

SENATE BILL SB-82

Introduced by Senator Anna Caballero (D-14)

An act relating to Farmworker Heat Safety and Small Farm Support Act.

LEGISLATIVE COUNSEL'S DIGEST

SB-82, Anna Caballero (D-14). Farmworker Heat Safety and Small Farm Support Act.

Existing law require employers to provide shade and water, however this bill adds account for heat pressure and a paid rest break for workers.

Vote: 2/3rds. **Appropriations/fiscal:** no. **Local program:** no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

CALIFORNIA LEGISLATURE—2025-2026 SIMULATION SESSION

SENATE BILL

NO. [TA Assigns #]

*Introduced by Senator Anna M. Caballero
September 30th, 2026*

This bill protects California farmworkers from dangerous heat by requiring paid cool-down breaks, water, shade, and training, and funds grants to help small farms comply.

LEGISLATIVE COUNSEL'S DIGEST

SB [TA Assigns #], as introduced, Caballero. Farmworker Heat Safety and Small Farm Support Act.

Per the existing law, the California Occupational Safety and Health Act of 1973, requires every employer to provide a safe and healthful workplace and is enforced by the Division of Occupational Safety and Health. Existing regulations require employers of outdoor workers to provide drinking water, to provide shade when the temperature exceeds 80 degrees Fahrenheit, and to allow preventative cool-down rest. Agricultural employers must follow additional high-heat procedures when the temperature reaches 95 degrees Fahrenheit. These rules measure air temperature only and do not consider heat pressure on the workers, which this bill would require heat related rests to be paid.

The bill would require stronger heat protections for agricultural workers into the Labor Code. The bill would measure heat using the heat index, which accounts for humidity. At a heat index of 90 degrees Fahrenheit, employers would have to provide a paid 10-minute cool-down rest

every hour. At 100 degrees, the paid rest would increase to 15 minutes every hour at a cooling station. At 108 degrees, work between 12 p.m. and 5 p.m. would be prohibited unless the employer provides an air-conditioned shelter and the work is needed to save a perishable crop. The bill would require yearly heat safety training in a language each worker understands, including Indigenous languages, and would prohibit retaliation against workers who use these protections. Cal/OSHA would enforce these provisions and could issue penalties of up to \$1,000 per affected worker per day.

This bill would also create the Small Farm Heat Safety Grant Program, administered by the Department of Food and Agriculture, to help agricultural employers with 25 or fewer workers buy shade structures, cooling stations, and water equipment. The bill would create the Farmworker Heat Safety Fund and appropriate \$15,000,000 from the General Fund to it. Penalties collected under the bill would also be deposited in the fund.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) *California's agricultural workers produce more than a third of the nation's vegetables and three-quarters of its fruits and nuts, and they do this work outdoors through the hottest months of the year.*

(b) *Agricultural workers are far more likely to die from heat-related illness than workers in other industries, and summer heat waves in the San Joaquin Valley are growing longer and more severe.*

(c) *Air temperature alone understates the danger. Humidity from irrigation and work inside dense crop rows can make conditions feel much hotter than a thermometer shows, so the heat index is a better measure of risk.*

(d) *Many farmworkers are paid by the piece and lose income when they rest, which discourages them from taking breaks that could save their lives. Heat-related rest must be paid to be effective.*

(e) *Many farmworkers speak Spanish or Indigenous languages such as Mixteco, Triqui, and Zapoteco. Safety training works only when workers understand it.*

(f) *Small family farms want to protect their workers but often cannot afford shade structures and cooling equipment. The state should help these farms comply rather than drive them out of business.*

(g) *It is the intent of the Legislature to protect the lives of agricultural workers while supporting the small farms that are the backbone of the Central Valley economy.*

SEC. 2. *Sections 6720.1 to 6720.7, inclusive, are added to the Labor Code, to read:*

6720.1. *For purposes of Sections 6720.1 to 6720.7, inclusive, the following definitions apply:*

(a) "Agricultural employer" has the same meaning as in Section 1140.4, and includes a farm labor contractor.

(b) "Heat index" means the apparent temperature, combining air temperature and relative humidity, as calculated by the National Weather Service, measured at the worksite or taken from the nearest National Weather Service forecast for the worksite.

