A BILL ENTITLED

AN ACT concerning

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

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

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

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

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
kitchen facilities for workers with underlying health conditions and workers over 60 years of age;

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

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

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

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

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

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

(i) outlines COVID–19 symptoms and prevention protocols;

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

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

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

(8) designate specific individuals tasked with:

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

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

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

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

(9) abide by relevant recommendations from the federal Centers for
Disease Control and Prevention;

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

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

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

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

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

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

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