

Chapter 609

(House Bill 176)

AN ACT concerning

~~Labor and Employment – Occupational Safety and Health – Revisions~~
~~¶Davis Martinez Public Employee Safety and Health Act¶~~

FOR the purpose of ~~requiring the Commissioner of Labor and Industry to appoint an Assistant Commissioner for Public Employees' Safety and Health for certain purposes;~~ requiring the Correctional Training Commission to adopt certain regulations for the training, issuance, and use of body-worn cameras; requiring each correctional unit to develop and maintain a certain written policy for the use of body-worn cameras by correctional officers, subject to a certain exception; establishing that it is lawful for a correctional officer to intercept certain communications by use of a body-worn camera under certain circumstances; establishing the Public Employees' Safety and Health Unit in the Division of Labor and Industry to administer and enforce certain provisions regarding the oversight of workplace safety and health of employees of certain public bodies; altering the Maryland Occupational Safety and Health Act as it applies to certain public bodies; repealing the prohibition on certain penalties being applied to public bodies; requiring the Attorney General to provide certain notices and prioritize certain requests for administrative warrants; requiring the revenues from certain civil penalties to be used for the Maryland Apprenticeship and Training Program; requiring the Commissioner of Labor and Industry, in consultation with the Occupational Safety and Health Advisory Board, to adopt regulations that protect employees of public bodies from workplace violence; *providing that certain penalties do not apply with respect to an elevator unit owned by a public body;* and generally relating to the ~~Maryland Occupational Safety and Health Act~~ public employee safety and health.

BY adding toArticle – Correctional ServicesSection 8–211Annotated Code of Maryland(2017 Replacement Volume and 2024 Supplement)BY repealing and reenacting, with amendments,Article – Courts and Judicial ProceedingsSection 10–402(c)(11)Annotated Code of Maryland(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section ~~2-104(b)~~, 5-101, 5-102, 5-104, ~~5-202~~, ~~5-202(b)(1)~~, ~~5-205(h)~~, 5-206, 5-207,
~~5-208~~, 5-211, 5-212, 5-308, ~~5-702~~, ~~5-804~~, ~~5-811~~, ~~5-702(a)~~, and 5-812

Annotated Code of Maryland

(2016 Replacement Volume and 2024 Supplement)

BY repealing

Article – Labor and Employment

Section 5-801

Annotated Code of Maryland

(2016 Replacement Volume and 2024 Supplement)

BY adding to

Article – Labor and Employment

Section 5-1301 and 5-1302 to be under the new subtitle “Subtitle 13. Standards for
Preventing Workplace Violence”

Annotated Code of Maryland

(2016 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12-804(b)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

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

Article – Correctional Services

8-211.

**(A) ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL ADOPT
REGULATIONS FOR THE TRAINING, ISSUANCE, AND USE OF A BODY-WORN CAMERA
BY A CORRECTIONAL OFFICER THAT ADDRESSES:**

**(1) THE TESTING OF BODY-WORN CAMERAS TO ENSURE ADEQUATE
FUNCTIONING;**

**(2) THE PROCEDURE FOR THE CORRECTIONAL OFFICER TO FOLLOW
IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING
THE CORRECTIONAL OFFICER’S SHIFT;**

(3) WHEN RECORDING IS MANDATORY;

(4) WHEN RECORDING IS PROHIBITED;

- (5) WHEN RECORDING IS DISCRETIONARY;
 - (6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;
 - (7) WHEN A RECORDING MAY BE ENDED;
 - (8) PROVIDING NOTICE OF RECORDING;
 - (9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;
 - (10) THE SECURE STORAGE OF DATA FROM A BODY-WORN CAMERA;
 - (11) REVIEW AND USE OF RECORDINGS;
 - (12) RETENTION OF RECORDINGS;
 - (13) DISSEMINATION AND RELEASE OF RECORDINGS;
 - (14) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;
 - (15) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND
 - (16) THE PROCEDURES FOR A CORRECTIONAL OFFICER TO FOLLOW IF THE CORRECTIONAL OFFICER REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC OUTSIDE AS PART OF THE CORRECTIONAL OFFICER'S OFFICIAL DUTIES.
- (B) ~~(1)~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH CORRECTIONAL UNIT SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.
- ~~(2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A MANDATORY SUBJECT OF COLLECTIVE BARGAINING WITH THE EMPLOYEE ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE.~~
- (C) (1) THIS SUBSECTION APPLIES ONLY TO A LOCAL CORRECTIONAL FACILITY.

