

SENATE BILL 804

K3, P4, L6

6lr2144

By: Senator Beidle

Introduced and read first time: February 6, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Occupational Safety and Health – Revisions to Heat**
3 **Stress Standards**

4 FOR the purpose of requiring certain employers to develop, implement, and maintain an
5 excessive heat-related illness prevention plan for employees; requiring certain
6 employers to develop and implement an acclimatization plan for certain employees
7 or follow the acclimatization plan established by the National Institute for
8 Occupational Safety and Health; requiring employers to monitor the temperature in
9 certain work locations and provide shade and water to employees in a certain
10 manner; requiring certain employers to develop high-heat procedures to prevent
11 heat-related illness when the temperature exceeds a certain threshold; requiring
12 employers to implement emergency response plans for heat-related illness and to
13 provide heat stress training to employees; and generally relating to occupational
14 safety and health heat stress standards.

15 BY repealing and reenacting, with amendments,
16 Article – Labor and Employment
17 Section 5–1201
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

20 BY adding to
21 Article – Labor and Employment
22 Section 5–1202 through 5–1208
23 Annotated Code of Maryland
24 (2025 Replacement Volume)

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

27 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-1201.

2 (a) [(1)] In this [section] **SUBTITLE** the following words have the meanings
3 indicated.

4 (B) **“ACCLIMATIZATION” MEANS THE TEMPORARY ADAPTATION OF THE**
5 **BODY TO WORK IN THE HEAT THAT OCCURS GRADUALLY WHEN AN INDIVIDUAL IS**
6 **EXPOSED TO HEAT.**

7 [(2)] (C) “Heat–related illness” means a medical condition resulting from
8 the inability of the body to rid itself of excess heat, including heat rash, heat cramps, heat
9 exhaustion, heat syncope, and heat stroke.

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

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

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

22 (3) In developing the regulations required under paragraph (1) of this
23 subsection, the Commissioner shall consider standards created by the National Institute
24 for Occupational Safety and Health, the American Conference of Governmental Industrial
25 Hygienists, and the American National Standards Institute.]

26 (D) **“SHADE” MEANS BLOCKAGE OF DIRECT SUNLIGHT.**

27 (E) **“TEMPERATURE” MEANS THE DRY BULB TEMPERATURE IN DEGREES**
28 **FAHRENHEIT OBTAINABLE BY USING A THERMOMETER TO MEASURE THE OUTDOOR**
29 **TEMPERATURE IN AN AREA WHERE THERE IS NO SHADE.**

30 **5-1202.**

31 (A) **THIS SUBTITLE APPLIES TO AN EMPLOYER WITH EMPLOYEES WHOSE**
32 **EMPLOYMENT ACTIVITIES, INDOOR OR OUTDOOR, EXPOSE EMPLOYEES TO A**

1 TEMPERATURE IN THE AREA WHERE THE EMPLOYEES ARE WORKING OF AT LEAST
2 80 DEGREES FAHRENHEIT.

3 (B) THIS SUBTITLE DOES NOT APPLY TO:

4 (1) WORK IN CONNECTION WITH AN EMERGENCY THAT REQUIRES THE
5 INVOLVEMENT OF LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, FIRE
6 FIGHTING, RESCUE AND EVACUATION OPERATIONS, OR EMERGENCY RESTORATION
7 OF ESSENTIAL UTILITIES OR TELECOMMUNICATIONS THAT INVOLVE PROTECTING
8 LIFE OR PROPERTY;

9 (2) INCIDENTAL EXPOSURES WHEN AN EMPLOYEE IS NOT REQUIRED
10 TO PERFORM WORK ACTIVITIES FOR MORE THAN 15 CONSECUTIVE MINUTES PER
11 HOUR IN AN AREA EXPOSED TO HEAT CONDITIONS EXCEEDING THE APPLICABLE
12 TEMPERATURE THRESHOLD;

13 (3) BUILDINGS, STRUCTURES, AND VEHICLES THAT HAVE A
14 MECHANICAL VENTILATION SYSTEM OR FAN THAT MAINTAINS THE TEMPERATURE
15 BELOW 80 DEGREES FAHRENHEIT; OR

16 (4) TEMPORARY AND UNANTICIPATED HEAT CONDITIONS RESULTING
17 FROM AN EMERGENCY OR EQUIPMENT FAILURE IF:

18 (I) THE EMPLOYEE IS NOT REGULARLY EXPOSED TO HEAT
19 CONDITIONS EXCEEDING THE APPLICABLE TEMPERATURE THRESHOLD; AND

20 (II) THE EMPLOYER TAKES REASONABLE STEPS TO ABATE THE
21 HEAT EXPOSURE AS SOON AS PRACTICABLE.

