

**ASSEMBLY BILL**

**No. 2264**

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**Introduced by Assembly Member Arambula**

February 8, 2024

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An act to add Section 6721.5 to the Labor Code, relating to private employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2264, as introduced, Arambula. Occupational safety and health: heat illness prevention certification.

Existing law establishes the Division of Occupational Safety and Health within the Department of Industrial Relations and sets forth its powers and duties, including jurisdiction over all employment and places of employment, with the power necessary to enforce and administer all occupational health and safety laws and standards.

Existing law, the California Occupational Safety and Health Act of 1973, requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of those provisions. Existing law requires the division to submit to the Occupational Safety and Health Standards Board a rulemaking proposal to consider revising, among other things, the Maria Isabel Vasquez Jimenez heat illness standard, as specified. Under existing law, certain knowing, negligent, or willful violations of safety and health standards are punishable as misdemeanors.

This bill would, commencing July 1, 2028, require an employee to obtain a heat illness prevention certification from the division within 30 days after the date of hire and to maintain a valid certification for the duration of their employment, as specified. The bill would require the division to develop and make accessible the heat illness prevention

certification process on its internet website by July 1, 2028, and to offer the certification process in English and in the five most used non-English languages.

This bill would require the certification process to include certain minimum requirements, including, among other things, that the training course include basic, introductory instruction on the elements of knowledge and heat illness prevention practices as described in the heat illness standard. The bill would require an employer to include the heat illness prevention certification process as part of its on-the-job training for employees, subject to specified requirements.

This bill would require an employer to consider the time that it takes for an employee to complete the training course and examination as compensable hours worked and to pay an employee for necessary expenditures or losses associated with the employee obtaining a heat illness prevention certification. The bill would prohibit an employer from conditioning employment on an applicant or employee having an existing valid heat illness prevention certification. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6721.5 is added to the Labor Code, to
- 2 read:
- 3 6721.5. (a) As used in this section:
- 4 (1) "Employee" means a person who is employed part time or
- 5 full time in any of the industries subject to the Maria Isabel
- 6 Vasquez Jimenez heat illness standard as set forth in Section 3395
- 7 of Title 8 of the California Code of Regulations.
- 8 (2) "Employer" means a person or entity that employs or
- 9 exercises control over the wages, hours, or working conditions of
- 10 an employee.

1 (3) “The five most used non-English languages in California”  
2 means the top five non-English languages used by  
3 limited-English-proficient adults in California, as determined by  
4 the most recent American Community Survey by the United States  
5 Census Bureau.

6 (b) (1) Commencing July 1, 2028, an employee shall obtain a  
7 heat illness prevention certification from the division within 30  
8 days after the date of hire. An employee shall maintain a valid heat  
9 illness prevention certification for the duration of their employment  
10 in any of the industries subject to the Maria Isabel Vasquez Jimenez  
11 heat illness standard.

12 (2) Heat illness prevention certifications shall be valid for three  
13 years from the date of issuance, regardless of whether an employee  
14 changes employers during that period.

15 (3) A valid heat illness prevention certification shall be  
16 recognized throughout the state.

17 (c) (1) The division shall develop and make accessible a heat  
18 illness prevention certification process on its internet website by  
19 July 1, 2028. The heat illness prevention certification process shall  
20 be offered in English and in the five most used non-English  
21 languages in California and shall include, at minimum, all of the  
22 following requirements:

23 (A) A heat illness prevention certification training course that  
24 includes basic, introductory instruction on the elements of  
25 knowledge and heat illness prevention practices described in  
26 Section 3395 of Title 8 of the California Code of Regulations and  
27 recommendations from nationally organized heat safety prevention  
28 organizations.

29 (B) A heat illness prevention certification examination that  
30 consists of at least 40 questions regarding the required subject  
31 matter.

32 (C) A minimum score of 70 percent on the examination is  
33 required to successfully complete the certification process.

34 (2) The division shall design the heat illness prevention  
35 certification process, including the training course and examination,  
36 designed to be completed within approximately one day.

37 (3) At least one heat illness prevention training course and  
38 examination shall cost no more than fifteen dollars (\$15), including  
39 a valid heat illness prevention certification. If a heat illness  
40 prevention training course and examination is not available at that

1 cost, the requirement to obtain a valid heat illness prevention  
2 certification imposed by this section shall not apply.

3 (4) The division may offer the heat illness prevention  
4 certification process through a trainer-led class and examination,  
5 through the use of a computer program or the internet, or through  
6 a combination of an in-person or a trainer-led class and the use of  
7 a computer program or the internet. The use of a computer program  
8 or the internet shall have sufficient security channels and  
9 procedures to guard against fraudulent activity. However, this  
10 paragraph shall not be construed to require the presence or  
11 participation of a proctor during a heat illness prevention  
12 certification course examination that is provided through a  
13 computer program or the internet.

14 (d) An employer shall include the heat illness prevention  
15 certification process as part of its on-the-job training for employees  
16 subject to the following requirements:

17 (1) The heat illness prevention certification process is provided  
18 to an employee during normal work hours, and at no cost to the  
19 employee.

20 (2) An employer shall maintain records documenting that each  
21 employee possesses a valid heat illness prevention certification,  
22 and shall provide those records to the local enforcement officer  
23 upon request.

24 (e) An employer shall consider the time that it takes for an  
25 employee to complete the training course and the examination as  
26 compensable “hours worked,” for which the employer shall pay  
27 and, pursuant to Section 2802, shall pay the employee for necessary  
28 expenditures or losses associated with the employee obtaining a  
29 heat illness prevention certification. An employer shall relieve an  
30 employee of all other work duties while the employee is taking  
31 the training course and examination.

32 (f) An employer shall not condition employment on an applicant  
33 or employee having an existing valid heat illness prevention  
34 certification.

35 SEC. 2. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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