



## 2023 ASSEMBLY BILL 901

January 4, 2024 - Introduced by Representatives J. ANDERSON, C. ANDERSON, BALDEH, CLANCY, EMERSON, HONG, MADISON, MOORE OMOKUNDE, NEUBAUER, OHNSTAD, PALMERI, SINICKI and SNODGRASS, cosponsored by Senators CARPENTER and L. JOHNSON. Referred to Committee on Health, Aging and Long-Term Care.

**AN ACT** *to create* 103.40 of the statutes; **relating to:** heat-related illness prevention.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Workforce Development to develop and implement a program to prevent heat-related illness in employees during periods of high heat. Under current law, employees engaged in certain types of employment (generally at factories or mercantile establishments) may not work or be allowed to work for periods that are dangerous to their health.

This bill requires the program established by DWD to include all of the following components: 1) the provision of cool drinking water to employees during periods of high heat, and paid time to drink the water; 2) the provision of shade in areas close to where employees are working and paid time to rest in the shade; 3) guidelines for administrative controls to prevent heat-related illness; and 4) requirements for air conditioning systems and mechanical ventilation systems in enclosed areas where employees work to reduce the heat index in an enclosed area to below 80 degrees Fahrenheit. Also under the bill, DWD may establish exceptions for certain businesses and types of work.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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**ASSEMBLY BILL 901**

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 103.40 of the statutes is created to read:

**103.40 Heat-related illness prevention. (1) DEFINITIONS.** In this section:

(a) “Administrative controls” means the scheduling of work hours to limit the time that employees work in high-heat conditions.

(b) “Air conditioning system” means a mechanical system that can reduce the heat index to 78 degrees Fahrenheit or below in an enclosed area.

(c) “Cool drinking water” means potable water that is suitable to drink and is 77 degrees Fahrenheit or below.

(d) “Heat index” means the apparent temperature felt by a human body when relative humidity is combined with the air temperature of an environment.

(e) “High heat” means a heat index over 80 degrees Fahrenheit.

(f) “Mechanical ventilation system” means a system that moves air through an enclosed area to provide ventilation.

**(2) HEAT-RELATED ILLNESS PREVENTION PROGRAM.** The department shall develop and implement a program to prevent illness to employees who are working in high-heat conditions. The program shall include at least all of the following:

(a) Standards for employers to provide cool drinking water to employees during periods of high heat and paid time to consume the water.

(b) Standards for employers to provide shade in areas close to where employees are working and paid time to rest in the shade.

(c) Guidelines for administrative controls to prevent heat-related illness in employees.

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(d) Standards for air conditioning systems and mechanical ventilation systems in enclosed areas where employees work to reduce the heat index in an enclosed area to below 80 degrees fahrenheit.

(3) DEPARTMENT TO ESTABLISH BY RULE. The department shall promulgate rules to implement the program under this section.

**SECTION 2. Nonstatutory provisions.**

(1) PROPOSED PERMANENT RULES. The department of workforce development shall submit in proposed form the rules required under s. 103.40 (4) to the legislative council staff under s. 227.15 (1) no later than the first day of the 4th month beginning after the effective date of this subsection.

(2) EMERGENCY RULES. The department of workforce development may promulgate emergency rules under s. 227.24 that are necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect for 2 years, or until the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)