

SENATE BILL 818

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By: **Senator Hershey**

Introduced and read first time: February 3, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **Maryland Occupational Safety and Health Act – Voluntary Protection Program**

3 FOR the purpose of establishing a certain Voluntary Protection Program in the Division of
4 Labor and Industry; requiring the Commissioner of Labor and Industry to recognize
5 certain employers under the Program; specifying the purpose of the Program;
6 requiring an employer who wishes to participate in the Program to submit a certain
7 application; requiring the Commissioner to establish the contents of the application
8 form as well as certain other documentation; authorizing the Commissioner to
9 conduct certain evaluations for certain purposes; providing that an employer's
10 continued participation in the Program is contingent on certain factors; exempting a
11 place of employment that participates in the Program from certain inspections to the
12 extent allowed under certain provisions of law, except under certain circumstances;
13 requiring the Commissioner to adopt certain regulations to implement the Program;
14 authorizing a certain place of employment to continue participation in the Program
15 under certain circumstances; defining a certain term; and generally relating to a
16 Voluntary Protection Program under the Maryland Occupational Safety and Health
17 Act.

18 BY adding to

19 Article – Labor and Employment

20 Section 5–1001 through 5–1004 to be under the new subtitle “Subtitle 10. Voluntary
21 Protection Program”

22 Annotated Code of Maryland

23 (2016 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Labor and Employment**

4 **SUBTITLE 10. VOLUNTARY PROTECTION PROGRAM.**

5 **5–1001.**

6 IN THIS SUBTITLE, “PROGRAM” MEANS THE VOLUNTARY PROTECTION
7 PROGRAM ESTABLISHED UNDER § 5–1002 OF THIS SUBTITLE.

8 **5–1002.**

9 (A) (1) THERE IS A VOLUNTARY PROTECTION PROGRAM IN THE
10 DIVISION OF LABOR AND INDUSTRY.

11 (2) UNDER THE PROGRAM, THE COMMISSIONER SHALL RECOGNIZE
12 EMPLOYERS WITH PLACES OF EMPLOYMENT IN WHICH AN EXEMPLARY,
13 VOLUNTARILY IMPLEMENTED WORKER SAFETY AND HEALTH MANAGEMENT SYSTEM
14 HAS BEEN IMPLEMENTED THAT EXCEEDS BASIC COMPLIANCE WITH OCCUPATIONAL
15 SAFETY AND HEALTH LAWS AND REGULATIONS.

16 (B) THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE PARTICIPATING
17 EMPLOYERS TO HAVE EXEMPLARY WORKER SAFETY AND HEALTH PROGRAMS.

18 (C) AN EMPLOYER WHO WISHES TO PARTICIPATE IN THE PROGRAM SHALL
19 SUBMIT AN APPLICATION TO THE COMMISSIONER FOR APPROVAL.

20 (D) THE COMMISSIONER SHALL ESTABLISH THE CONTENTS OF THE
21 APPLICATION FORM, AS WELL AS OTHER DOCUMENTATION THAT THE
22 COMMISSIONER MAY REQUIRE.

23 **5–1003.**

24 (A) IN EVALUATING AN EMPLOYER’S APPLICATION FOR PARTICIPATION IN
25 THE PROGRAM, THE COMMISSIONER MAY CONDUCT AN ON–SITE EVALUATION OF
26 THE EMPLOYER’S PLACE OF EMPLOYMENT.

27 (B) AFTER THE APPROVAL OF AN EMPLOYER’S APPLICATION FOR
28 PARTICIPATION, THE EMPLOYER’S CONTINUED PARTICIPATION IN THE PROGRAM IS
29 CONTINGENT ON THE EMPLOYER’S COMPLIANCE WITH THE REGULATIONS ADOPTED
30 BY THE COMMISSIONER UNDER § 5–1004 OF THIS SUBTITLE, AS DETERMINED BY
31 PERIODIC ON–SITE EVALUATIONS BY THE COMMISSIONER.

1 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, DURING
2 THE PERIOD IN WHICH THE EMPLOYER IS A PARTICIPANT IN THE PROGRAM, THE
3 EMPLOYER'S PLACE OF EMPLOYMENT IS EXEMPT FROM OCCUPATIONAL SAFETY AND
4 HEALTH INSPECTIONS CONDUCTED BY THE COMMISSIONER UNDER TITLE 5,
5 SUBTITLE 2 OF ~~THE LABOR AND EMPLOYMENT ARTICLE~~ THIS ARTICLE, TO THE
6 EXTENT ALLOWED BY FEDERAL LAW AND REGULATIONS.

7 (D) NOTWITHSTANDING AN EMPLOYER'S PARTICIPATION IN THE PROGRAM,
8 A PLACE OF EMPLOYMENT IS NOT EXEMPT FROM INSPECTIONS OR INVESTIGATIONS
9 THAT ARISE FROM COMPLAINTS, REFERRALS, CATASTROPHES, FATALITIES,
10 ACCIDENTS, OR SIGNIFICANT TOXIC CHEMICAL RELEASES.

11 **5-1004.**

12 (A) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THE
13 PROGRAM.

14 (B) THE REGULATIONS ADOPTED IN ACCORDANCE WITH SUBSECTION (A) OF
15 THIS SECTION SHALL INCLUDE REQUIREMENTS FOR:

16 (1) EVIDENCE OF SENIOR MANAGEMENT LEADERSHIP IN THE AREA
17 OF OCCUPATIONAL SAFETY AND HEALTH, ALONG WITH ACTIVE AND MEANINGFUL
18 EMPLOYEE INVOLVEMENT;

19 (2) COMPREHENSIVE HAZARD PREVENTION, MITIGATION, AND
20 CONTROL PROGRAMS;

21 (3) SYSTEMATIC ASSESSMENT OF OCCUPATIONAL HAZARDS;

22 (4) EMPLOYEE SAFETY AND HEALTH TRAINING; AND

23 (5) SAFETY AND HEALTH PROGRAM EVALUATION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That a place of employment
25 participating in the Voluntary Protection Program within the Division of Labor and
26 Industry on September 30, 2017, may continue its participation in the Voluntary Protection
27 Program administered under this Act without having to submit an application as required
28 under § 5-1002(c) of the Labor and Employment Article, as enacted by Section 1 of this Act,
29 or undergoing an on-site evaluation as required under § 5-1003(a) of the Labor and
30 Employment Article, as enacted by Section 1 of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2017.