

[First Reprint]

SENATE, No. 2422

STATE OF NEW JERSEY
221st LEGISLATURE

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Sponsored by:

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District 20 (Union)

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SYNOPSIS

Establishes occupational heat stress standard and “Occupational Heat-Related Illness and Injury Prevention Program” in DOLWD.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on May 6, 2024, with amendments.



(Sponsorship Updated As Of: 6/17/2024)

1 AN ACT concerning the ¹establishment of a heat stress standard by
2 the¹ Department of Labor and Workforce Development
3 ¹**【establishing】 and**¹ an occupational heat stress standard and
4 heat-related illness and injury prevention program and
5 supplementing Title 34 of the Revised Statutes.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. The Legislature finds and declares:

11 a. Heat is the leading weather-related killer, and it is becoming
12 more dangerous as 18 of the last 19 years were the hottest years on
13 record. Excessive heat can cause heat stroke and even death if not
14 treated properly. It also exacerbates existing health problems like
15 asthma, kidney failure, and heart disease. Workers in agriculture
16 and construction are at highest risk, but the problem affects all
17 workers exposed to heat, including indoor workers without climate-
18 controlled environments.

19 b. Heat stress killed 815 United States workers and seriously
20 injured more than 70,000 workers from 1992 through 2017,
21 according to the United States Department of Labor, Bureau of
22 Labor Statistics.

23 c. To date, three states, California, Oregon, and Washington,
24 have state occupational safety and health standards that cover
25 outdoor heat exposure. Minnesota has a state standard that covers
26 indoor heat exposure. The United States military has also issued
27 heat protections.

28 d. The Occupational Safety and Health Administration (OSHA)
29 in the United States Department of Labor has not adopted a heat
30 stress standard.

31 e. In the absence of a heat stress adopted by OSHA, New
32 Jersey may through legislation and regulation adopt a heat stress
33 standard for the protection of employees against heat-related illness
34 and injury that applies to employers and employees in this State
35 both in private and public employment.

36
37 2. As used in this act:

38 ¹"Amusement park" means any permanent outdoor facility or park
39 where amusement rides are available for use by the general public.¹

40 "Commissioner" means the Commissioner of the Department of Labor
41 and Workforce Development or the commissioner's designee.

42 "Department" means the Department of Labor and Workforce
43 Development.

44 "Employ" means to suffer or to permit to work.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted May 6, 2024.

1 “Employee” means any individual employed by an employer.

2 “Employer” means any individual, partnership, association,
3 corporation, and the State and any county, municipality, or school
4 district in the State, or any agency, authority, department, bureau, or
5 instrumentality thereof acting directly or indirectly in the interest of an
6 employer in relation to an employee.

7 “Excessive heat” means levels of outdoor or indoor exposure to
8 heat that exceed the capacities of the human body to maintain normal
9 body functions and may cause heat-related injury or illness, including
10 those that lead to death.

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

14 “Heat stress” means the net load to which a worker is exposed
15 from the combined contributions of metabolic heat, environmental
16 factors, and clothing worn which result in an increase in heat storage
17 in the body, causing body temperature to rise to sometimes dangerous
18 levels.

19 “Occupation” means any occupation, service, trade, business,
20 industry or branch or group of industries or employment or class of
21 employment in which employees are employed.

22 “Occupational safety and health standard” means a regulation or
23 rule that requires the following: a condition that is reasonably
24 appropriate or necessary to make employment and places of
25 employment safe and healthful; or the adoption or use of a means,
26 method, operation, practice, or process that is reasonably appropriate
27 or necessary to make employment and places of employment safe and
28 healthful.

29 “Place of employment” means a place in or about which an
30 employee is allowed.

31

32 3. a. On or before June 1, ¹~~2024~~ 2025¹, the commissioner shall
33 establish by rule a heat stress standard that contains the following:

34 (1) A standard that establishes heat stress levels for ¹~~employers~~
35 employees¹ that, if exceeded, trigger actions by employers to protect
36 employees from heat-related illness and injury.

37 (2) A requirement that each employer develop, implement, and
38 maintain an effective heat-related illness and injury prevention plan for
39 employees ¹within 30 days of the effective date of this act¹.