(2) A LOCAL CORRECTIONAL FACILITY MAY NOT BE REQUIRED TO ADOPT THE USE OF BODY-WORN CAMERAS BY CORRECTIONAL OFFICERS.

(3) IF A LOCAL CORRECTIONAL FACILITY ADOPTS THE USE OF BODY-WORN CAMERAS, THE LOCAL CORRECTIONAL FACILITY SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.

Article – Courts and Judicial Proceedings

10–402.

(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body–worn digital recording device” means a device worn on the person of a law enforcement officer OR A CORRECTIONAL OFFICER that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4–109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer OR A CORRECTIONAL OFFICER in the course of the officer’s regular duty to intercept an oral communication with a body–worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer OR CORRECTIONAL OFFICER is in uniform or prominently displaying the officer’s badge or other insignia;

2. The law enforcement officer OR CORRECTIONAL OFFICER is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article OR § 8–211 OF THE CORRECTIONAL SERVICES ARTICLE for the use of body–worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer OR CORRECTIONAL OFFICER is a party to the oral communication;

4. Law enforcement OR THE CORRECTIONAL OFFICER notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.

Article – Labor and Employment

~~2-104.~~

~~(b) (1) The Commissioner shall appoint an Assistant Commissioner for Occupational Safety and Health AND AN ASSISTANT COMMISSIONER FOR PUBLIC EMPLOYEES' SAFETY AND HEALTH, subject to the approval of the Secretary.~~

~~(2) The [Assistant Commissioner is] ASSISTANT COMMISSIONERS ARE in the management service in the State Personnel Management System and serves at the pleasure of the Commissioner.~~

~~(3) The [Assistant Commissioner is] ASSISTANT COMMISSIONERS ARE entitled to the salary provided in the State budget.~~

5-101.

(a) In this title the following words have the meanings indicated.

(b) “Commissioner” means the Commissioner of Labor and Industry.

(c) (1) “Employee” means, except as provided in § 5-401 of this title, an individual whom an employer employs, for a wage or other compensation, in the business of the employer.

(2) “Employee” includes:

(i) an individual whom a [governmental unit] **PUBLIC BODY** employs;

(ii) an individual who is licensed as a taxicab driver and leases or rents a taxicab from a person who operates or owns a taxicab business in Baltimore City;

(iii) an individual who is employed for part-time or temporary help by a [governmental unit] **PUBLIC BODY** or person who engages in a business that directly employs individuals to provide part-time or temporary help to another [governmental unit] **PUBLIC BODY** or person; and

(iv) an individual who performs work for a [governmental unit] **PUBLIC BODY** or person to whom the individual is provided by another [governmental unit] **PUBLIC BODY** or person who engages in a business that directly employs individuals to provide part-time or temporary help.

(d) (1) “Employer” means:

(i) except as provided in § 5–401 of this title, a person who is engaged in commerce, industry, trade, or other business in the State and employs at least one employee in that business; or

(ii) a public body.

(2) “Employer” includes:

(i) a person who operates or owns a taxicab business in Baltimore City and leases or rents a taxicab to a licensed taxicab driver, to provide services to the public;

(ii) a ~~governmental unit~~ **PUBLIC BODY** or person who engages in a business that directly employs individuals to provide part-time or temporary help to another ~~governmental unit~~ **PUBLIC BODY** or person; and

(iii) a ~~governmental unit~~ **PUBLIC BODY** or person who contracts directly with another ~~governmental unit~~ **PUBLIC BODY** or person who engages in a business that directly employs individuals to provide part-time or temporary help to another ~~governmental unit~~ **PUBLIC BODY** or person.

(e) ~~(1) “FIELDWORK LOCATION” MEANS A PLACE WHERE AN EMPLOYEE OF A PUBLIC BODY GOES TO CONDUCT WORK ON BEHALF OF THE PUBLIC BODY THAT IS AWAY FROM A FACILITY THAT IS RENTED, LEASED, OR OWNED BY A PUBLIC BODY.~~

~~(2) “FIELDWORK LOCATION” INCLUDES A DRIVING ROUTE THAT AN EMPLOYEE REGULARLY TRAVELS IN THE PERFORMANCE OF DUTIES FOR THE PUBLIC BODY.~~

~~(F)~~ “Occupational safety and health standard” means a regulation that requires:

(1) a condition that is reasonably appropriate or necessary to make employment and places of employment safe and healthful; or

(2) the adoption or use of a means, method, operation, practice, or process that is reasonably appropriate or necessary to make employment and places of employment safe and healthful.

