

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

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H.P. 1077

House of Representatives, April 12, 2021

An Act Relating to Heat Illness Prevention

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARNETT of Gardiner.
Cosponsored by Representatives: COLLINGS of Portland, MORALES of South Portland,
OSHER of Orono, SYLVESTER of Portland, TALBOT ROSS of Portland, Senator: CARNEY
of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §42-D** is enacted to read:

3 **§42-D. Heat illness prevention**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Acclimatization" means temporary adaptation of an individual to work in the heat
7 that occurs when an individual is gradually exposed to heat over a 2-week period at a
8 20% increase in heat exposure time per day.

9 B. "Cooling area" means an area that provides shade from direct sunlight, ventilation
10 or cooling and that allows an employee to lower the employee's body temperature. A
11 cooling area may consist of natural or artificial structures but may not expose an
12 employee to unsafe or unhealthy conditions or deter or discourage access or use.

13 C. "Drinking water" means cool or cold potable water, including electrolyte-
14 replenishing beverages that do not contain caffeine.

15 D. "Employee" has the same meaning as in section 591, subsection 1.

16 E. "Employer" has the same meaning as in section 591, subsection 2.

17 F. "Environmental risk factors for heat illness" means working conditions that create
18 the possibility of heat illness, including air temperature, relative humidity, radiant and
19 conductive heat from the sun, ground and other sources, ventilation, air movement,
20 workload severity and duration and protective clothing and equipment worn by an
21 employee.

22 G. "Heat illness" means a medical condition resulting from an individual's inability to
23 cope with a particular heat level, including heat cramps, heat exhaustion, heat syncope
24 and heat stroke.

25 H. "Heat illness prevention training" means the training developed by the Department
26 of Labor in accordance with subsection 2.

27 I. "High-heat environment" means a location where work is conducted outside or in
28 an enclosed environment such as a shed, tent, warehouse or greenhouse without
29 temperature controls, such as air conditioning systems.

30 J. "Personal risk factors for heat illness" means factors specific to an individual,
31 including the individual's age, health conditions, degree of acclimatization,
32 consumption of water, alcohol or caffeine, use of prescription medications and other
33 physiological responses to heat.

34 K. "Recovery period" means a time period intended to reduce an employee's heat
35 exposure and help the employee cool down and avoid the signs or symptoms of heat
36 illness.

37 L. "Supervisor" means an employee responsible for monitoring or overseeing the work
38 or activity of another employee.

39 M. "Temperature" means the dry bulb temperature in degrees Fahrenheit obtainable
40 by using a thermometer in direct sunlight or in the area where an employee is working.

1 **2. Heat illness prevention training.** The Department of Labor shall, in accordance
2 with section 42-A, design a heat illness prevention training that is a safety education and
3 training program for employers, supervisors and employees concerning heat illness
4 prevention, including environmental risk factors for heat illness, signs and symptoms and
5 effective prevention methods.

6 A. The heat illness prevention training must cover at least the following topics:

7 (1) The environmental risk factors for heat illness;

8 (2) General awareness of personal risk factors for heat illness;

9 (3) The importance of frequently consuming drinking water;

10 (4) The importance and methods of acclimatization;

11 (5) The common signs and symptoms of heat illness, including neurological
12 impairment, confusion or agitation;

13 (6) Preventive and first aid measures, such as loosening clothing or heat-retaining
14 equipment, accessing a cooling area and applying cool or cold water to the body;
15 and

16 (7) The importance of immediately reporting to an employer, directly or through
17 a supervisor, signs or symptoms of heat illness in an employee and the importance
18 of immediately providing or receiving medical attention if an employee exhibits
19 any signs or symptoms of heat illness.

20 B. The Department of Labor shall develop the heat illness prevention training by
21 December 31, 2021 and make the heat illness prevention training and any related
22 materials available on the department's publicly accessible website.

23 **3. Employer responsibilities.** This section applies to an employer that requires an
24 employee to perform work, including agriculture, construction, manufacturing and
25 landscaping, in a high-heat environment for more than 15 minutes per hour for every hour
26 of the employee's work day.

27 A. An employer shall annually provide heat illness prevention training developed in
28 accordance with this section to any employee who works in a high-heat environment
29 and any supervisor responsible for such an employee. An employer shall make the
30 training and all relevant materials available to an employee or supervisor upon request.

31 (1) An employer shall provide heat illness prevention training to a new employee
32 not present at the last annual heat illness prevention training before the employee
33 begins work in a high-heat environment.

