

# SENATE BILL 887

K3

6lr3475

---

By: **Senators Lam and McCray**

Introduced and read first time: February 6, 2026

Assigned to: Finance

---

## A BILL ENTITLED

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 to establish by regulation certain procedures related to the  
7 collective bargaining; authorizing the Secretary to investigate violations and enforce  
8 certain provisions of this Act related to collective bargaining; requiring the  
9 employers who operate controlled–environment agricultural operations to provide to  
10 their employees certain rest breaks under certain circumstances; and generally  
11 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)

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

25 **Article – Labor and Employment**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**4-701.**

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

**(B) "CONTROLLED-ENVIRONMENT AGRICULTURAL OPERATION" MEANS AN AGRICULTURAL OPERATION IN WHICH PLANTS ARE CULTIVATED PRIMARILY WITHIN A GREENHOUSE OR OTHER ENCLOSED STRUCTURE WHERE TEMPERATURE AND ENVIRONMENTAL CONDITIONS ARE ARTIFICIALLY REGULATED.**

**(C) "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY AN EMPLOYER ENGAGED IN THE BUSINESS OF OPERATING A CONTROLLED-ENVIRONMENT AGRICULTURAL OPERATION.**

**(D) "EMPLOYEE ORGANIZATION" MEANS A LABOR ORGANIZATION IN WHICH EMPLOYEES PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES REPRESENTING EMPLOYEES.**

**(E) "EXCLUSIVE REPRESENTATIVE" MEANS AN EMPLOYEE ORGANIZATION THAT HAS BEEN CERTIFIED THROUGH AN ELECTION OF EMPLOYEES TO REPRESENT AND BARGAIN FOR THOSE EMPLOYEES OVER ANY TERMS AND CONDITIONS OF EMPLOYMENT AUTHORIZED UNDER THIS SUBTITLE.**

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

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

**(G) "SECRETARY" MEANS THE SECRETARY OF LABOR.**

**4-702.**

**(A) EMPLOYEES HAVE THE RIGHT TO:**

**(1) SELF-ORGANIZATION;**

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

1                   **(3) BARGAIN COLLECTIVELY THROUGH AN EXCLUSIVE**  
2 **REPRESENTATIVE OF THEIR CHOICE;**

3                   **(4) DECERTIFY AN EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE**  
4 **REPRESENTATIVE;**

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

7                   **(6) REFRAIN FROM ANY ACTIVITY UNDER ITEMS (1) THROUGH (4) OF**  
8 **THIS SUBSECTION.**

9           **(B) THE EMPLOYER AND THE EMPLOYEE ORGANIZATION THAT IS**  
10 **CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH**  
11 **REGULATIONS ADOPTED BY THE SECRETARY SHALL:**

12                   **(1) MEET AT REASONABLE TIMES;**

13                   **(2) ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH;**

14                   **(3) MAKE REASONABLE EFFORTS TO CONCLUDE NEGOTIATIONS WITH**  
15 **A FINAL WRITTEN AGREEMENT; AND**

16                   **(4) REDUCE TO WRITING ALL MATTERS AGREED ON AS A RESULT OF**  
17 **NEGOTIATIONS.**

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

20           **(D) AN EMPLOYER MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, OR**  
21 **COERCE AN EMPLOYEE IN THE EXERCISE OF THE EMPLOYEE'S RIGHTS UNDER THIS**  
22 **SUBTITLE.**

23 **4-703.**

24           **(A) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
25 **SUBTITLE, INCLUDING PROCEDURES FOR:**

26                   **(1) DETERMINING APPROPRIATE BARGAINING UNITS;**

27                   **(2) VERIFICATION OF SHOWING OF INTEREST FORMS;**

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

**(4) CERTIFICATION OF THE EXCLUSIVE REPRESENTATIVE; AND**

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

**(B) (1) THE SECRETARY MAY:**

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

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

**(2) IN THE EXERCISE OF THE AUTHORITY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE SECRETARY MAY NOT ASSESS A MONETARY PENALTY.**

5–1201.

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

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

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

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

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

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

**5-1202.**

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

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

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

(B) THIS SECTION APPLIES ONLY TO AN EMPLOYEE OF AN EMPLOYER WHO OPERATES A CONTROLLED-ENVIRONMENT AGRICULTURAL OPERATION.

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

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

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

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

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

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