

Amend CSHB 2127 (house committee printing) as follows:

(1) On page 6 of the bill, strike lines 5 through 17.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 2, Labor Code, is amended by adding Chapter 53 to read as follows:

CHAPTER 53. HEAT SAFETY

Sec. 53.001. DEFINITIONS. In this section:

(1) "Advisory board" means the heat illness prevention advisory board established under Section 53.003.

(2) "Commission" means the Texas Workforce Commission.

(3) "Employer" means a person who employs one or more employees.

(4) "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.

(5) "Heat safety expert" means a person that:

(A) possesses a certification or educational degree in public health, medicine, occupational safety, environmental science, human physiology, or a related field; and

(B) performs work focused on heat safety in the workplace.

Sec. 53.002. APPLICABILITY. This chapter applies to all employers in this state, regardless of the location of employment, type of employment, or size or type of employer.

Sec. 53.003. HEAT ILLNESS PREVENTION ADVISORY BOARD. (a) A heat illness prevention advisory board is established to assist the commission in adopting employer heat illness prevention standards under this chapter.

(b) The advisory board consists of the following members appointed by the commission:

(1) two members who are heat safety experts;

(2) two members who are employed as construction workers;

(3) one member who is an employer;

(4) one member who is a representative of a non-profit organization engaged in worker safety issues; and

(5) one member who is a representative of a construction worker labor union.

(c) The advisory board shall develop and recommend to the commission heat illness prevention standards that are consistent with this chapter and designed to protect employees from heat illness in indoor and outdoor work.

Sec. 53.004. HEAT ILLNESS PREVENTION STANDARDS. (a) The commission shall adopt rules establishing heat illness prevention standards. In adopting the rules, the commission shall give full consideration to the recommendations made by the advisory board under Section 53.003(c).

(b) The heat illness prevention standards must:

(1) be consistent with the standards and recommendations relating to heat and workforce safety contained in the Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments published by the National Institute for Occupational Safety and Health; and

(2) include:

(A) requirements for providing drinking water, access to nearby shade or climate-controlled environments, access to nearby restrooms and handwashing stations, and rest periods;

(B) effective emergency response procedures;

(C) acclimatization to working in heat;

(D) required training for employees and supervisors; and

(E) other related standards for protection against heat illness.

Sec. 53.005. REQUIRED NOTICE. (a) The commission shall prescribe and make available on the commission's Internet website an employer notice in English, Spanish, Vietnamese, and any other language the commission determines to be appropriate that outlines:

(1) the heat illness prevention standards adopted by the commission under this chapter; and

(2) employees' rights under this chapter.

(b) An employer shall post in a conspicuous place,

accessible to employees, at the employer's place of business the notice prescribed by the commission under Subsection (b).

Sec. 53.006. EMPLOYEE TRAINING REQUIRED. An employer shall provide training to each of the employer's employees about the commission's heat illness prevention standards as they relate to employees, supervisors, and employers. The training, including any related written materials, must be provided to each employee in a language that the employee understands.

Sec. 53.007. UNLAWFUL EMPLOYMENT PRACTICE. An employer commits an unlawful employment practice under this chapter if the employer retaliates or discriminates against an employee who:

- (1) experiences heat illness in the workplace;
- (2) reports to the employer an instance of heat illness or a violation of this chapter or other applicable standards;
- (3) files a complaint or with the Texas Workforce Commission related to a violation of this chapter or rules adopted under this chapter;
- (4) files suit related to a violation of this chapter or rules adopted under this chapter; or
- (5) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing under this chapter.

Sec. 53.008. ADMINISTRATIVE PENALTY. The commission shall assess an administrative penalty in an amount that is at least \$1,000 against an employer for each violation of this chapter or a rule adopted under this chapter. For purposes of this section, each day a violation continues is considered a separate violation.

Sec. 53.009. CIVIL LIABILITY. (a) In addition to any administrative penalties assessed under this chapter, an employer is liable in a civil action for personal injury, death, or any other damages caused by the employer's failure to comply with the heat illness prevention standards adopted under this chapter. An employee is not required to exhaust any applicable administrative remedies before filing an action under this section.

(b) An employee that prevails in an action against an employer under this section is entitled to recover from the employer all court costs and reasonable attorney fees related to

the action.

(c) If the court presiding over an action filed by an employee under this section finds that an employer knowingly violated the heat illness prevention standards adopted under this chapter, the court shall award exemplary damages in an amount equal to triple the amount of compensatory damages otherwise due to the employee.

SECTION _____. (a) As soon as practicable after the effective date of this Act, but not later than October 1, 2023, the Texas Workforce Commission shall appoint the advisory board members to the heat illness advisory board established under Section 53.003, Labor Code, as added by this Act.

(b) Not later than January 1, 2024, the heat illness advisory board shall submit to the Texas Workforce Commission the recommended heat illness prevention standards the board develops under Section 53.003(c), Labor Code, as added by this Act.

(c) Not later than March 1, 2024, the Texas Workforce Commission shall adopt rules to implement this Chapter 53, Labor Code, as added by this Act, including rules prescribing heat illness prevention standards as required by Section 53.004, Labor Code, as added by this Act.