40 b. The heat-related illness and injury prevention plan referred to
41 in subsection a. of this section shall, to the extent permitted by federal
42 law, be developed and implemented with the meaningful participation
43 of employees and employee representatives, including collective
44 bargaining representatives; shall be tailored and specific to the hazards
45 in the place of employment; shall be in writing in both English and in
46 the language understood by a majority of the employer’s employees, if
47 that language is not English; and shall be made available at a time and
48 in a manner set forth by the commissioner in rule, to employees,

1 employee representatives, including collective bargaining
2 representatives, and to the commissioner.

3 c. The heat-related illness and injury prevention plan referred to
4 in subsection a. of this section shall at a minimum contain procedures
5 and methods for the following:

6 (1) initial and regular monitoring for employee exposure to heat to
7 determine whether an employee's exposure has been excessive;

8 (2) providing potable water¹, available immediately and in
9 immediate proximity to impacted employees,¹ with a temperature of
10 less than 15 degrees Celsius or 59 degrees Fahrenheit;

11 (3) providing paid rest breaks and access to shade, cool-down
12 areas or climate-controlled spaces;

13 (4) providing an emergency response for any employee who has
14 suffered injury as a result of being exposed to excessive heat;

15 (5)¹ **acclimatizing** employees to areas where exposure to heat is
16 present;

17 (6)¹ limiting the length of time an employee may be
18 exposed to heat during the workday;

19 ¹**[(7)](6)**¹ for outdoor and indoor non-climate-controlled
20 environments, implementation of a heat alert program to provide
21 notification to employees when the National Weather Service forecasts
22 that a heat wave is likely to occur in the following day or days, and
23 when that notification occurs, also taking the following actions:

24 (a) postponing tasks that are ¹**[not urgent]** non-essential¹ until the
25 ¹excessive¹ heat ¹**[wave is over]** condition subsides¹;

26 (b) increasing the total number of workers to reduce the heat
27 exposure of each worker;

28 (c) ¹instituting or¹ increasing rest allowances;

29 (d) reminding workers to drink liquids in small amounts frequently
30 to prevent dehydration; and

31 (e) to the extent practicable, monitoring the environmental heat
32 ¹index¹ at job sites and resting places;

33 ¹**[(8)](7)**¹ preventing hazards, including through the use of:

34 (a) engineering controls that include the isolation of hot processes,
35 the isolation of employees from sources of heat, local exhaust
36 ventilation, shielding from a radiant heat source, the insulation of hot
37 surfaces, air conditioning, cooling fans, evaporative coolers, and
38 natural ventilation;

39 (b) administrative controls that limit exposure to a hazard by
40 adjustment of work procedures or work schedules, including
41 ¹**acclimatizing employees,**¹ rotating employees, scheduling work
42 earlier or later in the day, using work-rest schedules, reducing work
43 intensity or speed, changing required work clothing and using relief
44 workers; and

45 (c) personal protective equipment, including water-cooled
46 garments, air-cooled garments, reflective clothing, and cooling vests;

1 ¹[(9)](8)¹ coordinating risk assessment efforts, plan development,
2 and implementation with other employers who have employees who
3 work at the same work site; and

4 ¹[(10)](9)¹ allowing employees to contact the employer
5 directly and efficiently to communicate if the employee feels like the
6 employee is suffering from a heat-related illness.

7 d. The heat-related illness and injury prevention plan referred to in
8 subsection a. of this section shall contain at a minimum annual training
9 and education to employees who may be exposed to high heat levels,
10 including training and education regarding the following:

11 (1) the identification of heat-related illness risk factors;

12 (2) personal factors that may increase susceptibility to heat-related
13 illness;

14 (3) signs and symptoms of heat-related illness;

15 (4) different types of heat-related illness;

16 (5) the importance of ¹[acclimatization and]¹ consumption of
17 fluids;

18 (6) available engineering control measures;

19 (7) administrative control measures;

20 (8) the importance of reporting heat-related symptoms being
21 experienced by an employee or another employee;

22 (9) record-keeping requirements and reporting procedures;

23 (10) emergency response procedures; and

24 (11) employee rights under this act and department rules
25 promulgated to implement this act.

26 e. The heat-related illness and injury prevention plan referred to
27 in subsection a. of this section shall contain at a minimum special
28 training and education to employees who are supervisors, in addition
29 to the training and education provided to all employees under
30 subsection d. of this section, which shall include training and
31 education regarding the following:

32 (1) proper procedures a supervisor is required to follow under this
33 section with respect to the prevention of employee exposure to
34 excessive heat;

35 (2) how to recognize high-risk situations, including how to
36 monitor weather reports and weather advisories and how to avoid
37 assigning an employee to a situation that could predictably
38 compromise the safety of the employee; and

39 (3) proper procedures including emergency response procedures to
40 follow when an employee exhibits signs or reports symptoms
41 consistent with possible heat-related illness.

