

HOUSE BILL 1108

K3

6lr2361
CF SB 887

By: ~~Delegates Stewart and Hornberger~~, Hornberger, Lehman, Ruth, Schindler, Terrasa, Wells, and Wu

Introduced and read first time: February 11, 2026

Assigned to: Government, Labor, and Elections

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2026

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Greenhouse Workers – Collective Bargaining and Heat**
3 **Protection**

4 FOR the purpose of establishing collective bargaining rights for employees of employers
5 that operate controlled–environment agricultural operations; requiring the
6 ~~Secretary of Labor~~ Public Employee Relations Board to establish by regulation
7 certain procedures related to the collective bargaining; authorizing the ~~Secretary~~
8 Board to investigate violations and enforce certain provisions of this Act related to
9 collective bargaining; requiring the employers who operate controlled–environment
10 agricultural operations to provide to their employees certain rest breaks under
11 certain circumstances; and generally relating to greenhouse workers.

12 BY adding to

13 Article – Labor and Employment

14 Section 4–701 through 4–703 to be under the new subtitle “Subtitle 7. Collective
15 Bargaining for Greenhouse Workers”; and 5–1202

16 Annotated Code of Maryland

17 (2025 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Labor and Employment

20 Section 5–1201

21 Annotated Code of Maryland

22 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – State Government
 3 Section 22–306(a)
 4 Annotated Code of Maryland
 5 (2021 Replacement Volume and 2025 Supplement)

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

8 **Article – Labor and Employment**

9 **SUBTITLE 7. COLLECTIVE BARGAINING FOR GREENHOUSE WORKERS.**

10 **4–701.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 12 INDICATED.

13 (B) **“BOARD” MEANS THE PUBLIC EMPLOYEE RELATIONS BOARD.**

14 (C) **“CONTROLLED–ENVIRONMENT AGRICULTURAL OPERATION” MEANS AN**
 15 **AGRICULTURAL OPERATION IN WHICH PLANTS ARE CULTIVATED PRIMARILY WITHIN**
 16 **A GREENHOUSE OR OTHER ENCLOSED STRUCTURE WHERE TEMPERATURE AND**
 17 **ENVIRONMENTAL CONDITIONS ARE ARTIFICIALLY REGULATED.**

18 ~~(D)~~ (D) **(1) “EMPLOYEE” MEANS AN INDIVIDUAL;**

19 **(I) EMPLOYED BY AN EMPLOYER ENGAGED IN THE BUSINESS**
 20 **OF OPERATING A CONTROLLED–ENVIRONMENT AGRICULTURAL OPERATION; AND**

21 **(II) WHOSE JOB DUTIES REQUIRE WORKING IN A GREENHOUSE**
 22 **OR OTHER ENCLOSED STRUCTURE WHERE TEMPERATURE AND ENVIRONMENTAL**
 23 **CONDITIONS ARE ARTIFICIALLY REGULATED.**

24 **(2) “EMPLOYEE” DOES NOT INCLUDE AN INDIVIDUAL WHOSE JOB**
 25 **DUTIES EXCLUSIVELY INVOLVE THE PROVISION OF RETAIL SERVICES.**

26 ~~(E)~~ (E) **“EMPLOYEE ORGANIZATION” MEANS A LABOR ORGANIZATION IN**
 27 **WHICH EMPLOYEES PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES**
 28 **REPRESENTING EMPLOYEES.**

29 ~~(F)~~ (F) **“EXCLUSIVE REPRESENTATIVE” MEANS AN EMPLOYEE**
 30 **ORGANIZATION THAT HAS BEEN CERTIFIED THROUGH AN ELECTION OF EMPLOYEES**

1 TO REPRESENT AND BARGAIN FOR THOSE EMPLOYEES OVER ANY TERMS AND
2 CONDITIONS OF EMPLOYMENT AUTHORIZED UNDER THIS SUBTITLE.

3 ~~(F)~~ (G) (1) "SHOWING OF INTEREST FORM" MEANS A WRITTEN
4 STATEMENT FROM AN EMPLOYEE WHO WISHES TO BE REPRESENTED BY A
5 PETITIONING EMPLOYEE FOR THE PURPOSE OF COLLECTIVE BARGAINING.