34 (2) Before a supervisor may supervise an employee in a high-heat environment,
35 the supervisor's employer shall provide the supervisor with heat illness prevention
36 training and the following information:

37 (a) The employer's heat illness prevention measures and relevant procedures
38 under paragraph B;

39 (b) Procedures that must be followed when an employee exhibits or reports
40 any signs or symptoms of heat illness; and

1 (c) Procedures that must be followed when seeking medical attention for an
2 employee who exhibits or reports any signs or symptoms of heat illness or
3 when administering first aid to the employee.

4 B. An employer with an employee working in a high-heat environment shall
5 implement the following heat illness prevention measures.

6 (1) An employer shall ensure that drinking water is at all times readily accessible
7 to an employee while the employee is working in a high-heat environment. An
8 employer shall locate drinking water as close as practicable to the area where an
9 employee is working and provide the drinking water to the employee without
10 charge. If drinking water is not continuously supplied, the employer shall ensure
11 that each employee working in a high-heat environment is provided with at least
12 one quart of drinking water per hour for every hour in the employee's work day.

13 (2) If an employee exhibits mild to moderate signs or symptoms of heat illness, an
14 employer or supervisor shall remove the employee from the high-heat
15 environment, provide the employee with drinking water, place the employee in a
16 cooling area for at least 15 minutes and monitor the employee to determine whether
17 medical attention is necessary. If the employee's signs or symptoms of heat illness
18 do not abate within 15 minutes, an employer or supervisor shall seek medical
19 attention in a timely manner. If an employee exhibits serious signs or symptoms
20 of heat illness, an employer or supervisor shall seek medical attention for the
21 employee immediately and administer first aid as necessary.

22 (3) When the temperature is 80 degrees or greater, an employer shall, at all times
23 while an employee is working in a high-heat environment, maintain one or more
24 cooling areas sufficient to enable employees to participate in recovery periods.

25 (4) When the temperature is 90 degrees or greater, an employer shall implement
26 the following heat illness prevention procedures, to the extent practicable:

27 (a) Ensure that an employee working in a high-heat environment may easily
28 communicate by voice, gesture or electronic means with an employer or
29 supervisor so that the employee may easily report signs or symptoms of heat
30 illness or request emergency medical services;

31 (b) Regularly remind an employee working in a high-heat environment to
32 consume drinking water;

33 (c) Ensure that an employee takes at least one 10-minute recovery period every
34 2 hours while working in a high-heat environment, which may be concurrent
35 with rest breaks required under section 601; and

36 (d) Before an employee begins working in a high-heat environment, review
37 the employer's heat illness prevention procedures with the employee.

38 C. Notwithstanding the requirements of this section, an employee is responsible for
39 monitoring the employee's own personal risk factors for heat illness.

40 **4. Rulemaking.** The Department of Labor shall adopt rules to implement this section,
41 including a certification process to acknowledge an employer's compliance with heat illness
42 prevention training requirements. Rules adopted pursuant to this subsection are routine
43 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **SUMMARY**

2 This bill:

3 1. Requires the Department of Labor to develop a safety and education training
4 program for employers, supervisors and employees addressing heat illness prevention and
5 requires the department to make the training available on the department's publicly
6 accessible website by December 31, 2021;

7 2. Requires the department to adopt rules for the implementation of the heat illness
8 prevention training program;

9 3. Requires an employer who requires an employee to work in a high-heat environment
10 for more than 15 minutes for every hour of the employee's work day to provide annual heat
11 illness prevention training to the employer's employees and supervisors, to make the
12 training and all relevant materials available to an employee or supervisor upon request and
13 to provide the training to any new employee working in a high-heat environment and to a
14 supervisor before the supervisor may supervise an employee working in a high-heat
15 environment; and

16 4. Requires an employer to take the following heat illness prevention measures:

17 A. Provide readily accessible drinking water to an employee working in a high-heat
18 environment;

19 B. Remove an employee exhibiting mild to moderate signs or symptoms of heat illness
20 to a cooling area for 15 minutes and, if the signs or symptoms do not abate, seek
21 medical attention or administer first aid;

22 C. If the temperature is 80 degrees Fahrenheit or greater, maintain one or more cooling
23 areas sufficient to enable employees to participate in recovery periods; and

24 D. If the temperature is 90 degrees or greater, ensure that an employee working in a
25 high-heat environment is able to easily communicate by voice, gesture or electronic
26 means with an employer or supervisor so that the employee may report signs or
27 symptoms of heat illness or request emergency medical services, regularly remind the
28 employee to consume drinking water, ensure the employee takes one 10-minute break
29 for every 2 hours spent working in a high-heat environment and review these measures
30 with the employee before the employee begins working in a high-heat environment.