

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB1092 H1
Patron: Hernandez
Bill Title: Protection of employees; standards for heat illness prevention.

Bill Summary: Requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect workers from heat illness, as defined in the bill, including high-heat procedures at a heat index of 80 degrees Fahrenheit and specified exemptions. The bill provides that these regulations shall be enforced as specified in existing Code sections related to safety provisions for protection of employees. The bill authorizes a worker aggrieved by a violation of the regulations promulgated thereunder to seek to obtain injunctive relief, to recover statutory damages of \$1,000 per violation, or both in an action commenced within one year after the cause of action. The bill requires the Safety and Health Codes Board, in consultation with the Department of Labor and Industry, to develop and adopt regulations requiring employers to implement standards for heat illness prevention by May 1, 2027.

Budget Amendment Necessary: Yes
Items Impacted: 353 (DOLI)
Explanation: This involves the Department of Labor and Industry (DOLI). See Fiscal Analysis section, below.

Fiscal Summary: This fiscal impact is indeterminate, but potentially significant. This bill requires DOLI to develop new regulations and enforce those regulations as specified in existing Code language. DOLI anticipates the Safety and Health Codes Board may incur \$22,000 in one-time general fund expenses in FY 2027 for meetings to develop regulations. The number of violations of these regulations that DOLI would enforce is currently unknown. However, because these standards are state specific, DOLI does not anticipate any federal support for enforcement. Based on previous implementation of state specific standards, DOLI estimates the enforcement provisions of this bill may result in up to 120 additional inspections annually, which the agency anticipates may require up to four additional heat illness investigator positions at an ongoing general fund cost of \$190,864 each, totaling \$763,456 annually. The agency may also incur up to \$4,425 in ongoing general fund costs associated with language services.

Fiscal Analysis: This fiscal impact estimate is preliminary. Impact estimates associated with this bill and other legislation with similar requirements may overlap and may not be fully additive due to shared implementation activities.

This bill requires the Safety and Health Codes Board to adopt regulations establishing standards designed to protect workers from heat illness during indoor and outdoor work, as well as convene an advisory panel to assist in developing such regulations including employee advocates and employee stakeholders. DOLI anticipates that the Board will need five additional meetings at a total cost of \$22,000 in FY 2027.

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Under this bill, paragraph C of § 40.1-44.2, Code of Virginia, states that these regulations shall be enforced as specified in existing Code sections related to safety provisions for protection of employees. Because these standards are state specific, DOLI does not anticipate any federal support for enforcement. Based on previous implementation of state specific standards for infectious disease prevention in response to COVID, DOLI anticipates the need for up to 120 inspections annually; however, the actual number of investigations that would result from this bill is unknown at this time. The agency believes the standards will be comparable in terms of workload because they are health standards to prevent illness and impairment; have requirements on employers to develop policies, procedures, and prevention methods; have lack of control methodologies; and respond to ubiquitous hazards that can occur on or off the worksite. The standard is triggered at a heat index of 80 degrees Fahrenheit and exempts heat exposure lasting no longer than 15 consecutive minutes; therefore, inspection volume may be lower than initially anticipated.

Each inspector is expected to conduct at least 30 annual inspections, so up to four positions may be needed. Each additional heat illness investigator requires a general fund expenditure of \$190,864 for salary, fringe, and overhead for a total of \$763,486. Additionally, an annual cost of \$4,425 is anticipated to support translation services for inquiries and documents. Because the bill directs the Board to adopt the regulations no later than May 1, 2027, enforcement costs are assumed to begin on that date.

The regulations may include fines for employers who violate the standards. Revenue would be paid to the literary fund. Any amount estimates are not possible prior to establishment of the standards and the amounts of the fines. The bill also creates a private civil cause of action for employees to recover damages.

Other: This bill is similar to SB288.