(c) "Cooling station" means a shaded area with fans, misters, or air conditioning, and cool drinking water, large enough to seat all workers who are on rest at the same time.

6720.2. *(a) An agricultural employer shall check the heat index at the start of each workday, and at least every two hours after that, whenever the forecast high heat index is 85 degrees Fahrenheit or higher. The employer shall keep a written or electronic record of each reading for three years.*

6720.3. *An agricultural employer shall provide the following protections based on the heat index:*

(a) When the heat index is 90 degrees Fahrenheit or higher:

(1) Each worker shall receive a paid cool-down rest of at least 10 minutes every hour, in the shade.

(2) A designated supervisor shall observe workers for signs of heat illness.

(b) When the heat index is 100 degrees Fahrenheit or higher:

(1) Each worker shall receive a paid cool-down rest of at least 15 minutes every hour, at a cooling station.

(2) Workers shall be paired so that each worker is observed by another worker for signs of heat illness.

(c) When the heat index is 108 degrees Fahrenheit or higher, no work shall be performed between 12 p.m. and 5 p.m., unless both of the following are true:

(1) The employer provides an air-conditioned shelter within 400 feet of the work.

(2) The work is necessary to prevent the loss of a perishable crop. That work shall not exceed eight hours that day.

6720.4. *(a) Cool-down rest required by Section 6720.3 counts as hours worked. A worker paid by the piece shall be paid for this rest at no less than the worker's average hourly rate for the workweek, consistent with Section 226.2.*

(b) A worker may take additional rest at any time the worker feels symptoms of heat illness, and the employer shall not require the worker to return to work until the symptoms have passed.

6720.5. *(a) Before a worker's first shift, and every year before May 1, an agricultural employer shall provide each worker at least one hour of paid heat illness training. The training shall cover the warning signs of heat illness, the worker's rights under these sections, and how to call for emergency help.*

(b) Training shall be given in a language the worker understands, including Indigenous languages. The employer shall provide an interpreter when needed.

(c) The Division of Occupational Safety and Health shall develop model training materials in English and Spanish by March 1, 2028.

6720.6. *(a) An agricultural employer shall not discharge, threaten, discipline, reduce the pay of, or report to immigration authorities any worker because the worker requested or took rest, water, or shade under these sections, reported a heat hazard, or filed a complaint.*

(b) A worker harmed by a violation of subdivision (a) may bring a civil action for reinstatement, lost wages, a penalty of up to \$10,000 per violation, and reasonable attorney's fees.

6720.7. *(a) The Division of Occupational Safety and Health shall enforce Sections 6720.1 to 6720.6, inclusive, and may issue a civil penalty of up to \$1,000 per affected worker for each day of violation.*

(b) The division shall prioritize inspections of agricultural worksites on days when the National Weather Service issues an excessive heat warning for the area.

SEC. 3. *Chapter 12 (commencing with Section 16100) is added to Division 1 of the Food and Agricultural Code, to read:*

CHAPTER 12. SMALL FARM HEAT SAFETY GRANT PROGRAM

16100. *The Small Farm Heat Safety Grant Program is established within the Department of Food and Agriculture to help small agricultural employers protect workers from heat.*

16101. *An agricultural employer is eligible for a grant if it employs 25 or fewer workers at peak season and has no unpaid penalties owed to the Division of Occupational Safety and Health.*

16102. *Grants may fund portable shade structures, cooling stations, water coolers and delivery equipment, heat index monitors, and translated training. A single grant shall not exceed \$50,000.*

16103. *(a) In awarding grants, the department shall give priority to applicants in the San Joaquin Valley and other regions with the most extreme heat days, and to socially disadvantaged farmers and ranchers as defined in Section 512.*

(b) The department shall accept applications in English and Spanish, and shall report to the Legislature each year on the grants awarded, by county.

16104. *The Farmworker Heat Safety Fund is created in the State Treasury. Money in the fund is continuously appropriated to the department for the purposes of this chapter. The department may use no more than 5 percent of the fund for administrative costs.*

SEC. 4. *The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Farmworker Heat Safety Fund for the purposes of Chapter 12 (commencing with Section 16100) of Division 1 of the Food and Agricultural Code.*

