

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 40.1-44.2, relating to protection of*  
 3 *employees; standards for heat illness prevention.*

4 [H 1092]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 40.1-44.2 as follows:**8 **§ 40.1-44.2. Standards for heat illness prevention.**9 *A. As used in this section:*10 *"Board" means the Safety and Health Codes Board.*11 *"Employer" means any employer subject to jurisdiction of the Virginia Occupational Safety and Health*  
12 *Program under 16VAC25-60.*13 *"Heat illness" means a serious medical condition resulting from the body's inability to cope with a*  
14 *particular heat load and includes heat cramps, heat rash, heat edema, heat exhaustion, heat syncope,*  
15 *rhabdomyolysis, and heat stroke.*16 *"Worker" means an employee, independent contractor, or other laborer whose worksite conditions are*  
17 *controlled by an employer.*18 *B. The Board shall adopt regulations establishing standards designed to protect workers from heat illness*  
19 *during indoor and outdoor work. Such standards shall include requirements for each employer to (i) provide*  
20 *water, access to shade or climate-controlled environments when practicable, rest periods, acclimatization to*  
21 *working in heat, and effective training regarding heat illness prevention; (ii) implement heat and high-heat*  
22 *procedures when the temperature equals or exceeds heat thresholds set by the Board; and (iii) establish*  
23 *effective emergency response procedures. There shall be exemptions for (a) heat exposure during the*  
24 *provision of emergency services that involve emergency law enforcement, emergency medical services,*  
25 *firefighting services, rescue and evacuation operations, emergency highway construction or maintenance, or*  
26 *emergency restoration of essential utilities, including electric and telecommunication utilities, and (b) heat*  
27 *exposure lasting no longer than 15 consecutive minutes.*28 *C. The regulations adopted by the Board pursuant to this section shall be enforced as specified in*  
29 *§§ 40.1-49.3 through 40.1-49.7.*30 **2. That no later than May 1, 2028, the Safety and Health Codes Board (the Board), in consultation with**  
31 **the Department of Labor and Industry, shall develop and adopt regulations that require employers to**  
32 **implement heat illness prevention plans pursuant to § 40.1-44.2 of the Code of Virginia, as created by**  
33 **this act. In developing such regulations, the Board shall consider the 2021 Draft Heat Illness**  
34 **Prevention Standard of the Virginia Department of Labor and Industry and standards created by the**  
35 **Federal Occupational Safety and Health Administration, the National Institute for Occupational Safety**  
36 **and Health, the American Conference of Governmental Industrial Hygienists, the American National**  
37 **Standards Institute, the Maryland Occupational Safety and Health Division, the Oregon Occupational**  
38 **Safety and Health Division, and the California Division of Occupational Safety and Health. The Board**  
39 **shall also convene an advisory panel to assist in developing such regulations, which shall include (i)**  
40 **employee advocates and stakeholders as at least half of its membership and (ii) stakeholders from the**  
41 **agriculture and business industries and public institutions of higher education.**

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