

26108993D

HOUSE BILL NO. 1092

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on March 2, 2026)

(Patron Prior to Substitute—Delegate Hernandez)

A *BILL* to amend the Code of Virginia by adding a section numbered 40.1-44.2, relating to protection of employees; standards for heat illness prevention; report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-44.2 as follows:

§ 40.1-44.2. Standards for heat illness prevention.

A. As used in this section:

"Employer" means any employer subject to jurisdiction of the Virginia Occupational Safety and Health Program pursuant to 16VAC25-60 of the Virginia Administrative Code.

"Heat illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load and includes heat cramps, heat rash, heat edema, heat exhaustion, heat syncope, rhabdomyolysis, and heat stroke.

"Worker" means an employee, independent contractor, or other laborer whose worksite conditions are controlled by an employer.

B. The Safety and Health Codes Board shall develop and adopt standards designed to protect workers from heat illness during indoor and outdoor work. Such standards shall include requirements for each employer to (i) provide water, access to shade or climate-controlled environments when practicable, rest periods, acclimatization to working in heat, and effective training regarding heat illness prevention; (ii) implement high-heat procedures when the temperature equals or exceeds 80 degrees Fahrenheit; and (iii) establish effective emergency response procedures. There shall be exemptions for (a) heat exposure during the provision of emergency services that involve emergency law enforcement, emergency medical services, firefighting services, rescue and evacuation operations, or emergency restoration of essential utilities, including electric and telecommunication utilities, and (b) heat exposure lasting no longer than 15 consecutive minutes.

2. That the Safety and Health Codes Board (the Board), in consultation with the Department of Labor and Industry, shall develop and adopt standards pursuant to § 40.1-44.2 of the Code of Virginia, as created by this act, and subsequently shall produce an implementation plan, including associated cost estimates, to adopt regulations that require employers to implement heat illness prevention plans in accordance with this act. In developing such implementation plan, the Board shall consider the 2021 Draft Heat Illness Prevention Standard of the Virginia Department of Labor and Industry and standards created by the U.S. Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, the American Conference of Governmental Industrial Hygienists, the American National Standards Institute, the Maryland Occupational Safety and Health Division, the Oregon Occupational Safety and Health Division, and the California Division of Occupational Safety and Health. The Board shall also convene an advisory panel to assist in developing and producing such plan, at least half of the membership of which shall be employee advocates and employee stakeholders. Such advisory panel shall also include stakeholders from the agriculture and business industries. The Board shall submit a report on its findings to the Chairs of the Senate Committees on Finance and Appropriations and Commerce and Labor and the House Committees on Appropriations and Labor and Commerce no later than November 1, 2026.

SENATE SUBSTITUTE

HB1092S1

3/3/26 09:37