42 f. The heat-related illness and injury prevention plan referred to
43 in subsection a. of this section shall require that the education and
44 training referred to in subsections d. and e. of this section:

45 (1) be provided by an employer for each new employee before
46 starting a job assignment;

- 1 (2) provide employees opportunities to ask questions, provide
2 feedback, and request additional instruction, clarification, or another
3 follow-up;
- 4 (3) be provided by an individual with knowledge of heat-related
5 illness prevention and of the plan of the employer required under
6 subsection a. of this section; and
- 7 (4) be appropriate in content and vocabulary commensurate to the
8 language, education level, and literacy of the employees.
- 9 g. A requirement that each employer shall maintain the following:
- 10 (1) records related to the heat-related illness and injury prevention
11 plan referred to in subsection a. of this section, including heat-related
12 illness risk and hazard assessments and identification, evaluation,
13 correction and training procedures;
- 14 (2) data on all heat-related illnesses, injuries and fatalities that
15 have occurred at the place of employment, including but not limited to:
16 the type of heat-related illness or injury experienced and symptoms
17 experienced, the cause of death, the time at which manifestation of
18 illness, injury, or death occurred, environmental measures, including
19 temperature and humidity levels, at time of manifestation of illness,
20 injury or death, a description of the location where the manifestation of
21 illness, injury or death occurred; and
- 22 (3) data on environmental and physiological measurements related
23 to heat.
- 24 h. A requirement that each employer make the records and data
25 referred to in subsection g. of this section available, on request for
26 examination and copying at no cost, to employees, their authorized
27 representatives, including collective bargaining representatives, and to
28 the commissioner¹, as well as to the public. The employer shall
29 preserve the records and data for a minimum of six years¹.
- 30 i. Employers shall be required to comply ¹immediately upon the
31 effective date of this act with provisions in section 4 of this act
32 preventing retaliation and,¹ with the provisions of the heat stress
33 standard promulgated by rule in accordance with this section 30 days
34 after the rules containing the heat stress standard are adopted.
- 35 j. Notwithstanding the provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary,
37 the commissioner may adopt, immediately upon filing with the Office
38 of Administrative Law, the heat stress standard required by this
39 section, which shall be effective for a period not to exceed 365 days
40 from the date of the filing. Before the expiration of the heat stress
41 standard, the commissioner shall thereafter amend, adopt, or readopt
42 the rules in accordance with the requirements of P.L.1968, c.410
43 (C.52:14B-1 et seq.).
- 44 ¹k. An amusement park, as defined by section 2 of this act, shall be
45 exempt from the requirements of this act.¹

1 ¹[4. An employer may not discriminate or retaliate against an
2 employee for:

3 a. Reporting a heat-related illness or injury concern to, or
4 seeking assistance or intervention with respect to heat-related health
5 symptoms from, the employer, local emergency services, the federal
6 government, the State, or a local government; or

7 b. Exercising any other rights of the employee under this act.]¹

8
9 ¹4. a. It shall be a violation of this act for an employer to retaliate
10 through termination of employment, discipline, or in any other manner
11 against any employee for exercising any rights granted by this act.
12 There shall be a rebuttable presumption of unlawful retaliation under
13 this section whenever an employer takes adverse action against an
14 employee within 90 days of when that employee exercises the
15 employee's rights protected under this act.

16 b. It is a violation of this act for an employer to retaliate or take
17 adverse action against an employee if the employee:

18 (1) makes a complaint to an employer, to a coworker, to a
19 community organization, before a public hearing, or to a State or
20 federal agency that rights guaranteed under this act have been violated;

21 (2) seeks assistance or intervention with respect to heat-related
22 health symptoms from, the employer, local emergency services, the
23 federal government, the State, or a local government;

24 (3) refuses to work if the employee reasonably believes:

25 (a) that an employer has not met the minimum requirements under
26 this act to prevent illness and injury; or

27 (b) that performing the required work in extreme temperature
28 conditions may result in illness or injury;

29 (4) institutes any proceeding under or related to this act; or

30 (5) testifies or prepares to testify in an investigation or proceeding
31 under this act.