22 5-1203.

23 (A) EACH EMPLOYER SHALL DEVELOP, IMPLEMENT, AND MAINTAIN AN
24 EXCESSIVE HEAT-RELATED ILLNESS PREVENTION PLAN FOR EMPLOYEES.

25 (B) THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL
26 SPECIFY:

27 (1) SUBJECT TO § 5-1205(D) OF THIS SUBTITLE:

28 (I) HOW SUFFICIENT AMOUNTS OF DRINKING WATER WILL BE
29 PROVIDED TO EMPLOYEES; AND

1 (II) HOW EMPLOYEES WILL BE PROVIDED SUFFICIENT
2 OPPORTUNITIES AND ENCOURAGEMENT TO STAY HYDRATED BY DRINKING WATER;

10 (5) HOW THE EMPLOYER WILL IMPLEMENT REST BREAK SCHEDULES
11 AS NECESSARY;

12 (6) HOW THE EMPLOYER WILL CONSIDER ENVIRONMENTAL
13 CONDITIONS, WORKLOAD, REQUIRED CLOTHING, PERSONAL PROTECTIVE
14 EQUIPMENT, AND ALTERNATIVE COOLING AND CONTROL MEASURES WHEN
15 DETERMINING REST BREAK SCHEDULES:

20 (9) THE USE AND MAINTENANCE OF ALTERNATIVE COOLING AND
21 CONTROL MEASURES USED TO MANAGE HEAT:

22 (10) PROCEDURES FOR HEAT ACCLIMATIZATION IN ACCORDANCE
23 WITH § 5-1204 OF THIS SUBTITLE:

26 (12) THE EMERGENCY RESPONSE PLAN IN ACCORDANCE WITH §
27 5-1207 OF THIS SUBTITLE.

28 (c) EACH EMPLOYER SHALL MAKE THE PLAN REQUIRED UNDER
29 SUBSECTION (A) OF THIS SECTION AVAILABLE TO:

30 (1) EMPLOYEES: AND

(2) THE COMMISSIONER ON REQUEST.

2 5-1204.

3 (A) (1) EACH EMPLOYER SHALL PROVIDE FOR ACCLIMATIZATION OF AN
4 EMPLOYEE NEWLY EXPOSED TO HEAT IN THE WORKPLACE OR RETURNING TO WORK
5 FOLLOWING AN ABSENCE FROM THE WORKPLACE OF AT LEAST 7 CONSECUTIVE
6 DAYS.

12 (B) EACH EMPLOYER SHALL:

13 (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, DEVELOP AND
14 IMPLEMENT A WRITTEN ACCLIMATIZATION PLAN; OR

15 (2) FOLLOW THE ACCLIMATIZATION PLAN DEVELOPED BY THE
16 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

17 (C) AN EMPLOYER SHALL CONSIDER THE FOLLOWING FACTORS WHEN
18 DEVELOPING AN ACCLIMATIZATION PLAN UNDER SUBSECTION (B)(1) OF THIS
19 SECTION:

20 (1) THE DIFFERENCE IN HEAT TOLERANCE BETWEEN ACCLIMATIZED
21 AND NONACCLIMATIZED WORKERS:

22 (2) THE DIFFERENCES IN HEAT TOLERANCE BASED ON AN
23 INDIVIDUAL'S PERSONAL FITNESS LEVEL:

26 (4) THE PERSONAL AND ENVIRONMENTAL RISK FACTORS THAT PUT
27 WORKERS AT A HIGHER RISK OF HEAT-RELATED ILLNESS:

4 (7) THE EFFECT OF EXPOSURE TO DIRECT SUNLIGHT.

5 (D) AN EMPLOYER SHALL SUBMIT THE ACCLIMATIZATION PLAN
6 DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION TO THE COMMISSIONER.

7 5-1205.

8 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, ON A
9 WORKSITE WHERE AN EMPLOYEE OF ONE OR MORE SUBCONTRACTORS IS PRESENT,
10 THE PERSON, SUCH AS A GENERAL CONTRACTOR, THAT HAS ACTUAL CONTROL OVER
11 THE WORKSITE OR WORKING CONDITIONS OF THE WORKSITE SHALL BE
12 RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

16 (I) DIRECTLY MEASURING THE TEMPERATURE AND HUMIDITY
17 AT THE SAME TIME AND LOCATION IN THE AREAS WHERE EMPLOYEES PERFORM
18 WORK; OR

19 (II) USING LOCAL WEATHER DATA REPORTED BY THE NATIONAL
20 WEATHER SERVICE OR OTHER RECOGNIZED SOURCE TO DETERMINE THE
21 TEMPERATURE.