~~[(f)] (c)~~ “Person” includes a successor.

~~[(g)] (H)~~ ~~(1)~~ “Place of employment” means a place in or about which an employee is allowed to work.

~~(2)~~ ~~“PLACE OF EMPLOYMENT” INCLUDES:~~

~~(I) A FACILITY THAT IS RENTED, LEASED, OR OWNED BY A PUBLIC BODY; AND~~

~~(II) A FIELDWORK LOCATION.~~

~~[(h)] (I)~~ “Public body” means:

- (1) a governmental unit;
- (2) a public or quasi-public corporation of the State;
- (3) a school district in the State or any unit of the district; or
- (4) a special district in the State or any unit of the district.

~~(J)~~ **(I) (1) “WORKPLACE VIOLENCE” MEANS AN ACT OF VIOLENCE OR A THREAT OF VIOLENCE THAT OCCURS AT A PLACE OF EMPLOYMENT AND THAT IS NOT A LAWFUL ACT OF SELF-DEFENSE OR DEFENSE OF ANOTHER PERSON.**

(2) “WORKPLACE VIOLENCE” INCLUDES, REGARDLESS OF WHETHER THE EMPLOYEE IS PHYSICALLY OR PSYCHOLOGICALLY INJURED:

(I) USING OR THREATENING TO USE PHYSICAL FORCE AGAINST AN EMPLOYEE; OR

(II) AN INCIDENT INVOLVING THE USE OF OR THREATENING THE USE OF A FIREARM OR OTHER DANGEROUS WEAPON.

5-102.

(a) The General Assembly finds that:

(1) personal injuries and illnesses that arise out of conditions of employment substantially burden employers and employees in terms of lost production, medical expenses, disability compensation payments, and lost wages; [and]

(2) the prevention of these injuries and illnesses is in the best interest and welfare of the people and the State; AND

(3) PUBLIC BODIES SHOULD BE LEADERS IN CREATING AND MAINTAINING SAFE AND HEALTHY WORKPLACES.

(b) The purposes of this title are to ensure, to the extent practicable, that each working [man and woman] **INDIVIDUAL** in the State has working conditions that are safe and healthful and to preserve human resources by:

(1) providing that employers and employees have separate but dependent responsibilities and rights with respect to making working conditions safe and healthful;

(2) providing for the development and adoption of occupational safety and health standards, **INCLUDING STANDARDS THAT ADDRESS WORKPLACE VIOLENCE**;

(3) providing for training and other education of personnel so that occupational safety and health standards are administered fairly and efficiently;

(4) providing an effective compliance and enforcement program under this title;

(5) encouraging employers and employees to:

(i) reduce the number of occupational health and safety hazards at their places of employment; and

(ii) create or improve programs to make working conditions safe and healthful;

(6) encouraging joint efforts of labor and management to reduce diseases and injuries that arise out of employment;

(7) building on advances already made through the initiatives of employers and employees to make working conditions safe and healthful;

(8) developing innovative approaches, methods, and techniques to deal with occupational safety and health problems;

(9) providing for research in the field of occupational safety and health;

(10) conducting research on occupational health problems, including research to:

(i) identify causal connections between diseases and work in environmental conditions; and

(ii) explore ways to discover latent diseases;

(11) providing medical criteria to ensure, to the extent practicable, that work does not diminish the functional capacity, health, or life expectancy of an employee;

(12) providing for reporting procedures on occupational safety and health that are appropriate to help to achieve the purposes of this title and to describe accurately the nature of occupational safety and health problems;

(13) providing for the dissemination of information about health and safety hazards posed by toxic and hazardous substances to which workers are exposed;

(14) requiring employers to educate employees who work with hazardous substances about the hazards of the substances and about safe procedures;

(15) requiring employers to give information to ~~governmental units~~ **PUBLIC BODIES** that are charged with fire protection, to protect the health and safety of firefighters and the public; [and]

