

SENATE BILL 355

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By: **Senator Beidle**

Introduced and read first time: January 30, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Safety and Health – Public Buildings – Indoor Air Quality**

3 FOR the purpose of requiring the Commissioner of Labor and Industry, in consultation
4 with certain departments, to adopt a comprehensive indoor air quality standard for
5 public buildings on or before a certain date; requiring the Commissioner to establish
6 a technical advisory committee to make certain recommendations regarding the
7 development of the comprehensive indoor air quality standard; requiring the
8 Commissioner to provide and update certain guidance, establish certain deadlines,
9 and provide certain consultation services related to the comprehensive indoor air
10 quality standard; and generally relating to indoor air quality in public buildings.

11 BY repealing and reenacting, without amendments,
12 Article – Labor and Employment
13 Section 1–101(a) and (c) and 5–101(a) through (d) and (h)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2022 Supplement)

16 BY adding to
17 Article – Labor and Employment
18 Section 5–1301 and 5–1302 to be under the new subtitle “Subtitle 13. Indoor Air
19 Quality in Public Buildings”
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Labor and Employment**

25 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this article the following words have the meanings indicated.

2 (c) “Governmental unit” means:

3 (1) the State;

4 (2) a county, municipal corporation, or other political subdivision of the
5 State; or

6 (3) a unit of the State government or of a political subdivision.

7 5–101.

8 (a) In this title the following words have the meanings indicated.

9 (b) “Commissioner” means the Commissioner of Labor and Industry.

10 (c) (1) “Employee” means, except as provided in § 5–401 of this title, an
11 individual whom an employer employs, for a wage or other compensation, in the business
12 of the employer.

13 (2) “Employee” includes:

14 (i) an individual whom a governmental unit employs;

15 (ii) an individual who is licensed as a taxicab driver and leases or
16 rents a taxicab from a person who operates or owns a taxicab business in Baltimore City;

17 (iii) an individual who is employed for part–time or temporary help
18 by a governmental unit or person who engages in a business that directly employs
19 individuals to provide part–time or temporary help to another governmental unit or person;
20 and

21 (iv) an individual who performs work for a governmental unit or
22 person to whom the individual is provided by another governmental unit or person who
23 engages in a business that directly employs individuals to provide part–time or temporary
24 help.

25 (d) (1) “Employer” means:

26 (i) except as provided in § 5–401 of this title, a person who is
27 engaged in commerce, industry, trade, or other business in the State and employs at least
28 one employee in that business; or

29 (ii) a public body.

30 (2) “Employer” includes:

1 (i) a person who operates or owns a taxicab business in Baltimore
2 City and leases or rents a taxicab to a licensed taxicab driver, to provide services to the
3 public;

4 (ii) a governmental unit or person who engages in a business that
5 directly employs individuals to provide part-time or temporary help to another
6 governmental unit or person; and

7 (iii) a governmental unit or person who contracts directly with
8 another governmental unit or person who engages in a business that directly employs
9 individuals to provide part-time or temporary help to another governmental unit or person.

10 (h) "Public body" means:

11 (1) a governmental unit;

12 (2) a public or quasi-public corporation of the State;

13 (3) a school district in the State or any unit of the district; or

14 (4) a special district in the State or any unit of the district.

15 **SUBTITLE 13. INDOOR AIR QUALITY IN PUBLIC BUILDINGS.**

16 **5-1301.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING,
20 REFRIGERATING, AND AIR CONDITIONING ENGINEERS.

21 (C) "BUILDING ENVELOPES AND ENCLOSURES" MEANS ALL ASPECTS OF A
22 BUILDING OR STRUCTURE THAT SEPARATE, REPEL, CONTROL, RESIST, OR
23 OTHERWISE CONCERN THE TRANSFER OF EXTERNAL WEATHER, AIR, WATER, HEAT,
24 LIGHT, OR NOISE BETWEEN THE ENVIRONMENT AND THE INTERIOR OF THE
25 BUILDING OR STRUCTURE.

