPLOYEES FROM OCCUPATIONAL EXPOSURE TO INFECTIOUS PATHOGENS;
- 10 (2) REQUIRE EMPLOYERS TO DEVELOP AND IMPLEMENT A
- 11 COMPREHENSIVE INFECTIOUS DISEASE EXPOSURE CONTROL PLAN; AND
- 12 (3) PROHIBIT AN EMPLOYER FROM TAKING DISCRIMINATORY OR
- 13 RETALIATORY ACTION AGAINST AN EMPLOYEE WHO:
- 14 (I) REPORTS TO AN EMPLOYER, A FEDERAL, STATE, OR LOCAL
- 15 AGENCY, THE MEDIA, OR A SOCIAL MEDIA PLATFORM:
- 16 1. A VIOLATION OF A STANDARD ADOPTED IN
- 17 REGULATIONS UNDER THIS SECTION; OR
- 2. A GOOD FAITH CONCERN ABOUT A WORKPLACE
- 19 INFECTIOUS DISEASE HAZARD;
- 20 (II) SEEKS ASSISTANCE OR INTERVENTION FROM THE
- 21 EMPLOYER OR A FEDERAL, STATE, OR LOCAL AGENCY WITH RESPECT TO A REPORT
- 22 MADE UNDER ITEM (I) OF THIS ITEM;
- 23 (III) VOLUNTARILY USES PERSONAL PROTECTIVE EQUIPMENT
- 24 WITH A HIGHER LEVEL OF PROTECTION THAN IS PROVIDED BY THE EMPLOYER; OR
- 25 (IV) EXERCISES ANY RIGHT PROTECTED IN REGULATIONS
- 26 ADOPTED UNDER THIS SECTION.
- 27 SECTION 2. AND BE IT FURTHER ENACTED, That:
- 28 (a) On or before March 1, 2021, the Secretary of Labor, in consultation with the
- 29 Commissioner of Labor and Industry and the Maryland Department of Health, shall
- 30 develop and make available in English, Spanish, and Haitian Creole on the main page of

$\frac{1}{2}$	the Maryland Department of Labor website an Emergency Temporary Occupational Safety and Health Standard to Protect Employees From COVID–19 for use by employers.						
3 4	(b) Protect Em		_	_	Temporary Occupational Safety and Health Standard to D–19 shall:		
5		(1)	inclu	de:			
6			(i)	1.	a definition for "exposure risk level";		
7				2.	a gradient for exposure risk level; and		
8 9	levels with	which	to class	3. sify inc	factors to aid employers in determining exposure risk dividual jobs and persons in a workplace; and		
10 11	operating in	n the S	(ii) tate;	comn	non exposure risk levels associated with each industry		
12 13	including:	(2)	estab	lish m	inimum safety standards based on each exposure risk level,		
14 15 16	(i) respiratory protection and personal protective equipment standards, including a requirement that employers provide, when necessary and at no cost to an employee:						
17				1.	cotton face masks;		
18				2.	face shields;		
19				3.	gloves; and		
20				4.	other personal protective equipment;		
21			(ii)	physi	cal distancing standards requiring employers to:		
22 23	of distance	betwee	en then	1. n; and	enable employees and visitors to work with at least 6 feet		
24 25 26	and stagger time;	worke	ers acro	2. oss shif	reduce capacity, modify processing or production lines, its to minimize the number of individuals in a facility at any		
27			(iii)	sanit	ation standards requiring employers to:		
28 29	using soap	and wa	ater;	1.	provide employees the ability to regularly wash hands		





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1		(i)	information regarding COVID-19 symptoms;				
2 3	symptoms;	(ii)	protocols for an employee's reaction to experiencing COVID-19				
4 5	and	(iii)	the minimum safety standards developed under the regulations;				
6 7	Safety and Health;	(iv) and	the process for submitting a complaint to Maryland Occupational				
8	(13) abide by prohibitions relating to terminating or discriminating against employees.						
10 11 12 13 14	SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Labor and the Commissioner of Labor and Industry shall make available on the Maryland Department of Labor's website information reported by employers related to COVID-19 in a manner that does not reveal the personally identifiable information of any individual employee.						
15 16 17 18	measure, is necess been passed by a y	ary fo ea and	D BE IT FURTHER ENACTED, That this Act is an emergency of the immediate preservation of the public health or safety, has all nay vote supported by three—fifths of all the members elected to of the General Assembly, and shall take effect from the date it is				

enacted. Sections 2 and 3 of this Act shall remain effective until the date that is 6 months from the date on which the state of emergency declared by the Governor due to the

COVID-19 pandemic ends under Title 14 of the Public Safety Article and, at the end of that

period, Sections 2 and 3 of this Act, with no further action required by the General

Assembly, shall be abrogated and of no further force and effect.