(16) providing information and incentives for employers and employees to make ridesharing arrangements; AND

(17) MAKING WORKPLACES OF PUBLIC BODIES SAFER AND MORE HEALTHFUL BY REQUIRING:

(I) PUBLIC BODIES TO CREATE OR IMPROVE PROGRAMS AND PLANS RELATED TO WORKPLACE VIOLENCE;

(II) THAT WORKPLACES OF PUBLIC BODIES BE INSPECTED REGULARLY; AND

(III) THAT WORKPLACES OF PUBLIC BODIES BE MAINTAINED SO THAT:

~~**1. RESIDENTS AND THOSE SERVED BY PUBLIC BODIES ARE SAFE AND HEALTHY; AND**~~

~~**2. EMPLOYEES ARE PROVIDED PLACES OF EMPLOYMENT THAT ARE SAFE, HEALTHY, AND PRODUCTIVE OVER THE COURSE OF THEIR CAREERS.**~~

5-104.

(a) Each employer shall provide each employee of the employer with employment and a place of employment that are:

(1) safe and healthful; and

(2) free from each recognized hazard that is causing or likely to cause death or serious physical harm to the employee.

(b) (1) Each employer shall comply with this title, each applicable regulation that the Commissioner adopts to carry out this title, and each applicable order that the Commissioner passes under this title.

(2) Each employee shall comply with this title and, when applicable to the employee's actions and conduct in the course of employment, each regulation that the Commissioner passes under this title.

(c) (1) Each employer shall keep its employees informed of their protections and duties under this title, including each applicable occupational safety and health standard, by:

[(1)] (I) posting notice where notices to employees normally are posted;
or

[(2)] (II) using other appropriate means.

(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, EACH PUBLIC BODY ANNUALLY SHALL ~~SEND BY E-MAIL~~ MAKE AVAILABLE TO EACH OF ITS EMPLOYEES A COPY OF:

(I) THE REPORT ISSUED BY THE ~~ASSISTANT~~ COMMISSIONER ~~FOR PUBLIC EMPLOYEES' SAFETY AND HEALTH~~ UNDER § 5-206(F) OF THIS TITLE; AND

(II) CITATIONS ISSUED BY THE COMMISSIONER TO THE PUBLIC BODY IN THE IMMEDIATELY PRECEDING YEAR, IF ANY.

5-202.

~~(a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE Commissioner may delegate to the [assistant commissioner] ASSISTANT COMMISSIONER for [occupational safety] OCCUPATIONAL SAFETY and [health] HEALTH any duty or function of the Commissioner under this title.~~

~~(2) THE COMMISSIONER SHALL DELEGATE TO THE ASSISTANT COMMISSIONER FOR PUBLIC EMPLOYEES' SAFETY AND HEALTH ANY DUTY OR FUNCTION RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF THIS TITLE WITH RESPECT TO PUBLIC BODIES.~~

(b) (1) The Commissioner may enter into a written agreement with a ~~governmental unit~~ **PUBLIC BODY** to delegate any power of inspection under this title.

~~(2) An agreement under this subsection shall:~~

~~(i) specify the procedure to be used in an inspection under the agreement;~~

~~(ii) enable the Commissioner to monitor an inspection power under the agreement; and~~

~~(iii) enable the Commissioner to revoke the agreement at any time.~~

5-205.

(h) With the consent of a [governmental unit] **PUBLIC BODY**, the Commissioner may use an employee, facility, or service of the [governmental unit] **PUBLIC BODY**, with or without reimbursement, to help the Commissioner carry out a function under this title.

5-206.

(A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “ASSISTANT COMMISSIONER” MEANS THE ASSISTANT COMMISSIONER FOR PUBLIC EMPLOYEES’ SAFETY AND HEALTH.~~

~~(3),~~ “UNIT” MEANS THE PUBLIC EMPLOYEES’ SAFETY AND HEALTH UNIT.

(B) THERE IS A PUBLIC EMPLOYEES’ SAFETY AND HEALTH UNIT IN THE DIVISION OF LABOR AND INDUSTRY.

(C) ~~THE ASSISTANT~~ COMMISSIONER SHALL BE THE HEAD OF THE UNIT.

