



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1461

H.P. 1077

House of Representatives, April 12, 2021

### An Act Relating to Heat Illness Prevention

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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.