

SENATE No. 3240

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, August 10, 2026.

The committee on Labor and Workforce Development, to whom was referred the petitions (accompanied by bill, Senate, No. 1355) of Liz Miranda, Mindy Domb and Jason M. Lewis for legislation to establish extreme temperature worker protections; and (accompanied by bill, Senate, No. 1357) of Mark C. Montigny and Jason M. Lewis for legislation to establish protections for workers in hot conditions, report the accompanying bill (Senate, No. 3240).

For the committee,
Jacob R. Oliveira

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An Act establishing protections for workers in extreme temperatures.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect workers in hot conditions and extreme temperatures;

Whereas, workers exposed to extreme heat or cold face significant risks of heat or cold stress that can cause serious illness, injury, or death; and

Whereas, thousands of workers become sick each year from temperature-related hazards, with new employees especially vulnerable; and

Whereas, employers are obligated under federal law to provide workplaces free of known hazards, including unsafe temperature conditions; and

Whereas, evaluating environmental factors and implementing protections such as rest breaks, adequate shade or warmth, drinking water, and training are necessary to prevent harm; and

Whereas, immediate action is needed to preserve the health and safety of workers;,
therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after chapter 149, section 203, the
2 following section:

3 Section 204:

4 Section 1. Definitions

(a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

1. "Employee" means any person providing labor or services within the scope of this article for remuneration for a private entity or business within the state, without regard to an individual's immigration status, and shall include, but not be limited to, private and public sector workers, part-time workers, App-based delivery drivers, independent contractors, day laborers, farmworkers, and other temporary and seasonal workers. The term shall also include individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual worksite, as well as any individual delivering goods or transporting people at, to or from the worksite on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer.

2. "Employer" means any individual, third-party delivery companies, partnership, association, corporation, limited liability company, business trust, legal representative, public entity, or any organized group acting as employer within the scope of this standard.

3. "Heat Index", means a measure that combines the temperature and humidity as defined by the U.S. National Oceanographic and Atmospheric Administration.

4. "Indoor worksite" means any enclosed work vehicles and any space between a floor and ceiling bound on all sides by walls except where noted in the definition of "outdoor worksite" below. A wall includes any door, window, retractable divider, garage door, or other physical barrier that is permanent, open or closed.

5. "Outdoor worksite" all employers with employees performing work in an outdoor environment or in structures, including but not limited to sheds, tents, or greenhouses, where

temperature is not controlled by heating or cooling devices including conditioning systems, heaters, fans or humidifiers. It does not include incidental outdoor exposure lasting fifteen minutes or less within any sixty-minute period.

6. "Outdoor temperature stress threshold" means a heat stress threshold of eighty or more degrees Fahrenheit and a cold threshold of sixty or below degrees Fahrenheit.

7. "Indoor temperature stress threshold" means a heat stress threshold of eighty or more degrees Fahrenheit and a cold threshold of sixty or below degrees Fahrenheit. In cases of offices, schools, or other indoor temperature regulated environments, the indoor temperature shall fall between 68.5 and 75 degrees when the outdoor temperature is below 55 degrees, and when the outdoor temperature is above 85 degrees, the indoor temperature shall fall between 75 and 80.5 degrees.

8. "Heat illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes, but is not limited to, heat cramps, heat exhaustion, heat syncope, and heat stroke.

9. "Cold illness" means a serious medical condition resulting from the body's inability to cope with cold temperatures, and includes, but is not limited to, trench foot, frostbite, hypothermia, and chilblains.

10. "Cold illness" means a serious medical condition resulting from the body's inability to cope with cold temperatures, and includes, but is not limited to, trench foot, frostbite, hypothermia, and chilblains.

11. “Personal protective equipment” or “PPE” means protective gear, uniforms, and clothing designed to withstand temperatures at or above heat-stress thresholds. When engineering controls or administrative controls cannot keep the temperature below 87°F, or below 82°F for employees wearing heat-restrictive clothing or working in high-radiant-heat areas, personal heat-protective equipment shall be used to minimize the risk of heat illness, unless the employer demonstrates such equipment is infeasible.

12. “Acclimatization” means the temporary, gradual physiological adaptation to working in hot environments. During this period, exposure should begin at no more than 20% of the usual duration of hot-environment work and increase by no more than 20% per day. Most workers acclimatize within seven to fourteen days.

13. “Administrative control” means a method of limiting exposure to hazards by adjusting work procedures, practices, or schedules. Effective administrative controls for minimizing the risk of heat or cold illness include, but are not limited to, acclimatizing employees, rotating staff, scheduling work to avoid peak heat or direct sunlight, using work or rest cycles, reducing work intensity or hours, and modifying required work clothing.

