

2021 SESSION

INTRODUCED

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SENATE BILL NO. 1358

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-44.2, relating to employment health and safety standards; heat illness prevention.*

Patron—Hashmi

Referred to Committee on Commerce and Labor

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, "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 exhaustion, heat syncope, and heat stroke.

B. The Safety and Health Codes Board shall adopt regulations establishing standards as provided in this section that are designed to protect employees from heat illness in indoor and outdoor work.

C. This section applies to the control of risk of occurrence of heat illness. These standards shall apply to all indoor and outdoor places of employment and to all employers that come within the jurisdiction of the Virginia Occupational Safety and Health (VOSH) Program.

D. The standards established pursuant to this section shall take into consideration Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments published by the National Institute for Occupational Safety and Health (NIOSH).

E. Such standards shall contain requirements for provision of drinking water, access to shade or climate-controlled environments, rest periods, effective emergency response procedures, acclimatization to working in heat, training to employees and supervisors, and other standards related to heat illness protection.

F. In addition to any penalties provided by this title, and without regard to any exhaustion of alternative administrative remedies provided for in this title, an employee may bring in an appropriate court of the Commonwealth (i) an action based on a violation of this section or the regulations hereunder to enjoin such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or (ii) both such actions in clause (i). An employee who brings suit and prevails under this section shall be entitled to reasonable attorney fees and costs. If the court finds that the employer knowingly violated the standards, the court shall award the employee an amount equal to triple the amount of damages due under clause (ii) and reasonable attorney fees and costs.

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SB1358