~~[(a)] (D) The **ASSISTANT** Commissioner shall, ~~SUBJECT TO THE APPROVAL OF THE COMMISSIONER,~~ provide for and maintain a comprehensive and effective program on occupational safety and health for employees of public bodies **THAT IS ADMINISTERED AND ENFORCED BY THE UNIT.**~~

~~[(b)] (E)~~ The program under this section shall:

(1) be generally consistent with this title; [and]

(2) require each public body to:

(i) provide conditions and places of employment that are safe and healthful;

(ii) develop, conduct, and maintain in each unit of the public body a program of self-inspection that the ~~ASSISTANT~~ Commissioner approves **AND MONITORS**;

(iii) keep and make available to the ~~ASSISTANT~~ Commissioner each record that the Commissioner requires under this title and for development of information about occupational accidents, illnesses, and injuries, to allow proper evaluation and necessary corrective action; and

(iv) submit each report that the Commissioner requires; **AND**

(3) IN ADDITION TO A SELF-INSPECTION REQUIRED UNDER ITEM (2)(II) OF THIS SUBSECTION, INCLUDE AN INSPECTION PROGRAM DEVELOPED, CONDUCTED, AND MAINTAINED BY THE UNIT THAT:

~~(I) REQUIRES THE UNIT TO ROUTINELY INSPECT THE WORKPLACES OF PUBLIC BODIES, INCLUDING FIELDWORK LOCATIONS;~~

~~(II) PRIORITIZES WORKPLACES AND OCCUPATIONS THAT PRODUCE THE MOST COMPLAINTS AND CITATIONS;~~

~~(III) INCLUDES RANDOM INSPECTIONS THAT OCCUR WITHOUT NOTICE TO THE PUBLIC BODY THAT OWNS OR OPERATES THE WORKPLACE;~~

~~(IV) ASSESSES THE FIELDWORK LOCATIONS AND CIRCUMSTANCES OF EMPLOYEES OF PUBLIC BODIES WHO DO NOT WORK IN A TRADITIONAL WORKPLACE BUT INSTEAD WORK AT VARYING ASSIGNED FIELDWORK LOCATIONS; AND~~

~~(V) OTHERWISE COMPLIES WITH THE INSPECTION REQUIREMENTS OF § 5-208 OF THIS SUBTITLE.~~

[(c) The Commissioner shall monitor the program of each public body for self-inspection.

(d) The penalties under Subtitle 8 of this title do not apply to a public body.]

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1 EACH YEAR THE ~~ASSISTANT~~ COMMISSIONER SHALL PUBLISH ONLINE A WRITTEN REPORT ON SAFETY AND HEALTH IN PUBLIC BODIES.

(2) THE REPORT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A SUMMARY OF THE WORK AND FINDINGS OF THE UNIT;

(II) A SUMMARY OF ANY NEW REGULATIONS ADOPTED DURING THE IMMEDIATELY PRECEDING YEAR;

(III) A SUMMARY OF TRENDING SAFETY AND HEALTH ISSUES RELATED TO EMPLOYEES OF PUBLIC BODIES; AND

(IV) A LIST OF ANY:

1. HAZARDOUS WORKPLACE CIRCUMSTANCES FOUND AT THE WORKPLACES OF PUBLIC BODIES DURING THE IMMEDIATELY PRECEDING YEAR; AND

2. CITATIONS ISSUED TO PUBLIC BODIES DURING THE IMMEDIATELY PRECEDING YEAR.

(3) ON OR BEFORE JULY 1 EACH YEAR, THE COMMISSIONER SHALL SUBMIT THE REPORT REQUIRED TO BE PUBLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

(G) THIS SECTION DOES NOT LIMIT OR PRECLUDE THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER FROM INSPECTING A PUBLIC BODY IN ACCORDANCE WITH ANY OTHER PROVISION UNDER THIS TITLE.

5-207.

(A) On request of the Commissioner, the Attorney General may proceed in a State or federal court or before any other federal unit:

(1) to enforce a decision of the Commissioner under this title;

(2) subject to § 3-302 of the State Finance and Procurement Article, to collect a civil penalty that is assessed by order of the Commissioner under this title; or

(3) to enforce any other order of the Commissioner under this title.

(B) IF THE REQUEST UNDER SUBSECTION (A) OF THIS SECTION CONCERNS A PUBLIC BODY, THE ATTORNEY GENERAL SHALL:

(1) PROVIDE NOTICE OF THE REQUEST TO ALL AFFECTED EMPLOYEES OF THE PUBLIC BODY AND ANY EMPLOYEE REPRESENTATIVES; AND

(2) PROVIDE NOTICE OF THE REQUEST TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES.