22 (2) AN EMPLOYER WHOSE EMPLOYEES WORK IN BUILDINGS AND
23 STRUCTURES THAT DO NOT HAVE A MECHANICAL VENTILATION SYSTEM SHALL
24 DIRECTLY MEASURE THE TEMPERATURE AND HUMIDITY AT THE SAME TIME AND
25 LOCATION IN AREAS WHERE EMPLOYEES PERFORM WORK.

26 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
27 SUBSECTION, AN EMPLOYER SHALL PROVIDE SHADED AREAS TO EXPOSED
28 EMPLOYEES AS CLOSE TO THE WORK AREA AS PRACTICABLE

29 (2) SHADED AREAS SHALL:

30 (I) BE OUTSIDE, OPEN, AND EXPOSED TO AIR ON AT LEAST
31 THREE SIDES:

5 (IV) BE ARRANGED IN A CONFIGURATION THAT ALLOWS
6 EMPLOYEES TO SIT IN NORMAL POSTURE; AND

17 (D) (1) AN EMPLOYER SHALL:

18 (I) PROVIDE DRINKING WATER AT NO COST TO EXPOSED
19 EMPLOYEES AS CLOSE TO THE WORK AREA AS PRACTICABLE; AND

20 (II) MAKE AVAILABLE AT LEAST 32 OUNCES OF DRINKING
21 WATER PER HOUR TO EACH EXPOSED EMPLOYEE PER WORK DAY.

22 (2) AN EMPLOYER IS NOT REQUIRED TO PROVIDE THE ENTIRE
23 DRINKING WATER SUPPLY AT THE BEGINNING OF AN EMPLOYEE'S SHIFT BUT SHALL
24 MAKE DRINKING WATER AVAILABLE AT ALL TIMES WHILE WORK IS BEING
25 PERFORMED.

26 5-1206.

27 (A) EACH EMPLOYER SHALL IMPLEMENT HIGH-HEAT PROCEDURES WHEN
28 THE TEMPERATURE IS AT LEAST 90 DEGREES FAHRENHEIT IN THE AREA WHERE
29 THE WORK IS BEING PERFORMED.

1 (B) THE HIGH-HEAT PROCEDURES SHALL INCLUDE A WORK AND REST
2 SCHEDULE TO PROTECT EMPLOYEES FROM HEAT-RELATED ILLNESS THAT IS
3 ADJUSTED FOR ENVIRONMENTAL CONDITIONS, WORKLOAD, AND IMPACT OF
4 REQUIRED CLOTHING OR PERSONAL PROTECTIVE EQUIPMENT.

5 (c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
6 THE HIGH-HEAT PROCEDURES SHALL INCLUDE A REST PERIOD:

7 (I) DETERMINED BY THE EMPLOYER TO BE APPROPRIATE FOR
8 THE INDUSTRY, WORKLOAD, WORKING ENVIRONMENT, AND TEMPERATURE; OR

9 (II) AS PROVIDED FOR IN THE CURRENT NATIONAL INSTITUTE
10 FOR OCCUPATIONAL SAFETY AND HEALTH RECOMMENDATIONS FOR WORK AND
11 REST SCHEDULES TO MANAGE HEAT EXPOSURE.

17 (3) IF AN EMPLOYER USES ALTERNATIVE COOLING AND CONTROL
18 MEASURES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE MEASURES:

19 (I) SHALL BE READILY AVAILABLE AND ACCESSIBLE TO
20 EMPLOYEES AT ALL TIMES WORK IS BEING PERFORMED;

21 (II) SHALL BE DESCRIBED IN WRITING; AND

22 (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, MAY NOT SUPERSEDE ANY OTHER REQUIREMENTS OF THIS SUBTITLE.

24 (d) REST PERIODS REQUIRED UNDER THIS SECTION:

25 (1) MAY RUN CONCURRENTLY WITH A SCHEDULED REST OR MEAL
26 PERIOD OR A REST OR MEAL PERIOD REQUIRED UNDER ANY OTHER PROVISION OF
27 LAW; AND

(2) SHALL BE TAKEN IN THE SHADE IN ACCORDANCE WITH § 5-1205(C) OF THIS SUBTITLE.

1 (E) AN EMPLOYER MAY NOT DISCOURAGE EMPLOYEES FROM TAKING REST
2 BREAKS REQUIRED BY HIGH-HEAT PROCEDURES IMPLEMENTED IN ACCORDANCE
3 WITH THIS SECTION.

4 (F) WHEN HIGH-HEAT PROCEDURES ARE IN EFFECT, AN EMPLOYER SHALL
5 MONITOR EXPOSED EMPLOYEES FOR SIGNS OF HEAT-RELATED ILLNESS WITH
6 REGULAR COMMUNICATION BY:

7 (1) TELEPHONE OR RADIO;
8 (2) A BUDDY SYSTEM; OR
9 (3) OTHER EFFECTIVE MEANS OF OBSERVATION.

