

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 804
Finance

(Senator Beidle)

Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

This bill repeals the requirement that the Commissioner of Labor and Industry in the Maryland Department of Labor (MD Labor) develop and adopt regulations that require employers to protect employees from heat-related illness caused by heat stress and instead, establishes substantially similar, but somewhat less stringent workplace heat-stress standards in statute.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances; the bill's requirements are substantially similar to existing regulations. MD Labor can likely adjust related regulations and training with existing resources.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Chapter 308 of 2020 required the Commissioner of Labor and Industry to adopt regulations that require employers to protect employers from heat-related illness caused by heat stress; those regulations are detailed in the [Code of Maryland Regulations 09.12.32](#).

The bill generally codifies the regulations but, in some cases, establishes requirements that are less stringent than those currently in place. The following sections include a discussion of the bill's requirements and how those requirements differ from the existing regulations.

Applicability and Scope

The bill's requirements apply to an employer with employees whose employment activities, indoor or outdoor, expose employees to a temperature in the area where the employees are working of at least 80 degrees Fahrenheit. However, the bill does not apply to:

- work in connection with an emergency that requires the involvement of specified law enforcement or first responders or emergency restoration of essential utilities or telecommunications that involve protecting life or property;
- incidental exposures when an employee is not required to perform work activities for more than 15 consecutive minutes per hour in an area exposed to heat conditions exceeding the applicable temperature threshold;
- buildings, structures, and vehicles that have a mechanical ventilation system or fan that maintains the temperature below 80 degrees Fahrenheit; or
- temporary and unanticipated heat conditions resulting from an emergency or equipment failure if the employee is not regularly exposed to heat conditions exceeding the applicable temperature threshold and the employer takes reasonable steps to abate the heat exposure as soon as practicable.

The existing regulations apply when the *heat index* (*i.e.*, the “feel-like” temperature), rather than the temperature, reaches 80 degrees, and also do not include an exemption for the temporary and unanticipated heat conditions, but are otherwise substantially similar to the bill.

Heat-Related Illness Prevention Plan

The bill requires each employer to develop, implement, and maintain an excessive heat-related illness prevention plan for employees. The plan must include specified information to help employees recognize and respond to heat-related illnesses including, among other things, (1) how to recognize the symptoms of heat-related illnesses, including heat exhaustion and heat stroke; (2) how employees will be encouraged to take rest breaks as needed to prevent heat-related illness; and (3) procedures for heat acclimatization and high-heat conditions, as specified. Each employer must make the plan available to employees and the Commissioner of Labor and Industry on request.

The regulations are substantially similar to the bill.

Heat Acclimatization and Acclimatization Plan

The bill requires each employer to provide for acclimatization of an employee newly exposed to heat in the workplace or returning to work following an absence from the workplace of at least seven consecutive days. However, in contrast to the existing regulations, the bill specifies that an employee is not considered newly exposed to heat if the employee has been exposed to comparable occupational heat conditions within the immediately preceding seven days, *even if the exposure occurred at a different worksite or while employed by a different employer.*

The bill requires each employer to either (1) develop and implement its own written acclimatization plan or (2) follow the acclimatization plan developed by the National Institute for Occupational Safety and Health. The bill specifies the factors that must be considered if an employer develops its own acclimatization plan, and any such plan must be submitted to the Commissioner of Labor and Industry. Unlike the regulations, the bill does not (1) require employers to monitor employees during the acclimatization period or (2) specify a timeline for the acclimatization schedule. Otherwise, the regulations are substantially similar to the bill.

Worksite Requirements

The bill establishes the following requirements for employers related to the prevention of heat-related illnesses at worksites. Each employer must:

- monitor the temperature throughout the work shift in a specified manner in areas where employees perform work;
- provide shaded areas (unless other forms of cooling are available as specified by the bill) to exposed employees as close to the work area as practicable, as specified;
- provide drinking water at no cost to exposed employees as close to the work area as practicable; and
- make available at least 32 ounces of drinking water per hour to each exposed employee per work day.

The bill specifies that an employer is not required to provide the entire drinking water supply at the beginning of an employee's shift but must make drinking water available at all times while work is being performed. On a worksite where an employee of one or more subcontractors is present, the person that has actual control over the worksite or working conditions of the worksite must be responsible for ensuring compliance with these requirements.

Related to shade and drinking water, the regulations are substantially similar to the bill.

High Heat Procedures

The bill requires each employer to implement high-heat procedures when the temperature (rather than the *heat index* in the regulations) is at least 90 degrees Fahrenheit in the area where the work is being performed. The procedures must be made available in writing in a language and manner that all employees of the employer can understand.

The procedures required by the bill must include a work and rest schedule to protect employees from heat-related illness that is adjusted for environmental conditions, workload, and impact of required clothing or personal protective equipment. The bill includes additional specifications related to rest periods in the plan and prohibits an employer from discouraging employees from taking rest breaks in accordance with the procedures. When high-heat procedures are in effect, an employer must monitor exposed employees for signs of heat-related illness in a specified manner.

The regulations include additional specifications related to how long each rest period must be and how often each rest period must take place, whereas the bill specifies that a rest period may be determined by the employer to be appropriate for the industry, workload, working environment, and temperature. The regulations also prohibit an employer from discouraging an employee from taking a rest break to prevent heat-related illness in high-heat conditions, which is not included in the bill. Otherwise, the regulations are substantially similar to the bill.

Emergency Response Plan

Each employer must implement an emergency response plan that includes procedures for (1) ensuring effective and accessible means of communication at all times at the worksite to enable an employee to contact a supervisor or emergency medical services; (2) responding to signs and symptoms of possible heat-related illness in employees; (3) monitoring and providing care to employees who are exhibiting symptoms of heat-related illness; and (4) contacting emergency medical services and, if necessary, transportation employees to a location accessible to emergency medical services.

The regulations are substantially similar to the bill.

Required Training for Employees

Each employer must (1) provide initial heat stress training to employees, including supervisors, before an employee's first exposure to heat; (2) retrain employees, including supervisors, at specified intervals; (3) present training in a language and manner that all employees of the employer can understand; (4) ensure that the training includes specified information; and (5) maintain training records for one year from the date on which the

training occurred. The training records must include the names of the employees trained, the dates of the training sessions, and a summary or an outline of the content of the training sessions. The training records must be made available to the Commissioner of Labor and Industry on request.

The regulations specify that all employees and supervisors must be retrained immediately following any incident at a worksite involving a *suspected or confirmed* heat-related illness, whereas the bill only requires retraining following the *confirmation* by a medical professional that another employee suffered a heat-related illness under specified circumstances. Otherwise, the regulations are substantially similar to the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Labor; Maryland Department of the Environment; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Maryland Department of Emergency Management; Baltimore City; Montgomery and Washington counties; City of Laurel; Maryland Municipal League; Department of Legislative Services

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