

1 AN ACT relating to heat injury prevention.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act:*

- 6 *(1) "Acclimatization" means temporary adaptation of the body to work in the heat*  
7 *that occurs gradually when a person is exposed to heat;*
- 8 *(2) "Agricultural business entity" means any person, partnership, limited*  
9 *partnership, corporation, limited liability company, or any other entity engaged in*  
10 *business that involves the processing, cleaning, packing, or storage of the results*  
11 *from agricultural production;*
- 12 *(3) "Construction business services" means activity involving building, maintaining,*  
13 *and repairing structures;*
- 14 *(4) "Heat illness" means a serious medical condition resulting from the body's*  
15 *inability to cope with heated temperatures;*
- 16 *(5) "Heat index" means the measurement indicating the temperature felt by the*  
17 *average person as a result of the combined effects of air temperature and*  
18 *humidity;*
- 19 *(6) "Heat wave" means any day in which the predicted heat index for the day will be*  
20 *at least ninety (90) degrees Fahrenheit and at least ten (10) degrees Fahrenheit*  
21 *higher than the average high daily temperature in the preceding five (5) days;*
- 22 *(7) (a) "Landscaping services" means any person, partnership, limited*  
23 *partnership, corporation, limited liability company, or any other entity*  
24 *engaged in a business that provides landscape and maintenance services*  
25 *including installing trees, shrubs, plants, lawns, or gardens, or providing*  
26 *these services in conjunction with the design of landscape plans and the*  
27 *construction of walkways, retaining walls, decks, fences, ponds, and similar*

1           structures.

2           **(b) "Landscaping services" does not include services provided by an employer**  
3           **who operates a fixed establishment where the work is to be performed and**  
4           **where drinking water is plumbed;**

5           **(8) "Personal risk factors for heat illness" means factors such as an individual's age,**  
6           **degree of acclimatization, health, water consumption, alcohol consumption,**  
7           **caffeine consumption, and use of prescription medications that affect the body's**  
8           **water retention or other physiological responses to heat;**

9           **(9) "Shade" means blockage of direct sunlight; and**

10          **(10) "Transportation and delivery services" means any person, partnership, limited**  
11          **partnership, corporation, limited liability company, or any other entity engaged in**  
12          **a business that involves the delivery of goods including packages, postage,**  
13          **furniture, lumber, freight, cargo, cabinets, or industrial or commercial materials.**

14          ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO  
15          READ AS FOLLOWS:

16          **All employers shall maintain a written heat illness prevention plan at the worksite that**  
17          **is available to employees and to the commissioner for inspection. The heat illness**  
18          **prevention plan shall:**

19          **(1) Include that when the heat index exceeds ninety (90) degrees Fahrenheit, the**  
20          **employer shall provide:**

21          **(a) One (1) or more shaded areas that are either open air or provided with**  
22          **ventilation and cooling. The shaded areas shall be:**

23                  **1. Large enough to accommodate the number of employees on rest or**  
24                  **recovery;**

25                  **2. Located as close as practicable to the work zone; and**

26                  **3. Present during meal periods for all employees on break at a given**  
27                  **time;**

1 (b) Potable cold, fresh, and pure drinking water of no less than one (1) quart  
2 per hour provided free of charge and available for the entirety of a shift;

3 (c) Close supervision during a heat wave; and

4 (d) Close supervision for at least fourteen (14) days of an employee who is  
5 newly assigned to a high heat area;

6 (2) Include that when the heat index exceeds one hundred (100) degrees Fahrenheit,  
7 the employer shall:

8 (a) Provide effective communication by voice, observation, or electronic device  
9 that allows employees at the worksite to contact a supervisor if an employee  
10 suffers a heat illness;

11 (b) Designate a supervisor to provide oversight of employees for alertness and  
12 signs or symptoms of a heat illness;

13 (c) Ensure effective employee monitoring by providing:

14 1. A supervisor or designee observation of twenty (20) or fewer  
15 employees;

16 2. A mandatory buddy system; or

17 3. Regular communication with an employee such as by radio or cellular  
18 phone;

19 (d) Designate one (1) or more employees on each worksite authorized to call for  
20 emergency medical services; and

21 (e) Conduct preshift meetings to review the heat illness prevention procedures,  
22 encourage employees to drink plenty of water, and instruct employees to  
23 take a cool-down rest period if needed;

24 (3) Include emergency response procedures that require an employer to:

25 (a) Ensure effective communication by voice, observation, or electronic device  
26 is maintained that enables employees to contact a supervisor or emergency  
27 medical services in the event of heat illness; and

- 1        (b) Respond appropriately to any report that an employee shows signs or  
2                    symptoms of heat illness;
- 3        (4) Be written in English and any other language spoken by employees; and
- 4        (5) Include training for supervisors and employees on the following topics:
- 5                    (a) The environmental and personal risk factors for heat illness;
- 6                    (b) The employer's responsibility to provide water, shade, rest breaks, and  
7                    access to first aid and emergency medical services with no retaliation to the  
8                    requesting employee;
- 9                    (c) The importance of frequent water consumption;
- 10                   (d) The concept, importance, and methods of acclimatization pursuant to the  
11                   employer's procedures under the heat illness prevention plan described in  
12                   this section;
- 13                   (e) The different types of heat illnesses, including common signs or symptoms  
14                   and appropriate first aid and emergency medical services;
- 15                   (f) The importance of employees to immediately report to the employer, directly  
16                   or through the employee's supervisor, any signs or symptoms of heat illness  
17                   the employee, or a coworker is experiencing;
- 18                   (g) The employer's procedures for responding to signs or symptoms of possible  
19                   heat illness;
- 20                   (h) The employer's procedures for contacting emergency medical services and  
21                   for transporting employees to a medical center, if necessary; and
- 22                   (i) The employer's procedures for ensuring that clear and precise directions to  
23                   the worksite will be provided to emergency responders.

24        ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO  
25 READ AS FOLLOWS:

- 26        (1) Sections 1 to 3 of this Act shall apply to all employers, employees, and places  
27                   throughout the Commonwealth that engage in the following:

- 1        (a) Services provided by an agricultural business entity;
- 2        (b) Construction business services;
- 3        (c) Landscaping services; or
- 4        (d) Transportation and delivery services.
- 5        (2) The commissioner may promulgate administrative regulations in accordance with
- 6        KRS Chapter 13A to implement Sections 1 to 3 of this Act.
- 7        (3) Employers that are found to be in violation of Sections 1 to 3 of this Act shall be
- 8        subject to penalties under KRS 338.991(2).