14. “Cool-down area” means an indoor or outdoor area that is blocked from direct sunlight and shielded from other high radiant heat sources and is either open to the air or provided with ventilation or cooling. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. A cool-down area does not include a location where: (A) Environmental risk factors defeat the purpose of allowing the body to cool; or (B) Employees are exposed to unsafe or unhealthy conditions; or (C) Employees are deterred or discouraged from accessing or using the cool-down area.

69 15. “Engineering control” means the use of substitution, isolation, ventilation, and
70 equipment modification to reduce exposure to heat illness related workplace hazards and job
71 tasks. This includes, but is not limited to, isolating hot processes or employees from heat sources;
72 providing air conditioning, cooling fans, mist fans, or evaporative coolers; using natural
73 ventilation when outdoor conditions are cooler; installing local exhaust ventilation; shielding
74 radiant heat sources; and insulating hot surfaces.

75 16. “Preventative cool-down rest” means a rest taken in a cool-down area to prevent
76 overheating.

77 17. “Temperature” means the temperature measured by a globe thermometer the globe
78 thermometer may not be shielded from direct exposure to radiant heat while the globe
79 temperature is being measured.

80 18. “Union representative” means a recognized or certified collective bargaining agent
81 representing a group of employees as defined in this section.

82 19. “Drinking water” means fresh, pure, cool, potable water under 75°F, provided free of
83 charge, including non-caffeinated electrolyte beverages.

84 20. “Heat wave” means a predicted high temperature at least 10°F above the average high
85 of the past five days.

86 21. “Cold wave” means a rapid temperature drop within 24 hours requiring substantial
87 additional protection including to agriculture, industry, commerce and social activities.

88 22. “Temperature hazard pay” means additional compensation equal to a 30% increase in
89 regular pay for employees who work in hot or cold conditions.

Section 2. Drinking Water, Shade, Cool-Down Requirements

(a) Drinking Water

Employees shall have access to potable drinking water that is fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working.

(b) Shade and Cool-Down Requirements

(1) When the heat index in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods with at least four square feet per resting employee, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the amount of shade present during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite.

i. Where feasible, work must be performed in the shade. When the temperature does not exceed eighty degrees Fahrenheit, the employer shall provide timely access to shade upon an employee's request.

ii. Access to shade shall not exceed the temperature of the worksite

(c) Preventative Cool-Down Rest

(1) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest,

(A) shall be monitored and asked if he or she is experiencing symptoms of heat illness and (B) shall not be ordered back to work until any signs or symptoms of heat illness have abated.

(2) Employees with pre-existing health conditions shall be closely monitored for signs of heat-related health impacts and shall be provided notice, sufficient additional recovery time, and leave when conditions indicate an elevated health risk.

Section 3. Temperature Protection Standards, Temperature Mitigation, Procedures

(a) Temperature Protection Standards.

(1) Heat-Specific Standard.

When employees work in outdoor or indoor environments where temperatures meet or exceed a heat-stress threshold of 80 degrees Fahrenheit, the employer must develop and implement a written heat-illness prevention program, which shall:

Identify work processes and external factors that increase heat-illness risk, including increased metabolic workload, radiant or conductive heat sources, humidity, reduced air movement, and use of protective equipment.

Provide and display a thermometer at all workplaces to monitor indoor, outdoor, and vehicle temperatures.

131 Identify and implement engineering and administrative controls before relying on
132 personal protective equipment.

133 Include education and training.

134 Include emergency response plans, procedures, and worksite contacts.

135 Be updated at least annually, and whenever major work conditions change or a
136 heat-related incident occurs.

137 (b) Access to Hydration.

138 Employers shall provide drinking water at no cost, located as close as practicable to the
139 work area. When water is not plumbed or continuously supplied, sufficient quantities shall be
140 provided at the start of each shift to allow each employee to consume at least one quart per hour.
141 Frequent drinking shall be encouraged.

142 (c) Rest.

143 The employer shall require and encourage preventative cool-down breaks of no less than
144 ten minutes, in addition to the time needed to access the cool-down area, as needed in the shade
145 for outdoor work or in a cooler indoor breakroom for indoor workers.

146 Employees shall be encouraged to remain in the cool-down area and shall not be ordered
147 back to work until any signs or symptoms of heat illness have been abated.

148 The preventative cool-down rest period required by this section may be provided
149 concurrently with any other meal or rest period required by policy, rule, or law if the timing of
150 the preventative cool-down rest period coincides with the otherwise-required meal or rest period.

Except when such a rest period coincides with an existing unpaid meal break, the preventative cool-down rest period is a work assignment and must be compensated accordingly.

