

By: Walle

H.B. No. 3982

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain employers to provide heat safety training and protections to employees; providing an administrative penalty.

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

SECTION 1. This Act shall be known as the Worker Heat Illness, Injury, and Death Prevention Act.

SECTION 2. The legislature finds that:

(1) heat is the number one weather-related cause of death in the country, and in recent years the number of Texans who died due to heat-related illness has continued to grow, exceeding 500 deaths for which heat was the primary or a contributing cause of death in 2023 alone;

(2) exposure to heat is a clear occupational hazard for workers across many industries and can result in serious illness, injury, or death when appropriate preventative measures are not taken; and

(3) public agencies, medical facilities, and industries in this state do not have a systematic method for collecting accurate data on heat-related illnesses, injuries, and deaths experienced by Texans, leading to inaccurate records in which incidences of these illnesses, injuries, and deaths are underreported or misattributed to other causes.

SECTION 3. The purpose of this Act is to provide consistent

1 statewide regulation to protect workers from the long-standing and
2 rapidly worsening threat of heat-related hazards in the workplace
3 that result in the illness, injury, or death of hundreds of Texas
4 workers each year.

5 SECTION 4. Subtitle B, Title 2, Labor Code, is amended by
6 adding Chapter 53 to read as follows:

7 CHAPTER 53. WORKPLACE HEAT SAFETY PROTECTIONS

8 Sec. 53.001. DEFINITIONS. In this chapter:

9 (1) "Acclimatization" means the gradual process an
10 individual undergoes to adapt to higher levels of heat stress.

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

13 (3) "Employee," "employer," and "employment" have the
14 meanings assigned by Section [61.001](#).

15 (4) "Extreme heat" means a temperature with a heat
16 index at or above 80 degrees Fahrenheit.

17 (5) "Heat index" means a measure of how hot it feels
18 when relative humidity is combined with air temperature in the
19 location the individual is present.

20 (6) "Heat stress" means the net heat load to which an
21 individual is exposed at a given time, including exposure through:

22 (A) environmental factors such as ambient
23 temperatures and sun exposure;

24 (B) radiant heat sources, including equipment,
25 clothing, and materials; and

26 (C) physical exertion.

27 (7) "Heat-related illness" means any disorder or

1 negative health effect caused or directly exacerbated by an
2 individual's overexposure to heat and high levels of heat stress,
3 including heatstroke, heat exhaustion or fatigue, heat cramps, heat
4 rash, and heat syncope, fainting, and dehydration.

5 (8) "Rest break" means a paid break from work during
6 paid work hours. The term does not include a regular meal break an
7 employer provides to an employee.

8 (9) "Shade" means blockage of or protection from
9 direct sunlight offered by a structure or screen.

10 (10) "Shaded area" means a space with shade in which an
11 individual or group of individuals occupying the space may
12 comfortably sit or stand while being shielded from direct sunlight.

13 (11) "Supervisor" means an employee whose
14 responsibility is to oversee or direct the work activities of other
15 employees on behalf of an employer.

16 (12) "Work area" means the immediate space within a
17 worksite in which an employee performs work activities.

18 (13) "Worksite" means a building, structure, outdoor
19 property, or vehicle in or on which an employee performs work
20 activities.

21 Sec. 53.002. APPLICABILITY. (a) This chapter applies to
22 employers whose employees perform work activities during a period
23 of time that the heat index at the employees' worksite is at or
24 above 80 degrees Fahrenheit, regardless of the location of the
25 worksite or type of employment.

26 (b) This chapter does not apply to an employer whose
27 employees engage in emergency operations activities, including

disaster response or restoration of essential services, during the period of time the employees are engaged in those activities.

Sec. 53.003. REQUIRED EMPLOYER HEAT SAFETY TRAINING. (a) An employer shall provide heat safety training to all of the employer's employees, including supervisors.

(b) The training, including any related written materials, must be provided to each employee in a language and manner that the employee understands.

(c) The training may be provided through an individual course or a program of courses aimed at improving the ability of employees and employers to identify and mitigate hazards that contribute to heat-related illnesses, injuries, and deaths, including:

(1) recognizing the signs and symptoms of a heat-related illness; and

(2) taking basic preventative measures to decrease the risk of heat stress and heat-related illness, injury, or death.

(d) The training course or program may include instruction in cardiopulmonary resuscitation.

(e) The training required by Subsection (a) must cover:

(1) work and environmental conditions that cause or affect heat-related illnesses;

(2) personal risk factors that cause or affect heat-related illnesses;

(3) the concept and importance of, and methods for, acclimatization;

(4) the importance of frequent consumption of drinking

water and rest breaks in preventing heat-related illnesses;

(5) the different types of heat-related illnesses, signs and symptoms of heat-related illnesses, and the appropriate first aid and emergency response measures;

(6) the importance of and procedures for reporting to the employer an employee's signs and symptoms of a heat-related illness;

(7) the employer's personnel procedures, including the employer's emergency response plan under Section 53.009 and the requirements for complying with this chapter;

(8) basic first aid training; and

(9) methods and procedures for checking and verifying the heat index at a worksite.