26 (D) "HVAC" MEANS HEATING, VENTILATING, AND AIR CONDITIONING.

27 (E) "PUBLIC BUILDING" MEANS A BUILDING, A STRUCTURE, OR AN
28 IMPROVED AREA THAT IS:

29 (1) OWNED BY A PUBLIC BODY; OR

1 **(2) CONSTRUCTED FOR THE PURPOSE OF BEING LEASED TO A PUBLIC**
2 **BODY.**

3 **(F) “PUBLIC EMPLOYER” MEANS AN EMPLOYER THAT IS A PUBLIC BODY.**
4 **5–1302.**

5 **(A) THIS SECTION APPLIES ONLY TO A PUBLIC EMPLOYER THAT EMPLOYS**
6 **INDIVIDUALS WHO ARE REQUIRED TO WORK IN A PUBLIC BUILDING.**

7 **(B) (1) ON OR BEFORE OCTOBER 31, 2025, THE COMMISSIONER, IN**
8 **CONSULTATION WITH THE SECRETARY OF THE ENVIRONMENT, THE SECRETARY OF**
9 **HEALTH, AND THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION,**
10 **SHALL ADOPT A COMPREHENSIVE INDOOR AIR QUALITY STANDARD FOR PUBLIC**
11 **BUILDINGS.**

12 **(2) THE STANDARD SHALL:**

13 **(I) ESTABLISH MINIMUM EVIDENCE–BASED STANDARDS FOR**
14 **SAFE BUILDING OPERATION AND LEVELS OF CONTAMINANTS AND POLLUTANTS**
15 **DETERMINED BY THE COMMISSIONER TO POSE A RISK TO THE HEALTH AND SAFETY**
16 **OF EMPLOYEES WORKING IN PUBLIC BUILDINGS;**

17 **(II) REQUIRE EACH PUBLIC EMPLOYER TO:**

18 **1. CONDUCT AN ANNUAL ASSESSMENT OF BUILDING**
19 **ENVELOPES AND ENCLOSURES, HVAC SYSTEMS, AND THE MAINTENANCE AND**
20 **OPERATION OF HVAC SYSTEMS THAT SHALL:**

21 **A. INVOLVE THE INPUT OF EMPLOYEES, INCLUDING**
22 **BUILDING ENGINEERING STAFF; AND**

23 **B. TAKE INTO ACCOUNT THE COMMENTS OF EMPLOYEES**
24 **AND THEIR EXCLUSIVE REPRESENTATIVES;**

25 **2. ANNUALLY CERTIFY, IN WRITING, THAT THE**
26 **BUILDING HVAC SYSTEMS HAVE BEEN INSPECTED AND ARE BEING OPERATED AS**
27 **DESIGNED; AND**

28 **3. DEVELOP AND REGULARLY REVISE A WRITTEN**
29 **COMPREHENSIVE INDOOR AIR QUALITY PLAN BASED ON THE MINIMUM STANDARDS**

1 ADOPTED UNDER ITEM (I) OF THIS PARAGRAPH THAT SHALL INCLUDE THE MINIMUM
2 PROCEDURES THE PUBLIC EMPLOYER WILL USE TO:

3 A. ANNUALLY INSPECT AND ASSESS ALL BUILDING
4 SYSTEMS, INCLUDING THROUGH ROUTINE MONITORING OF CARBON DIOXIDE
5 EXCURSIONS, TEMPERATURE, AND HUMIDITY;

6 B. REPAIR AND RECALIBRATE HVAC SYSTEMS IN A
7 TIMELY MANNER WHEN CARBON DIOXIDE MEASUREMENTS EXCEED MINIMUM
8 STANDARDS ADOPTED UNDER ITEM (I) OF THIS PARAGRAPH;

9 C. CERTIFY THAT WINDOWS, DOORS, VENTS, STACKS,
10 AND OTHER PORTALS USED FOR NATURAL VENTILATION ARE IN GOOD REPAIR IF
11 THE BUILDING IS WITHOUT MECHANICAL VENTILATION;