(d) Personal Protective Equipment.

Employers shall provide necessary protective equipment at no cost to the employee and shall take into account risk factors for worker heat load due to wearing personal protective equipment, even in cold conditions.

(e) Access to Warmth.

A warm location for breaks shall be made available when the temperature is below sixty degrees Fahrenheit. When the outdoor temperature in the work area is below sixty degrees Fahrenheit, the employer shall maintain one or more areas with adequate warmth at all times while employees are present. The warm location shall be large enough to accommodate the number of employees on recovery or rest periods, with at least four square feet per resting employee, and shall be located as close as practicable to the areas where employees are working.

When the outdoor temperature in the work area is not below sixty degrees Fahrenheit, employers shall provide warmth pursuant to subparagraph (i) or provide timely access upon an employee's request. Employees shall be allowed and encouraged to take a preventative warm-up rest break when they feel the need to do so to protect themselves from cold stress.

(f) High-Heat Procedures.

The employer shall implement high-heat procedures when the temperature equals or exceeds ninety degrees Fahrenheit, or when a heat wave is experienced.

When the temperature equals or exceeds ninety degrees Fahrenheit, the employer shall ensure that the employee takes a minimum ten-minute preventative cool-down rest period every two hours. The preventative cool-down rest period required by this paragraph may be provided concurrently with any other meal or rest period required by Chapter 149, section 100, if the timing coincides with a required meal or rest period. Except when such a rest period coincides with an existing unpaid meal break, the preventative cool-down rest period is a work assignment and must be compensated accordingly.

When the temperature equals or exceeds one hundred degrees Fahrenheit, the employer shall ensure that the employee takes a minimum ten-minute preventative cool-down rest period every hour. The preventative cool-down rest period required by this section may be provided concurrently with any other meal or rest period required by Chapter 149, section 100, if the timing coincides with a required meal or rest period. Except when such a rest period coincides with an existing unpaid meal break, the preventative cool-down rest period is a work assignment and must be compensated accordingly.

(g) Cold-Wave Procedures.

The employer shall ensure that the employee takes a minimum ten-minute preventative warm-up rest period every two hours. The preventative warm-up rest period required by this paragraph may be provided concurrently with any other meal or rest period required by Chapter 149, section 100, if the timing coincides with the required meal or rest period. Except when such a rest period coincides with an existing unpaid meal break, the preventative warm-up rest period is a work assignment and must be compensated accordingly.

The employer shall ensure that if an employee's skin, clothing, or personal protective equipment becomes wet, the employee is immediately removed from the work area and taken to a warm-up area to have the wet clothing or PPE removed. The employee shall not return to work until dry or until wet items have been replaced.

Employers shall provide appropriate personal protective equipment to ensure that the ears, face, hands, and feet are protected during cold-wave conditions.

(h) Worker Acclimatization.

Employers shall provide time for acclimatization of new and returning employees.

New employees, and existing employees newly assigned to heat work or absent from heat work for more than seven days, shall work no more than twenty percent of their normal duration on the first day and shall gradually increase their work duration over a two-week period.

All employees shall be closely observed by a supervisor or designee during a heat wave. A heat wave shall automatically trigger provisions under high-heat procedures.

Section 4. Vehicles

(a) Vehicle Standards.

Employees who spend more than sixty minutes in vehicles each day, or whose worksite is considered a vehicle, shall have adequate air-conditioning available inside such vehicle, maintained according to the manufacturer's instructions, to keep temperatures below eighty degrees Fahrenheit.

211 Employers, including third-party delivery companies, shall provide mandatory cooling
212 and heating systems in all new vehicles.

213 Employees who operate a vehicle as part of their job duties shall be granted driving
214 breaks at reasonable intervals to prevent heat-related stress. Additional breaks shall be provided
215 for employees with preexisting medical conditions who face elevated heat-related health risks.
216 Such breaks shall allow employees to cool down safely outside the vehicle or in an adequately
217 climate-controlled environment and shall be compensated.

218 Employees, including subcontracted workers, shall be compensated for heating and
219 cooling in vehicles by third-party delivery companies, and shall receive temperature hazard pay
220 as applicable under this section.

221 Section 5. Medical Monitoring and Emergency Response

222 (a) Medical Monitoring.

223 Employers shall closely monitor temperatures using a globe thermometer and shall
224 implement their workplace heat-stress plan when temperatures exceed eighty degree fahrenheit.

225 Employees with preexisting health conditions shall be closely monitored for signs of
226 heat-related health impacts and shall be provided notice, sufficient additional recovery time, and
227 leave when conditions indicate an elevated health risk.