~~5-208.~~

~~(a) The Commissioner or authorized representative of the Commissioner may enter a place of employment where work is performed, without delay at any reasonable time, to:~~

~~(1) inspect the place of employment;~~

~~(2) investigate all pertinent apparatus, conditions, devices, equipment, materials, [and] structures, AND VEHICLES at the place of employment; and~~

~~(3) question privately an agent, employee, or employer.~~

~~(b) (1) Subject to any regulation that the Commissioner adopts to carry out this title, a representative chosen by employees and a representative of the employer shall be given an opportunity to accompany the Commissioner or an authorized representative of the Commissioner during an inspection under this subtitle.~~

~~(2) If there is no authorized employee representative, the Commissioner shall consult with a reasonable number of employees about safety and health in the place of employment.~~

~~(c) (1) Before or during an inspection, an employee or authorized representative of employees in a place of employment or authorized representative of the Commissioner may give the Commissioner written notice of any violation of this title that the employee or representative has reason to believe exists at the place of employment of the employee.~~

~~(2) The Commissioner shall set, by regulation, procedures for informal review of any refusal to issue a citation on the basis of notice under this subsection.~~

~~(3) If an employee or authorized representative of employees asks for informal review under this subsection, the Commissioner shall give the employee or representative a written statement of the reasons for the final disposition.~~

~~(D) THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER MAY:~~

~~(1) ACCOMPANY AND FOLLOW AN EMPLOYEE OF A PUBLIC BODY TO ANY FIELDWORK LOCATIONS WHERE THE EMPLOYEE IS CONDUCTING WORK ON BEHALF OF THE PUBLIC BODY; AND~~

~~(2) ENTER ANY FIELDWORK LOCATIONS THAT THE EMPLOYEE OF A PUBLIC BODY HAS CAUSE TO ENTER WHILE ACCOMPANYING THE EMPLOYEE.~~

5-211.

(a) Whenever an individual who is authorized to inspect property in the State is denied access after the individual makes a proper request to the owner, lessee, or other person in charge of the property, the individual may apply to the District Court for an administrative search warrant under this section.

(b) Each application under this section shall:

(1) state the nature, purpose, and scope of the inspection; and

(2) show that:

(i) the applicant:

1. is authorized by law to inspect the property to which access was denied; and

2. requested access at a reasonable time;

(ii) access was denied; and

(iii) the inspection is for a purpose related to safety or health.

(c) (1) An application may not be submitted to the District Court unless approved by the Attorney General.

~~(2) IF THE ASSISTANT COMMISSIONER OF PUBLIC EMPLOYEES' SAFETY AND HEALTH OR AN AUTHORIZED REPRESENTATIVE OF THE ASSISTANT COMMISSIONER APPLIES FOR AN ADMINISTRATIVE SEARCH WARRANT UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL SHALL PRIORITIZE AND EXPEDITE REVIEW OF THE APPLICATION.~~

(d) On application in accordance with this section, the District Court may issue an administrative search warrant.

5-212.

(a) (1) Except as provided in paragraph (2) of this subsection, if after an inspection or investigation, the Commissioner or authorized representative of the Commissioner is of the opinion that an employer has violated a duty under this title or an order passed under this title or an occupational safety and health standard or other regulation adopted to carry out this title, the Commissioner or authorized representative shall issue a citation to the employer with reasonable promptness, not to exceed the earlier of 90 days from the date of the closing conference on the inspection or investigation or 6 months from the occurrence of the violation.

(2) If the incident investigated by the Commissioner involves a fatality or serious physical harm, the Commissioner shall issue a citation with reasonable promptness, not to exceed 6 months from occurrence of the violation.

(3) If an employer to whom a citation is issued is a unit of the State government, the Commissioner or authorized representative shall send a copy of the citation to the secretary of the principal department to which the unit is assigned or, if the unit is not part of a principal department, the head of the unit.

(4) IF AN EMPLOYER TO WHOM A CITATION IS ISSUED IS A PUBLIC BODY OTHER THAN A UNIT OF THE STATE GOVERNMENT, THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE SHALL SEND A COPY OF THE CITATION TO THE CHIEF EXECUTIVE OFFICER OF THE PUBLIC BODY AND ANY LEGISLATIVE BODY THAT HAS OVERSIGHT OF THE PUBLIC BODY.

