

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 eighty (80) 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" shall 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 eighty (80) 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 ninety (90) degrees Fahrenheit, the  
7                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 pre-shift 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; and  
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).