6 (2) "SHOWING OF INTEREST FORM" INCLUDES A UNION
7 AUTHORIZATION CARD OR UNION MEMBERSHIP CARD.

8 ~~(G) "SECRETARY" MEANS THE SECRETARY OF LABOR.~~

9 4-702.

10 (A) EMPLOYEES HAVE THE RIGHT TO:

11 (1) SELF-ORGANIZATION;

12 (2) FORM, JOIN, OR ASSIST AN EMPLOYEE ORGANIZATION;

13 (3) BARGAIN COLLECTIVELY THROUGH AN EXCLUSIVE
14 REPRESENTATIVE OF THEIR CHOICE;

15 (4) DECERTIFY AN EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE
16 REPRESENTATIVE;

17 (5) ENGAGE IN OTHER LAWFUL CONCERTED ACTIVITIES FOR THE
18 PURPOSE OF COLLECTIVE BARGAINING; AND

19 (6) REFRAIN FROM ANY ACTIVITY UNDER ITEMS (1) THROUGH (4) OF
20 THIS SUBSECTION.

21 (B) THE EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT IS
22 CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH
23 REGULATIONS ADOPTED BY THE ~~SECRETARY~~ BOARD SHALL:

24 (1) MEET AT REASONABLE TIMES;

25 (2) ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH;

26 (3) MAKE REASONABLE EFFORTS TO CONCLUDE NEGOTIATIONS WITH
27 A FINAL WRITTEN AGREEMENT; AND

1 (4) REDUCE TO WRITING ALL MATTERS AGREED ON AS A RESULT OF
2 NEGOTIATIONS.

3 (C) COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS RELATING TO
4 WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

5 (D) AN EMPLOYER MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, OR
6 COERCE AN EMPLOYEE IN THE EXERCISE OF THE EMPLOYEE'S RIGHTS UNDER THIS
7 SUBTITLE.

8 4-703.

9 (A) THE ~~SECRETARY~~ BOARD SHALL ADOPT REGULATIONS TO CARRY OUT
10 THIS SUBTITLE, INCLUDING PROCEDURES FOR:

11 (1) DETERMINING APPROPRIATE BARGAINING UNITS;

12 (2) VERIFICATION OF SHOWING OF INTEREST FORMS;

13 (3) ELECTION OF THE EXCLUSIVE REPRESENTATIVE, INCLUDING BY
14 SECRET BALLOT, MAIL-IN BALLOT, OR ELECTRONIC BALLOT;

15 (4) CERTIFICATION OF THE EXCLUSIVE REPRESENTATIVE; AND

16 (5) PROCEDURES FOR RESOLVING AN IMPASSE BETWEEN THE
17 PARTIES.

18 (B) (1) THE ~~SECRETARY~~ BOARD MAY:

19 (I) INVESTIGATE AN ALLEGED VIOLATION OF THIS SUBTITLE;
20 AND

21 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TAKE
22 APPROPRIATE ENFORCEMENT ACTION FOR A VIOLATION OF THIS SUBTITLE
23 CONSISTENT WITH AN ENFORCEMENT ACTION ESTABLISHED BY ANY OTHER
24 PROVISION OF STATE LAW FOR LABOR DISPUTES INVOLVING EMPLOYEES OF
25 GOVERNMENTAL UNITS.

26 (2) IN THE EXERCISE OF THE AUTHORITY UNDER PARAGRAPH (1)(II)
27 OF THIS SUBSECTION, THE ~~SECRETARY~~ BOARD MAY NOT ASSESS A MONETARY
28 PENALTY.

29 5-1201.

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

2 (2) “Heat-related illness” means a medical condition resulting from the
3 inability of the body to rid itself of excess heat, including heat rash, heat cramps, heat
4 exhaustion, heat syncope, and heat stroke.

5 (3) “Heat stress” means the net load to which a worker is exposed from the
6 combined contributions of metabolic heat, environmental factors, and clothing worn that
7 results in an increase in heat storage in the body, causing body temperature to rise to
8 sometimes dangerous levels.