(f) An employer shall provide the training required by Subsection (a) to:

(1) each new employee before the employee is first exposed to heat in the performance of the employee's work activities during a period of extreme heat; and

(2) all employees annually and immediately following any incidence of a heat-related illness, injury, or death at a worksite.

(g) An employer shall provide employees an opportunity to ask questions, provide feedback, and request additional instruction or clarification with respect to the training.

(h) An employer shall maintain records of each employee's most recent completion of the training for the duration of the employee's employment that includes:

1 (1) the employee's name;

2 (2) the name of the person who conducted the training;

3 (3) the date or dates the training was conducted; and

4 (4) a summary of the topics covered in the training.

5 (i) An employer shall, annually and immediately following
6 any incidence of heat-related illness, injury, or death at a
7 worksite, evaluate and if necessary make appropriate changes to the
8 training required by Subsection (a) and maintain a record of those
9 changes. On request, the employer shall make the records available
10 for examination and copying at no cost to:

11 (1) an employee;

12 (2) an employee's authorized representative,
13 including a collective bargaining representative; or

14 (3) the commission.

15 Sec. 53.004. NOTICE TO EMPLOYEES. An employer shall
16 display in a conspicuous place, accessible to employees at the
17 employees' worksite, a notice that describes the requirements of
18 this chapter. The notice must be provided in a language the
19 employees are able to understand.

20 Sec. 53.005. REST BREAKS. (a) An employer shall provide
21 paid rest breaks to the employer's employees.

22 (b) If an employee is exposed to a heat index at or above 80
23 but below 91 degrees Fahrenheit, the employee's rest break must
24 last at least 15 minutes for every four hours the employee works.

25 (c) If an employee is exposed to a heat index at or above 91
26 but below 103 degrees Fahrenheit, the employee's rest break must
27 last at least 15 minutes for every two hours the employee works.

1 (d) If an employee is exposed to a heat index at or above 103
2 degrees Fahrenheit, the employee's rest break must last at least 20
3 minutes for every hour the employee works.

4 (e) An employer may not require that an employee's rest
5 break be taken as part of an employee's separate meal break.

6 Sec. 53.006. SHADE. (a) An employer shall establish and
7 maintain at least one indoor or outdoor shaded area that is easily
8 accessible to employees and is:

9 (1) as close to an employee's work area as practicable;

10 (2) open and exposed to air or has mechanical
11 ventilation for cooling;

12 (3) of a sufficient size:

13 (A) for the number of employees using the area to
14 be able to sit or stand comfortably; and

15 (B) to accommodate the removal and storage of
16 employees' personal protective equipment; and

17 (4) available to employees throughout the duration of
18 the workday for use during rest breaks and when an employee is
19 experiencing symptoms of a heat-related illness.

20 (b) A tree may be used as a source of shade only if the
21 thickness and shape of the tree provides sufficient shade and
22 accommodates the number of employees needing shade.

23 (c) If an employer is unable to safely provide access to
24 shade due to the nature of the worksite, the employer must provide
25 alternative methods employees may use for cooling, such as
26 water-cooled garments, cooling vests, misting machines, or
27 battery-operated portable cooling devices or equipment.

1 Sec. 53.007. DRINKING WATER. (a) An employer shall ensure
2 that a sufficient supply of drinking water is immediately and
3 readily available at no cost to employees at all times during the
4 workday. Drinking water must be located in close proximity to
5 employees, and the employer shall provide employees ample
6 opportunities to drink the water.

7 (b) The drinking water supplied by the employer must be:

8 (1) safe potable water that is suitable to drink;

9 (2) stored in a clean closed container with a tap or
10 provided in a bottle with a sealable cap; and

11 (3) maintained at a cool or cold temperature that is at
12 or below 77 degrees Fahrenheit.

13 (c) For purposes of this section, a sufficient supply of
14 drinking water is an amount that enables each of the employer's
15 employees to consume 32 ounces of water for each hour the employee
16 works.

17 Sec. 53.008. HEAT ACCLIMATIZATION. (a) An employer shall
18 create and implement a plan for acclimatizing and maintaining the
19 acclimatization of:

20 (1) new employees;

21 (2) employees who worked in extreme heat at least once
22 during the previous month; and

23 (3) employees who are returning to a worksite and will
24 be exposed to extreme heat.

25 (b) The plan must provide to a new employee an
26 acclimatization period of at least seven days in which the
27 employee's exposure to extreme heat:

1 (1) is limited to 20 percent of the employee's first
2 day; and

3 (2) is increased each additional work day by not more
4 than 20 percent of the usual duration of the employee's work.