12 D. PROMPTLY INVESTIGATE, RECORD, AND RESPOND TO
13 ALL EMPLOYEE COMPLAINTS REGARDING SIGNS OR SYMPTOMS THAT MAY BE
14 ASSOCIATED WITH A BUILDING-RELATED ILLNESS;

15 E. TRAIN ALL EMPLOYEES AND BUILDING OCCUPANTS
16 ON THE CONTENTS OF THE PLAN;

17 F. MAINTAIN A WRITTEN LOG OF HEALTH COMPLAINTS;
18 AND

19 G. ASSESS HVAC SYSTEMS AND OTHER BUILDING
20 VENTILATION SYSTEMS WHEN A STATE OR FEDERAL EMERGENCY IS DECLARED; AND

21 (III) INCLUDE OPTIONAL TEMPLATES FOR COMPREHENSIVE
22 INDOOR AIR QUALITY PLANS AS AN APPENDIX TO THE STANDARD.

23 (C) (1) IN DEVELOPING THE COMPREHENSIVE INDOOR AIR QUALITY
24 STANDARD, THE COMMISSIONER SHALL ESTABLISH A TECHNICAL ADVISORY
25 COMMITTEE TO MAKE RECOMMENDATIONS REGARDING:

26 (I) THE SCOPE AND REQUIREMENTS OF THE STANDARD;

27 (II) COST-EFFECTIVE SOLUTIONS TO BRING PUBLIC BUILDINGS
28 INTO COMPLIANCE WITH EVIDENCE-BASED CONSENSUS AIR QUALITY STANDARDS,
29 INCLUDING ASHRAE STANDARDS 55 (THERMAL ENVIRONMENTAL CONDITIONS
30 FOR HUMAN OCCUPANCY) AND 62.1 (VENTILATION FOR ACCEPTABLE INDOOR AIR
31 QUALITY); AND

1 (III) OTHER APPROPRIATE HEALTH STANDARDS AND GUIDANCE
2 RELATED TO INDOOR AIR QUALITY.

3 (2) THE TECHNICAL ADVISORY COMMITTEE SHALL INCLUDE:

4 (I) THE SECRETARY OF THE ENVIRONMENT, OR THE
5 SECRETARY'S DESIGNEE;

6 (II) THE SECRETARY OF HEALTH, OR THE SECRETARY'S
7 DESIGNEE;

8 (III) THE DIRECTOR OF THE MARYLAND ENERGY
9 ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

10 (IV) THE EXCLUSIVE REPRESENTATIVES OF PUBLIC
11 EMPLOYEES; AND

12 (V) ANY OTHER STAKEHOLDERS IDENTIFIED BY THE
13 COMMISSIONER.

14 (D) THE COMMISSIONER SHALL:

15 (1) PROVIDE COMPREHENSIVE GUIDANCE TO ALL PUBLIC
16 EMPLOYERS ON COST-EFFECTIVE SOLUTIONS TO BRING PUBLIC BUILDINGS INTO
17 COMPLIANCE WITH THE COMPREHENSIVE INDOOR AIR QUALITY STANDARD;

18 (2) UPDATE GUIDANCE TO PUBLIC EMPLOYERS AS NEW VENTILATION
19 AND RELEVANT BUILDING TECHNOLOGIES BECOME AVAILABLE;

20 (3) ESTABLISH REASONABLE DEADLINES FOR PUBLIC EMPLOYERS TO
21 COMPLY WITH THE COMPREHENSIVE INDOOR AIR QUALITY STANDARD THAT SHALL
22 TAKE INTO ACCOUNT THE EFFECT OF NONCOMPLIANCE ON THE HEALTH AND
23 SAFETY OF EMPLOYEES; AND

24 (4) PROVIDE CONSULTATION SERVICES ON INDOOR AIR QUALITY TO
25 PUBLIC EMPLOYERS THROUGH THE MARYLAND OCCUPATIONAL SAFETY AND
26 HEALTH DIVISION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2023.