9 (b) (1) On or before October 1, 2022, the Commissioner, in consultation with
10 the Maryland Occupational Safety and Health Advisory Board, shall develop and adopt
11 regulations that require employers to protect employees from heat-related illness caused
12 by heat stress.

13 (2) Before the Commissioner begins the process for developing and
14 adopting the regulations required under paragraph (1) of this subsection, Maryland
15 Occupational Safety and Health shall hold informational hearings in four different
16 geographical areas of the State for the purpose of obtaining input from interested parties.

17 (3) In developing the regulations required under paragraph (1) of this
18 subsection, the Commissioner shall consider standards created by the National Institute
19 for Occupational Safety and Health, the American Conference of Governmental Industrial
20 Hygienists, and the American National Standards Institute.

21 **5-1202.**

22 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 (2) **“CONTROLLED-ENVIRONMENT AGRICULTURAL OPERATION” HAS**
25 **THE MEANING STATED IN § 4-701 OF THIS ARTICLE.**

26 (3) **“HEAT INDEX” MEANS THE APPARENT TEMPERATURE AS**
27 **DETERMINED BY A GENERALLY ACCEPTED HEAT INDEX CHART PUBLISHED BY THE**
28 **NATIONAL WEATHER SERVICE OR A SUCCESSOR STANDARD ADOPTED BY THE**
29 **SECRETARY.**

30 (B) **THIS SECTION APPLIES ONLY TO AN EMPLOYEE:**

31 (1) **OF AN EMPLOYER WHO OPERATES A CONTROLLED-ENVIRONMENT**
32 **AGRICULTURAL OPERATION; AND**

1 **(2) WHOSE JOB DUTIES REQUIRE WORKING IN A GREENHOUSE OR**
2 **OTHER ENCLOSED STRUCTURE WHERE TEMPERATURE AND ENVIRONMENTAL**
3 **CONDITIONS ARE ARTIFICIALLY REGULATED.**

4 **(C) IF A REQUIREMENT ESTABLISHED UNDER THIS SECTION AND A**
5 **REQUIREMENT ESTABLISHED BY THE COMMISSIONER IN ACCORDANCE WITH §**
6 **5–1201 OF THIS SUBTITLE CONFLICT, THE REQUIREMENT PROVIDING GREATER**
7 **PROTECTION TO AN EMPLOYEE SHALL PREVAIL TO THE EXTENT OF THE CONFLICT.**

8 **(D) EACH EMPLOYER SHALL PROVIDE EMPLOYEES WITH PAID REST BREAKS**
9 **OF NOT LESS THAN 5 MINUTES FOR EACH HOUR THAT THE HEAT INDEX INSIDE A**
10 **CONTROLLED–ENVIRONMENT AGRICULTURAL OPERATION REACHES AND**
11 **MAINTAINS AT LEAST 90 DEGREES FAHRENHEIT.**

12 **(E) A REST BREAK PROVIDED IN ACCORDANCE WITH THIS SECTION:**

13 **(1) SHALL BE COMPENSATED AS WORKING TIME PAID AT THE**
14 **EMPLOYEE’S REGULAR RATE OF PAY UNLESS THE BREAK COINCIDES WITH AN**
15 **OTHERWISE UNPAID MEAL PERIOD; AND**

16 **(2) MAY BE PROVIDED CONCURRENTLY WITH ANY OTHER REST**
17 **BREAK REQUIRED UNDER ANY OTHER FEDERAL OR STATE LAW.**

18 **Article – State Government**

19 22–306.

20 **(a) The Board is responsible for administering and enforcing provisions of:**

21 **(1) this title;**

22 **(2) Title 6, Subtitles 4 and 5 of the Education Article;**

23 **(3) Title 16, Subtitle 7 of the Education Article; [and]**

24 **(4) Title 3 of the State Personnel and Pensions Article; AND**

25 **(5) TITLE 4, SUBTITLE 7 OF THE LABOR AND EMPLOYMENT ARTICLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2026.