32 c. Any employer that violates the provisions of this section shall
33 be subject to administrative penalties, which penalties the
34 commissioner shall be authorized to assess and collect as specified in a
35 schedule of penalties to be promulgated by the commissioner by
36 regulation to implement the provisions of this section. Any penalty
37 imposed pursuant to this section may be recovered with costs in a
38 summary proceeding commenced by the commissioner pursuant to the
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
40 seq.).

41 d. (1) Upon a violation of any of the provisions of this section, an
42 employee or former employee may institute a civil action in the
43 Superior Court for relief. All remedies available in common law tort
44 actions shall be available to a prevailing plaintiff. The court may also
45 order any or all of the following relief:

46 (a) an assessment of a civil fine of not more than \$500 for the first
47 violation and not more than \$1,000 for each subsequent violation;

- 1 (b) an injunction to restrain the continued violation of any of the
2 provisions of this section;
3 (c) reinstatement of the employee to the same position or to a
4 position equivalent to that which the employee held prior to unlawful
5 discharge or retaliatory action;
6 (d) reinstatement of full fringe benefits and seniority rights;
7 (e) compensation for any lost wages, benefits and other
8 remuneration; and
9 (f) payment of reasonable costs and attorney's fees.
10 (2) An action brought under this subsection d. shall be commenced
11 within one year of the date of the alleged violation.¹
12

13 ¹**[5.** There shall be established a rebuttable presumption of
14 retaliation if an employer takes an adverse action against an
15 employee within 90 days of any conduct protected under this act.**]**¹
16

17 ¹**[6.]** 5.¹ None of the provisions of this act shall be construed
18 to diminish the rights, privileges, or remedies of any employee
19 under a collective bargaining agreement.
20

21 ¹**[7.]** 6.¹ There shall be established, within the Department of
22 Labor and Workforce Development, an “Occupational Heat-related
23 Illness and Injury Prevention Program,” which shall be responsible
24 for enforcing the provisions of this act, and the heat stress standard
25 promulgated by rule pursuant to this act, and which shall provide
26 outreach and education to employers and employees regarding this
27 act and the heat stress standard.
28

29 ¹**[8.]** 7.¹ The commissioner shall have the authority to:
30 a. Investigate and ascertain compliance with this act in any
31 place of employment in the State;
32 b. Enter and inspect the place of business or employment of
33 any employer in the State for the purpose of examining and
34 inspecting any or all records of any employer that in any way relate
35 to or have a bearing upon the question of compliance with this act;
36 copy any or all of those records as the commissioner may deem
37 necessary or appropriate; question any workers; and conduct any
38 tests to determine whether this act has been violated; and
39 c. Require from any employer full and correct statements in
40 writing, including sworn statements, with respect to compliance
41 with this act as the commissioner may deem necessary or
42 appropriate.
43

44 ¹**[9. When]** 8. Except as provided in section 4 of this act for
45 penalties concerning adverse action taken by an employer, when¹ the
46 commissioner finds that an employer has violated this act or the rules
47 promulgated by the department to implement this act, the

1 commissioner may assess and collect an administrative penalty,
2 'within 365 days following the establishment of rules by the
3 commissioner,' of not less than \$500 and not more than \$5,000 per
4 'employee employed at or during the time of the' violation, pursuant
5 to a schedule of penalties established by the commissioner through
6 rules in accordance with the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.). 'Penalties shall be adjusted
8 every five years by the commissioner in direct proportion to the rise or
9 fall of the consumer price index as reported by the U.S. Bureau of
10 Labor Statistics.' Any administrative penalty assessed under this
11 section against a corporation, partnership, limited liability company, or
12 sole proprietorship, shall be effective against any successor entity that
13 is engaged in the same or equivalent trade or activity, and has one or
14 more of the same principals or officers, as the corporation, partnership,
15 limited liability company, or sole proprietorship against which the
16 administrative penalty was assessed.

17

18 '[10.] 9.' When determining the amount of the administrative
19 penalty imposed under section '[9] 8' of this act, the commissioner
20 shall consider factors, which shall include the history of previous
21 violations by the employer, the seriousness of the violation, the good
22 faith of the employer and the size of the employer's business. No
23 administrative penalty shall be levied pursuant to this section unless
24 the commissioner provides the alleged violator with notification of the
25 violation and of the amount of the penalty and an opportunity within
26 15 days following the receipt of the notice to request a hearing before
27 the commissioner.