10 (G) AN EMPLOYER SHALL MAKE HIGH-HEAT PROCEDURES AVAILABLE IN
11 WRITING IN A LANGUAGE AND MANNER THAT ALL EMPLOYEES OF THE EMPLOYER
12 CAN UNDERSTAND.

13 **5-1207.**

14 EACH EMPLOYER SHALL IMPLEMENT AN EMERGENCY RESPONSE PLAN THAT
15 INCLUDES PROCEDURES FOR:

16 (1) ENSURING EFFECTIVE AND ACCESSIBLE MEANS OF
17 COMMUNICATION AT ALL TIMES AT THE WORKSITE TO ENABLE AN EMPLOYEE TO
18 CONTACT A SUPERVISOR OR EMERGENCY MEDICAL SERVICES;

19 (2) RESPONDING TO SIGNS AND SYMPTOMS OF POSSIBLE
20 HEAT-RELATED ILLNESS IN EMPLOYEES;

21 (3) MONITORING AND PROVIDING CARE TO EMPLOYEES WHO ARE
22 EXHIBITING SYMPTOMS OF HEAT-RELATED ILLNESS; AND

23 (4) CONTACTING EMERGENCY MEDICAL SERVICES AND, IF
24 NECESSARY, TRANSPORTING EMPLOYEES TO A LOCATION ACCESSIBLE TO
25 EMERGENCY MEDICAL SERVICES.

26 **5-1208.**

27 (A) IN THIS SECTION, "HEAT STRESS" MEANS THE NET LOAD TO WHICH A
28 WORKER IS EXPOSED FROM THE COMBINED CONTRIBUTIONS OF METABOLIC HEAT,
29 ENVIRONMENTAL FACTORS, AND CLOTHING WORN THAT RESULTS IN AN INCREASE

1 IN HEAT STORAGE IN THE BODY, CAUSING BODY TEMPERATURE TO RISE TO
2 SOMETIMES DANGEROUS LEVELS.

3 (B) EACH EMPLOYER SHALL:

4 (1) PROVIDE INITIAL HEAT STRESS TRAINING TO EMPLOYEES,
5 INCLUDING SUPERVISORS, BEFORE AN EMPLOYEE'S FIRST EXPOSURE TO HEAT;

6 (2) RETRAIN EMPLOYEES, INCLUDING SUPERVISORS:

7 (I) AT LEAST ANNUALLY BEFORE THE EMPLOYEES ARE FIRST
8 EXPOSED FOR THE YEAR TO CONDITIONS THAT WOULD SUBJECT THE EMPLOYEES
9 AND EMPLOYER TO THIS SUBTITLE; AND

10 (II) IMMEDIATELY FOLLOWING CONFIRMATION BY A MEDICAL
11 PROFESSIONAL THAT ANOTHER EMPLOYEE SUFFERED A HEAT-RELATED ILLNESS IF
12 THE EMPLOYEE:

13 1. SUFFERED THE HEAT-RELATED ILLNESS IN THE
14 COURSE OF EMPLOYMENT; AND

15 2. WORKS IN THE SAME HEAT CONDITIONS TO WHICH
16 THE EMPLOYEES TO BE RETRAINED ARE EXPOSED;

17 (3) PRESENT TRAINING IN A LANGUAGE AND MANNER THAT ALL
18 EMPLOYEES OF THE EMPLOYER CAN UNDERSTAND;

19 (4) ENSURE THAT TRAINING INCLUDES, AT A MINIMUM:

20 (I) THE WORK AND ENVIRONMENTAL CONDITIONS THAT
21 AFFECT HEAT-RELATED ILLNESS;

22 (II) THE PERSONAL RISK FACTORS THAT AFFECT
23 HEAT-RELATED ILLNESS;

24 (III) THE CONCEPT, IMPORTANCE, AND METHODS OF
25 ACCLIMATIZATION;

26 (IV) THE IMPORTANCE OF FREQUENT CONSUMPTION OF WATER
27 AND REST BREAKS IN PREVENTING HEAT-RELATED ILLNESS;

11 (C) THE TRAINING RECORDS REQUIRED BY THIS SECTION SHALL INCLUDE:

12 (1) THE NAMES OF THE EMPLOYEES TRAINED;

13 (2) THE DATES OF THE TRAINING SESSIONS; AND

14 (3) A SUMMARY OR AN OUTLINE OF THE CONTENT OF THE TRAINING
15 SESSIONS.

16 (D) THE TRAINING RECORDS SHALL BE MADE AVAILABLE TO THE
17 COMMISSIONER ON REQUEST.

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