An Act providing for standards for mitigation of infectious
disease under the state occupational health and safety law,
making penalties applicable, and including effective date
provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 88.5, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Infectious disease. The commissioner shall promulgate standards for mitigation of medical emergencies relating to infectious disease, including but not limited to COVID-19 as defined in section 686D.2. The standards shall apply to all industries but may include industry-specific standards as deemed appropriate by the commissioner. The standards shall specifically address personal protective equipment to be provided to employees. Such standards shall minimize to the greatest extent possible hazardous situations likely to cause employee exposure to infectious disease, including but not limited to employees working in close proximity without proper protective equipment and safety procedures.

Sec. 2. Section 88.6, subsection 5, Code 2021, is amended to read as follows:

5. Special inspections. Any employees or authorized employee representative who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the commissioner or the commissioner's authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or authorized employee representative, and a copy shall be provided the employer or the employer's agent no later than at the time of inspection, except that upon the request of the person giving such notice the person's identifying information and the identifying information of individual employees referred to in the notice shall not appear in such copy or on any record published, released, or made available. If, upon receipt of such notification, the commissioner determines that there are reasonable grounds to believe that such violation or danger
exists, the commissioner shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. The commissioner shall prioritize special inspections relating to possible violations of standards promulgated pursuant to section 88.5, subsection 12. If the commissioner determines that there are no reasonable grounds to believe that a violation or danger exists, the commissioner shall notify the employees or authorized employee representative in writing of such determination. For purposes of this subsection, “identifying information” means specific personal information including, but not limited to, the person’s name, home address, telephone number, social security number, and handwriting and language idiosyncrasies. In circumstances when the release of any fact may be used to identify the person, that fact shall not be released.

Sec. 3. EMERGENCY RULES. The labor commissioner shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to promulgate standards required pursuant to section 88.5, subsection 12, as enacted by this Act, relating to COVID-19, as defined in section 686D.2, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

This bill provides for standards for mitigation of infectious disease under the state occupational health and safety law, Code chapter 88.

The bill requires the labor commissioner to promulgate standards for mitigation of medical emergencies relating to...
infectious disease, including but not limited to COVID-19. The standards shall apply to all industries but may include industry-specific standards. The standards shall specifically address necessary personal protective equipment to be provided to employees. Such standards shall minimize to the greatest extent possible hazardous situations likely to cause employee exposure to infectious disease.

The bill requires the commission to prioritize special inspections relating to possible violations of standards promulgated as required by the bill.

The bill requires the commissioner to adopt emergency rules to promulgate standards as required by the bill relating to COVID-19.

Violations of Code chapter 88 are subject to civil penalties in amounts not to exceed maximum amounts set by federal law. Any employer who willfully violates any standard, rule, or order promulgated pursuant to Code section 88.5, or of any regulations prescribed pursuant to Code chapter 88, if the violation caused death to any employee, is guilty of a serious misdemeanor for a first conviction and an aggravated misdemeanor for a subsequent conviction. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $430 but not more than $2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least $855 but not more than $8,540.

The bill takes effect upon enactment.