(b) Each citation under this section shall:

(1) be in writing;

(2) describe, with particularity, the nature of the alleged violation;

(3) reference the provision of this title, order, or occupational safety and health standard or other regulation that the employer is alleged to have violated; and

(4) set a reasonable period for abatement and correction of the alleged violation.

(c) (1) In accordance with any regulation that the Commissioner adopts to carry out this title, an employer who is issued a citation shall post the citation or a copy of it conspicuously at or near each place where the citation alleges a violation occurred.

(2) IN ADDITION TO THE POSTING REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PUBLIC BODY THAT IS ISSUED A CITATION SHALL ~~SEND BY E-MAIL~~ MAKE AVAILABLE A COPY OF THE CITATION TO ALL AFFECTED EMPLOYEES.

(d) The Commissioner may establish, by regulation, procedures for issuance of a notice instead of a citation for a de minimis violation that has no direct or immediate relationship to safety or health.

~~(E) (1) IF A PUBLIC BODY, AFTER RECEIVING NOTICE FROM THE COMMISSIONER, DOES NOT COMPLY WITH THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION, THE PUBLIC BODY IS SUBJECT TO A CIVIL PENALTY OF \$500 PER DAY FOR EACH DAY DURING A 30 DAY PERIOD THAT THE PUBLIC BODY IS NOT IN COMPLIANCE.~~

~~(2) A CIVIL PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCREASE TO \$1,000 FOR EACH DAY, BEGINNING ON THE 31ST DAY, THAT THE PUBLIC BODY IS NOT IN COMPLIANCE.~~

5-308.

(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall advise, consult with, propose, and recommend to the Commissioner reasonable regulations:

(1) to prevent conditions that are detrimental to safety and health in each employment or place of employment in the State; and

(2) that the Board finds are necessary to protect and to improve the safety and health of employees on the basis of circumstantial evidence and information that:

(i) is developed by the Commissioner;

(ii) is available to the Commissioner; or

(iii) is submitted by an interested person to the Board at a public hearing held under § 5-310(d) of this subtitle.

(B) TO CARRY OUT THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION WITH RESPECT TO PUBLIC BODIES, THE BOARD SHALL:

(1) GIVE SPECIFIC CONSIDERATION TO THE WORKPLACE CONDITIONS AND SAFETY AND HEALTH CONCERNS OF EMPLOYEES; AND

(2) RECOMMEND HIGHER STANDARDS, IF WARRANTED.

5-702.

(a) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Commissioner may require, by regulation, that an employer keep:

[(1)] (I) an accurate record of:

[(i)] 1. each work-related death;

[(ii)] 2. each work-related illness; and

[(iii)] 3. each work-related injury other than a minor injury that requires only first aid treatment and does not involve loss of consciousness, medical treatment, restriction of motion or work, or transfer to another job; and

[(2)] (II) each other record about an activity of the employer under this title that the Commissioner considers appropriate or necessary to develop information about the causes and prevention of occupational accidents, illnesses, and injuries.

(2) ~~(I)~~ THE COMMISSIONER SHALL REQUIRE BY REGULATION THAT EACH PUBLIC BODY KEEP AN ACCURATE RECORD OF THE INFORMATION DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(II) EACH PUBLIC BODY SHALL SUBMIT TO THE COMMISSIONER A QUARTERLY REPORT OF THE RECORDS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE FORM AND MANNER THE COMMISSIONER REQUIRES.~~

~~(b) Each employer shall make available to the Commissioner each record that the employer is required to keep under subsection [(a)(2)] (A)(1)(II) of this section.~~

~~(c) An employer shall report orally to the Commissioner an employment accident within 8 hours after it occurs if the accident results in:~~

~~(1) the death of an employee; or~~

~~(2) hospitalization of at least three employees.~~

[5-801.

The penalties in this subtitle do not apply to a public body.]

