

HOUSE BILL 577

K3

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By: **Delegate Stewart**

Introduced and read first time: January 20, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health and Welfare of H-2 Visa and Migrant Workers – COVID-19 Pandemic –**
3 **Regulations**
4 **(Healthy Farmworkers Act)**

5 FOR the purpose of requiring the Secretary of Labor to adopt certain regulations, on or
6 before a certain date, relating to housing, accommodations, safety, health, rights,
7 and welfare of H-2A and H-2B visa and migrant workers during the COVID-19
8 pandemic; and generally relating to the adoption of regulations regarding the health
9 and welfare of H-2 visa and migrant workers.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That:

12 (a) On or before October 1, 2021, the Secretary of Labor shall adopt regulations
13 that apply to each employer of H-2A and H-2B visa and migrant workers during the
14 COVID-19 pandemic.

15 (b) The regulations adopted by the Secretary under subsection (a) of this section
16 shall require each employer of H-2A and H-2B visa and migrant workers to:

17 (1) (i) provide workers who have tested positive for COVID-19, have
18 reason to believe they were exposed to COVID-19, or are exhibiting symptoms of
19 COVID-19 a separate and isolated living space including sleeping, sanitary, and kitchen
20 facilities; or

21 (ii) if an employer does not have space in which to accommodate
22 separate and isolated facilities, contact a local health department for assistance in
23 arranging to provide such space;

24 (2) provide separate living facilities including sleeping, sanitary, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 kitchen facilities for workers with underlying health conditions and workers over 60 years
2 of age;

3 (3) develop and implement a regular cleaning and disinfecting schedule for
4 worker housing, transportation vehicles, and commonly used indoor and outdoor shared
5 areas, including:

6 (i) providing cleaning and disinfectant supplies in all worker
7 housing; and

8 (ii) making hand-washing stations or hand sanitizer available to
9 workers throughout living facilities;

10 (4) avoid housing or transporting workers in situations where 6 feet of
11 social distancing cannot be observed;

12 (5) ensure housing for all workers is thoroughly ventilated and meets basic
13 standards of habitability;

14 (6) post a notice written in English and a language that the majority of
15 workers understand that:

16 (i) outlines COVID-19 symptoms and prevention protocols;

17 (ii) provides emergency contact information for the nearest health
18 clinic and local health department; and

19 (iii) notifies workers of their rights to protection from eviction;

20 (7) create protocols to maintain a written list of full names and contact
21 information for workers;

22 (8) designate specific individuals tasked with:

23 (i) ensuring that workers comply with health and sanitation
24 requirements;

25 (ii) ensuring that worker housing facilities and transportation
26 vehicles are regularly professionally cleaned and disinfected at no cost to workers;

27 (iii) caring for quarantined workers and ensuring that quarantine is
28 maintained; and

29 (iv) providing for the transportation of workers to receive medical
30 attention;

31 (9) abide by relevant recommendations from the federal Centers for

1 Disease Control and Prevention;

2 (10) (i) ensure that worker housing is inspected by the Maryland
3 Department of Labor at least once prior to being inhabited by workers and at least one
4 additional time annually;

5 (ii) schedule the pre-habitation inspection at a date near the
6 growing or work season, to the extent practicable; and

7 (iii) schedule the additional inspection during the growing or work
8 season, to the extent practicable;

9 (11) provide for registration of worker housing by the Maryland Department
10 of Labor; and

11 (12) (i) establish enhanced whistleblower protections for workers who
12 make complaints related to COVID-19 guidelines; and

13 (ii) establish an enhanced enforcement and penalty structure for
14 violations of the COVID-19 housing regulations.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2021.