228 If an employee exhibits signs or reports symptoms of heat illness, the employer shall
229 immediately provide appropriate first aid or emergency response.

230 (b) Emergency Response Procedures.

Employers shall implement effective emergency response procedures for any stage of heat-related illness. Such procedures shall include communication protocols and clear, precise directions to work locations for transient, field, and solo workers.

Employers shall identify and communicate the appropriate onsite emergency contact for workers and supervisors, as well as the means for communicating with offsite supervisors and emergency medical personnel.

If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in an employee, the supervisor shall take immediate action.

Employers shall contact emergency medical services and, if necessary, shall transport employees to a location where they can be reached by an emergency medical provider.

Workers who require onsite first aid or emergency response, including removal from work due to heat-related illness, shall be considered on duty and shall receive full compensation, including any applicable temperature hazard pay.

SECTION 6. Communications, Education and Training

(a) Communications.

The employer shall ensure that effective communication by voice, observation, or electronic means is maintained so that employees at the worksite can contact a supervisor when necessary. An electronic device, such as a cellphone or text-messaging device, may be used for this purpose only when reception in the area is reliable.

250 The employer shall observe employees for alertness and for signs or symptoms of heat
251 illness. The employer shall ensure effective employee observation and monitoring by
252 implementing one or more of the following:

253 Supervisor or designee observation of twenty or fewer employees;

254 A mandatory buddy system;

255 Irregular communication with a sole employee, such as by radio or cellular phone; or

256 Other equally effective means.

257 (b) Education and Training.

258 The employer shall provide a free, effective training program to employees during
259 working hours that includes, at a minimum:

260 The risk factors, signs, and symptoms of cold stress and heat illness, and the necessary
261 medical responses.

262 Indoor and outdoor temperature-stress thresholds.

263 The employer's procedures to monitor temperature and humidity conditions, how
264 workers may participate in the monitoring process, and the procedures and appropriate contacts
265 for when conditions change.

266 The appropriate engineering and administrative control measures instituted to address
267 temperature and humidity conditions under this standard, including the importance of rest breaks.

The purpose, importance, and methods of acclimatization pursuant to the employer's procedures.

Examples of personal protective equipment, including hats, gloves, winter coats, cooling rags, ice vests, sunscreen, and similar equipment.

The importance and description of the additional physiological burden caused by personal protective equipment, how the employer will factor this burden into worker heat load, and the methods for properly donning and doffing PPE.

(c) Additional Education and Training Requirements.

Training shall include medical monitoring provisions and employee access to records.

Training shall include emergency response procedures, including communication procedures and appropriate contacts for workers and supervisors during each step of the response.

Training shall include the procedures and importance of workers and supervisors reporting acute and delayed-onset symptoms or illness to employers, together with clear notice that such reporting is free from retaliation.

Training shall be administered by the employer at the time of hiring and no less than annually for employees and supervisors. Training materials shall be appropriate in content and vocabulary to the educational level, literacy, and language of employees.

Training shall provide an opportunity for interactive questions and answers with a person knowledgeable in the subject matter as it relates to the workplace addressed by the training and who is knowledgeable in the employer's procedures.

(d) Retraining.

Refresher training shall be provided as needed to ensure continued effectiveness.

Employers are encouraged to repeat training as needed and to hold short tailgate meetings before each workday. Circumstances requiring retraining include, but are not limited to:

Prior to the onset of the anticipated hot or cold season;

When a heat or cold wave occurs.

Copies of the employer's written program shall be made available to employees, government officials, and employee representatives within one business day upon request, at no cost.

Section 7. Recordkeeping and Privacy

(a) Recordkeeping.

(1) Every employer shall collect and maintain data and records on all temperature-related illnesses and fatalities that occur at an outdoor or indoor worksite. Medical data collected for this purpose shall be kept confidential and maintained in a secured record accessible only to authorized personnel.

(2) Employers shall make such records available to any employee, government office, or employee representative within one business day upon request, at no cost.

(3) Every employer shall be subject to fines for failure to comply with mandatory recordkeeping and written-program requirements under this section.

308 Section 8. Anti-Retaliation and Liability

309 (a) Anti-Retaliation

310 Employers shall develop a clear system and designate appropriate points of contact for

311 workers to report hazardous working conditions and heat- or cold-related injury and illness.

312 Employers shall be considered in violation of this section if any employee is retaliated against or

313 discriminated against for raising concerns or reporting incidents, illness, or injury.

314 (b) In cases of disability or death resulting from temperature-related working conditions,

315 employers shall be liable for providing care, including, but not limited to, any associated medical

316 costs, funeral arrangements, and support to affected workers and their families.