~~5-804.~~

~~(a) A person may not knowingly make a false certification, false representation, or false statement in an application, plan, record, report, or other document that is filed or required to be kept under this title.~~

~~(b) A person who violates any provision of subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both.~~

~~(c) (1) A PERSON WHO HOLDS POLITICAL OFFICE IN THE STATE, WHETHER ELECTED OR APPOINTED, OR ANY OTHER POSITION OF PROFIT OR TRUST IN THE GOVERNMENT OF OR IN THE ADMINISTRATION OF THE BUSINESS OF THE STATE OR ANY COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION THAT VIOLATES ANY PROVISION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

~~(2) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE IMPOSED FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SUBSECTION.~~

~~5-811.~~

~~(a) (1) If a civil penalty that is assessed under this title is not paid in full within 30 days after the penalty becomes final, the Commissioner or the Central Collection Unit may proceed in the District Court to enforce payment.~~

~~(2) IF A CIVIL PENALTY THAT IS ASSESSED AGAINST A PUBLIC BODY UNDER THIS TITLE IS NOT PAID IN FULL:~~

~~(i) WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL, THE COMMISSIONER SHALL NOTIFY THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES OF THE UNDERLYING VIOLATION, THE PENALTY ASSESSED, AND THE PUBLIC BODY'S FAILURE TO PAY THE PENALTY; AND~~

~~(ii) WITHIN 75 DAYS AFTER THE PENALTY BECOMES FINAL, THE COMMISSIONER MAY INCREASE THE PENALTY BY UP TO FIVE TIMES THE INITIAL PENALTY AMOUNT.~~

~~(b) In a proceeding under this subsection, the Commissioner or the Central Collection Unit is entitled to judgment in the amount of the civil penalty that remains unpaid on a showing that:~~

- ~~(1) the penalty was assessed against the defendant;~~
- ~~(2) the penalty has become final;~~
- ~~(3) no appeal is pending;~~
- ~~(4) the penalty is wholly or partly unpaid; and~~
- ~~(5) the defendant;~~

~~(i) was duly served with a copy of the citation in accordance with the applicable regulations of the Commissioner; or~~

~~(ii) contested the citation for which the penalty was assessed.~~

5-812.

(A) [Each] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH civil penalty under this title shall be paid into the General Fund of the State.

(B) THE REVENUES FROM THE CIVIL PENALTIES ASSESSED AGAINST A PUBLIC BODY UNDER THIS TITLE SHALL BE DISTRIBUTED TO A SPECIAL FUND TO BE USED ONLY FOR THE MARYLAND APPRENTICESHIP AND TRAINING PROGRAM.

SUBTITLE 13. STANDARDS FOR PREVENTING WORKPLACE VIOLENCE.

5-1301.

IN THIS SUBTITLE, “BOARD” HAS THE MEANING STATED IN § 5-301 OF THIS TITLE.

5-1302.

(A) THE COMMISSIONER SHALL INCLUDE AS PART OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS ESTABLISHED UNDER THIS TITLE STANDARDS FOR PROTECTING EMPLOYEES OF PUBLIC BODIES FROM WORKPLACE VIOLENCE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON OR BEFORE OCTOBER 1, 2026, THE COMMISSIONER, IN CONSULTATION WITH THE BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(C) BEFORE ADOPTING REGULATIONS UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL:

(1) REVIEW AND CONSIDER THE RECOMMENDATIONS ON PREVENTING WORKPLACE VIOLENCE CREATED BY THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION AND THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH;

(2) HOLD AT LEAST FOUR MEETINGS SOLICITING INPUT FROM CERTIFIED EXCLUSIVE REPRESENTATIVES OF EMPLOYEES OF PUBLIC BODIES ON THE BEST WAYS TO PREVENT WORKPLACE VIOLENCE; AND

(3) HOLD MEETINGS IN AT LEAST FOUR GEOGRAPHICALLY DIVERSE LOCATIONS IN THE STATE TO RECEIVE INPUT FROM INTERESTED PARTIES ON THE BEST WAYS TO PREVENT WORKPLACE VIOLENCE.

Article – Public Safety

12-804.

(b) (1) [Sections] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, §§ 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.

(2) THE PENALTIES ESTABLISHED UNDER THIS SUBTITLE AND TITLE 5, SUBTITLE 8 OF THE LABOR AND EMPLOYMENT ARTICLE DO NOT APPLY WITH RESPECT TO AN ELEVATOR UNIT OWNED BY A PUBLIC BODY, AS DEFINED IN § 5-101 OF THE LABOR AND EMPLOYMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 20, 2025.