5 (c) The plan must provide to an employee described by
6 Subsection (a)(2) or (3) a three-day acclimatization period during
7 which the employee's exposure to extreme heat is limited to:

8 (1) 50 percent of the usual duration of the employee's
9 work on the first day;

10 (2) 60 percent of the usual duration of the employee's
11 work on the second day; and

12 (3) 80 percent of the usual duration of the employee's
13 work on the third day.

14 (d) The plan must ensure that each employee is closely
15 supervised during the first 14 days the employee is exposed to
16 extreme heat at the worksite by:

17 (1) pairing employees as safety partners for the
18 duration of the workday to monitor each other for signs of
19 heat-related illness; and

20 (2) prohibiting the employee from performing work
21 activities alone during extreme heat.

22 (e) The plan must take into consideration the needs of an
23 employee who the employer knows has an underlying health condition
24 that may be exacerbated by extreme heat.

25 Sec. 53.009. EMERGENCY RESPONSE PLAN. An employer shall
26 develop and implement an emergency response plan for instances when
27 an employee exhibits or reports signs of a heat-related illness.

1 The plan must include procedures that require:

2 (1) supervisors to periodically check and verify the
3 heat index at the worksite using information from the National
4 Weather Service or a similar professional weather service;

5 (2) the designation of a supervisor or employee
6 responsible for calling emergency services if an employee reports
7 or begins exhibiting any signs of a heat-related illness;

8 (3) all employees to be given notice that employees
9 may call emergency services if the designated supervisor or
10 employee under Subdivision (2) is not immediately available;

11 (4) employees to be paired as safety partners to
12 periodically monitor and observe each other to identify when a
13 partner is showing signs of a heat-related illness;

14 (5) employees to notify a supervisor when an employee
15 shows signs of a heat-related illness and supervisors to document
16 the employee's symptoms and the heat index at the time the symptoms
17 were reported; and

18 (6) supervisors to communicate to employees clear and
19 accurate information on preventing and responding to heat-related
20 illnesses during periods of extreme heat at the worksite.

21 Sec. 53.010. RETALIATION. An employer may not take
22 retaliatory personnel action or otherwise discriminate against an
23 employee because the employee:

24 (1) requests or takes a paid rest break or a water
25 break under Section 53.005 or 53.007;

26 (2) requests or accesses a shaded area under Section
27 53.006 or a sufficient supply of drinking water under Section

53.007;

(3) requests the applicable heat acclimatization period under Section 53.008;

(4) experiences heat-related illness or injury in the workplace;

(5) reports to the employer concerns about or an instance of any employee's heat-related illness or injury;

(6) seeks assistance from or intervention by the employer, local emergency services, or the state or federal government in connection with any employee's heat-related illness or injury or the employer's violation of this chapter;

(7) refuses to work based on the employee's reasonable belief that the employer violated the requirements of this chapter to prevent heat-related illness, injury, or death; or

(8) files a complaint with the commission alleging the employer's violation of this chapter.

Sec. 53.011. COMPLAINT; HEARING; PENALTY. (a) Any employee aggrieved by a violation of this chapter may file a complaint with the commission in the manner prescribed by Subchapter D, Chapter 61.

(b) On receipt of a complaint, the commission shall investigate and dispose of the complaint in the same manner as a wage claim under Subchapter D, Chapter 61.

(c) An employer who is found by the commission, by a preponderance of the evidence, to have violated Section 53.005, 53.006, 53.007, or 53.008 is liable to the commission for an administrative penalty for each violation.

1 (d) If the commission finds that an employer violated
2 Section 53.010, the commission shall award the employee all
3 appropriate relief, including rehiring or reinstatement to the
4 employee's previous job, payment of back wages, and reestablishment
5 of employee benefits for which the employee otherwise would have
6 been eligible if the employee had not been subject to a retaliatory
7 personnel action or other discrimination.

8 Sec. 53.012. COMMISSION INFORMATION AND OUTREACH. The
9 commission shall make available to the public on the commission's
10 Internet website:

11 (1) information regarding the requirements of and
12 rights and remedies under this chapter;

13 (2) guidance for employees and employers on best
14 practices for reducing heat-related illness, injury, and death; and

15 (3) guidance for employers on the requirements of this
16 chapter to provide employees with heat safety training.

17 SECTION 5. Not later than September 1, 2026, the
18 commissioner of workers' compensation shall adopt rules necessary
19 to implement Chapter 53, Labor Code, as added by this Act.

20 SECTION 6. An employer is not required to comply with
21 Chapter 53, Labor Code, as added by this Act, before September 1,
22 2026.

23 SECTION 7. The change in law made by this Act applies only
24 to a violation of Chapter 53, Labor Code, as added by this Act, that
25 occurs on or after September 1, 2026.

26 SECTION 8. This Act takes effect September 1, 2025.