28 If a hearing is requested, the commissioner shall issue a final order
29 upon the completion of the hearing. If no hearing is requested, the
30 notice shall become a final order upon expiration of the 15-day period.
31 Payment of the administrative penalty is due when a final order is
32 issued or when the notice becomes a final order. Any administrative
33 penalty imposed pursuant to this section may be recovered with costs
34 in a summary proceeding commenced by the commissioner pursuant
35 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
36 10 et seq.). Any sum collected as a fine or penalty pursuant to this
37 section shall be applied toward enforcement of this act and
38 administration costs of the "Occupational Heat-related Illness and
39 Injury Prevention Program" established within the Department of
40 Labor and Workforce Development.

41

42 '[11.] 10.' Any employer who willfully hinders or delays
43 the commissioner in the performance of the commissioner's duties in
44 the enforcement of this act, or fails to make, keep, and preserve any
45 records as required under the provisions of this act, or falsifies any
46 record, or refuses to make any record accessible to the commissioner
47 upon demand, or refuses to furnish a sworn statement of the record or

1 any other information required for the proper enforcement of this act
2 to the commissioner or otherwise violates any provision of this act or
3 of any departmental rule promulgated or order issued under this act
4 shall be guilty of a disorderly persons offense and shall, upon
5 conviction for a first violation ¹within 365 days following the
6 establishment of rules by the commissioner¹, be punished by a fine of
7 not less than \$100 nor more than \$1,000 or by imprisonment for not
8 less than 10 nor more than 90 days, or by both the fine and
9 imprisonment and, upon conviction for a second or subsequent
10 violation, shall be punished by a fine of not less than \$500 nor more
11 than \$5,000 or by imprisonment for not less than 10 nor more than 100
12 days, or by both the fine and imprisonment. ¹Penalties shall be
13 adjusted every five years by the commissioner in direct proportion to
14 the rise or fall of the consumer price index as reported by the U.S.
15 Bureau of Labor Statistics. ¹

16

17 ¹~~12.~~ 11.¹ a. If the commissioner determines, after either
18 an initial determination as a result of an audit of a business or an
19 investigation pursuant to this act, that an employer is in violation of
20 this act, the commissioner may issue a stop-work order against the
21 employer requiring cessation of all business operations of the
22 employer at one or more worksites or across all of the employer's
23 worksites and places of business. The stop-work order may be issued
24 only against the employer found to be in violation or non-compliance.
25 The commissioner shall serve a notification of intent to issue a stop-
26 work order on the employer at the place of business or, for a particular
27 employer worksite, at that worksite, at least seven days prior to the
28 issuance of a stop-work order. The stop-work order shall be effective
29 when served upon the employer at the place of business or, for a
30 particular employer worksite, when served at that worksite. The stop-
31 work order shall remain in effect until the commissioner issues an
32 order releasing the stop-work order upon finding that the employer has
33 come into compliance and has paid any administrative penalty deemed
34 to be satisfactory to the commissioner, or after the commissioner
35 determines, in a hearing held pursuant to subsection b. of this section,
36 that the employer did not commit the act on which the order was
37 based. The stop-work order shall be effective against any successor
38 entity engaged in the same or equivalent trade or activity that has one
39 or more of the same principals or officers as the corporation,
40 partnership, limited liability company, or sole proprietorship against
41 which the stop-work order was issued. The commissioner may assess
42 a civil penalty of \$5,000 per day¹, within 365 days following the
43 establishment of rules by the commissioner,¹ against an employer for
44 each day that it conducts business operations that are in violation of
45 the stop-work order. A request for hearing shall not automatically stay
46 the effect of the order. ¹Penalties shall be adjusted every five years by
47 the commissioner in direct proportion to the rise or fall of the

1 consumer price index as reported by the U.S. Bureau of Labor
2 Statistics.¹

3 b. An employer who is subject to a stop-work order shall, within
4 72 hours of its receipt of the notification, have the right to appeal to
5 the commissioner in writing for an opportunity to be heard and contest
6 the stop-work order.

7 c. Within seven business days of receipt of the notification from
8 the employer, the commissioner shall hold a hearing to allow the
9 employer to contest the issuance of a stop-work order. The department
10 and the employer may present evidence and make any arguments in
11 support of their respective positions regarding the findings of the audit
12 or investigation. The commissioner shall issue a written decision
13 within five business days of the hearing either upholding or reversing
14 the employer's stop-work order. The decision shall include the
15 grounds for upholding or reversing the employer's stop-work order. If
16 the employer disagrees with the written decision, the employer may
17 appeal the decision to the commissioner, in accordance with the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

19 d. If the employer does not request an appeal to the commissioner
20 in writing, the stop-work order shall become a final order after the
21 expiration of the 72-hour period.

