

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).