

By: Flores

H.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to workplace heat illness prevention, including the creation of a heat illness prevention advisory board; imposing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Antelmo Ramirez Heat Safety Act.

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

CHAPTER 53. WORKPLACE HEAT SAFETY

Sec. 53.001. DEFINITIONS. In this chapter:

(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 heatstroke.

(5) "Heat safety expert" means an individual who:

(A) holds a certification or educational degree in environmental science, human physiology, medicine, occupational

1 safety, public health, or a related field; and

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

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

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

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

13 (1) two members who are heat safety experts;

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

16 (3) one member who is an employer;

17 (4) one member who is a representative of a nonprofit
18 organization engaged in worker safety issues; and

19 (5) one member who is a representative of construction
20 worker labor unions.

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

25 Sec. 53.004. HEAT ILLNESS PREVENTION STANDARDS. (a) The
26 commission by rule shall adopt heat illness prevention standards.
27 In adopting the standards, the commission shall give full

consideration to the recommendations the advisory board makes 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, as those standards and recommendations existed on January 1, 2025; and

(2) include:

(A) requirements for providing:

(i) drinking water;

(ii) access to nearby shade or climate-controlled environments, restrooms, and handwashing stations; and

(iii) rest periods;

(B) standards for effective emergency response procedures;

(C) standards for heat acclimatization;

(D) training on heat and workforce safety for employees and supervisors; and

(E) other related standards for protecting workers from heat illness.

Sec. 53.005. NOTICE TO EMPLOYEES. (a) Each employer shall post in a conspicuous place accessible to employees the notice the commission prescribes under Subsection (b) at:

(1) the employer's place of business; and

1 (2) if applicable, each worksite at which employees
2 perform job duties for the employer.

3 (b) The commission shall prescribe the form and content of
4 the employer notice required by Subsection (a) and make the notice
5 available on the commission's Internet website. The notice must:

6 (1) be in English, Spanish, Vietnamese, and any other
7 language the commission determines appropriate; and

8 (2) outline:

9 (A) the heat illness prevention standards the
10 commission adopts under this chapter; and

11 (B) employees' rights under this chapter.

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

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

21 (1) experiences heat illness in the workplace;

22 (2) reports to the employer an instance of heat
23 illness or a violation of this chapter or other applicable
24 standards;

25 (3) files a complaint with the commission related to a
26 violation of this chapter or rules adopted under this chapter;

27 (4) files an action related to a violation of this

1 chapter or rules adopted under this chapter; or

2 (5) testifies, assists, or participates in any manner
3 in an investigation, proceeding, or hearing under this chapter.

4 Sec. 53.008. ADMINISTRATIVE PENALTY. The commission shall
5 assess an administrative penalty in an amount that is not less than
6 \$1,000 against an employer for each violation of this chapter or a
7 rule adopted under this chapter. Each day a violation continues or
8 occurs is a separate violation for purposes of imposing a penalty.

9 SECTION 3. (a) As soon as practicable after the effective
10 date of this Act, but not later than January 1, 2026, the Texas
11 Workforce Commission shall appoint the advisory board members to
12 the heat illness prevention advisory board established under
13 Section 53.003, Labor Code, as added by this Act.

14 (b) Not later than April 1, 2026, the heat illness
15 prevention advisory board shall submit to the Texas Workforce
16 Commission the recommended workplace heat illness prevention
17 standards the board develops under Section 53.003(c), Labor Code,
18 as added by this Act.

19 (c) Not later than June 1, 2026, the Texas Workforce
20 Commission shall:

21 (1) adopt heat illness prevention standards as
22 required by Section 53.004, Labor Code, as added by this Act; and

23 (2) prescribe the employer notice required by Section
24 53.005, Labor Code, as added by this Act.

25 SECTION 4. An employer is not required to comply with
26 Chapter 53, Labor Code, as added by this Act, before June 1, 2026.

27 SECTION 5. The change in law made by this Act applies only

1 to an unlawful employment practice that occurs on or after June 1,
2 2026.

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect on the 91st day after the last day of the
8 legislative session.