22 e. The commissioner may compromise any civil penalty assessed
23 under this section in an amount the commissioner determines to be
24 appropriate.

25 f. Once the stop-work order becomes final, any employee
26 affected by a stop-work order issued pursuant to this section shall be
27 entitled to pay from the employer for the first ten days of work lost
28 because of the stop-work. Upon request of any employee not paid
29 wages, the commissioner can take assignment of the claim and bring
30 any legal action necessary to collect all that is due.

31

32 ¹**[13.]** 12.¹ After each employer has, under section 3 of this act,
33 implemented a heat-related illness and injury prevention plan in
34 accordance with the requirements of the department's heat stress
35 standard, each employer shall on or before May 1 of each
36 subsequent year, or the next business day, if May 1 falls on a
37 Saturday, Sunday or holiday, review and subsequently release and
38 communicate to their employees and any authorized representatives
39 of their employees, including their collective bargaining
40 representatives, an updated version of the employer's heat-related
41 illness and injury prevention plan. Employers' heat-related illness
42 and injury prevention plans may not need revision, but employers
43 shall be required to conduct an annual review to determine whether
44 revisions are necessary.

45

46 ¹**[14.]** 13.¹ The statute of limitations under this act shall be six
47 years after the alleged cause of action accrues.

- 1 ¹~~15.~~ 14.¹ a. Beginning immediately following enactment
2 of this act, in each instance in which a place of employment
3 experiences excessive heat, an employer shall:
- 4 (1) postpone tasks that are ¹~~not urgent~~ non-essential¹ until the
5 ¹~~period of~~¹ excessive heat ¹~~has ended~~ condition subsides¹;
- 6 (2) take all necessary measures to reduce the heat exposure of each
7 worker, including but not limited to, shortening work shifts by
8 increasing the number of shifts and the corresponding total number of
9 workers;
- 10 (3) increase rest allowances¹, which shall be paid¹;
- 11 (4) permit workers to drink liquids in small amounts frequently to
12 prevent dehydration;
- 13 (5) monitor the environmental heat at job sites and resting places;
- 14 (6) permit employees to contact the employer directly and
15 efficiently to communicate if they believe they are suffering from a
16 heat-related illness;
- 17 (7) conduct initial and regular monitoring for employee exposure
18 to heat to determine whether an employee's exposure has been
19 excessive;
- 20 (8) provide ¹32 ounces of¹ potable water ¹per hour to each
21 employee, in immediate proximity of each employee,¹ with a
22 temperature of less than 59 degrees Fahrenheit;
- 23 (9) provide paid rest breaks and access to shade, cool-down areas
24 or climate-controlled spaces in accordance with heat index levels in
25 the National Weather Service Heat Index Chart;
- 26 (10) provide an emergency response for any employee who has
27 suffered injury as a result of being exposed to excessive heat; ¹and¹
- 28 (11) ¹~~acclimatize employees to areas where exposure to heat is~~
29 present; and
- 30 (12)¹ limit the length of time an employee may be exposed to
31 heat during the workday.
- 32 b. "Excessive heat" shall be defined by the commissioner through
33 the rules adopted pursuant to section ¹~~10~~ 9.¹ of this act; provided,
34 however, until rules are adopted, for the purposes of this section,
35 "excessive heat" shall mean:
- 36 (1) for an outdoor place of employment, a heat index at or above
37 ¹~~90~~ 80¹ degrees Fahrenheit according to the National Weather
38 Service Heat Index Chart; and
- 39 (2) for an indoor place of employment, the temperature equals or
40 exceeds ¹~~87~~ 80¹ degrees Fahrenheit when employees are present;
41 the heat index equals or exceeds ¹~~87~~ 80¹ degrees Fahrenheit when
42 employees are present; employees wear clothing that restricts heat
43 removal, and the temperature equals or exceeds ¹~~82~~ 75¹ degrees
44 Fahrenheit; or employees work in a high radiant heat area and the
45 temperature equals or exceeds ¹~~82~~ 75¹ degrees Fahrenheit.

1 ¹**【16.】** 15.¹ This act shall take effect immediately, except that the
2 department rules establishing a heat stress standard shall be issued on
3 or before June 1, ¹**【2024】** 2025¹.