

# HOUSE BILL 1303

K3, P4, L6

11r2971  
CF 11r3024

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By: **Delegate Hucker**

Introduced and read first time: February 28, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Safety – Manholes and Confined Spaces – Training in First Aid**  
3 **and Cardiopulmonary Resuscitation**

4 FOR the purpose of requiring an employer who has an employee working in a certain  
5 confined space to have another employee in the immediate vicinity of the  
6 confined space to provide emergency help; prohibiting an employer from  
7 allowing or causing an employee to work in a manhole or a certain confined  
8 space unless each employee working in and in the immediate vicinity of the  
9 manhole or confined space is trained to administer basic first aid and  
10 cardiopulmonary resuscitation; requiring an employer to provide  
11 in-person training in basic first aid and cardiopulmonary resuscitation during a  
12 certain time to an employee who works in or in the immediate vicinity of a  
13 manhole or a certain confined space; making conforming changes; defining a  
14 certain term; and generally relating to occupational safety.

15 BY repealing and reenacting, without amendments,  
16 Article – Labor and Employment  
17 Section 5–602(a)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Labor and Employment  
22 Section 5–603  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2010 Supplement)

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

27 **Article – Labor and Employment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-602.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Confined space” means a space that, by design:

4 (i) has limited openings for entry and exit; and

5 (ii) is subject to:

6 1. the accumulation of a combustible agent;

7 2. an accumulation of a toxic agent; or

8 3. a deficiency of oxygen.

9 (3) “Confined space” includes:

10 (i) a basin;

11 (ii) a bin;

12 (iii) a degreaser;

13 (iv) a duct;

14 (v) a pipeline;

15 (vi) a pit;

16 (vii) a sewer;

17 (viii) a silo;

18 (ix) a tank that is enclosed or has an open top;

19 (x) a tub;

20 (xi) a tunnel;

21 (xii) a vat;

22 (xiii) a process vessel; or

23 (xiv) a reaction vessel.

1 (4) "Maintenance work" means cleaning, inspection, maintenance,  
2 painting, repair, servicing, or other similar work.

3 5-603.

4 (a) **IN THIS SECTION, "CONFINED SPACE" HAS THE MEANING STATED IN**  
5 **§ 5-602 OF THIS SUBTITLE.**

6 **(B)** (1) Except as provided in subsection **[(b)] (C)** of this section, whenever  
7 an employer has an employee working in a manhole **OR CONFINED SPACE**, the  
8 employer shall have another employee available in the immediate vicinity of the  
9 manhole **OR CONFINED SPACE** to give emergency help.

10 (2) The employee who is available to give emergency help may enter  
11 the manhole **OR CONFINED SPACE** to give other help.

12 **(3) AN EMPLOYER MAY NOT ALLOW OR CAUSE AN EMPLOYEE TO**  
13 **WORK IN A MANHOLE OR CONFINED SPACE UNLESS EACH EMPLOYEE WORKING**  
14 **IN OR IN THE IMMEDIATE VICINITY OF THE MANHOLE OR CONFINED SPACE IS**  
15 **TRAINED TO ADMINISTER BASIC FIRST AID AND CARDIOPULMONARY**  
16 **RESUSCITATION AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.**

17 **[(b)] (C)** For a brief period, a qualified employee who is working alone may  
18 enter a manhole where cables or equipment are in service to:

19 (1) perform an inspection;

20 (2) perform housekeeping;

21 (3) take readings; or

22 (4) do other work if it can be performed safely.

23 **(D) AT LEAST ONCE EVERY 3 YEARS, AN EMPLOYER SHALL PROVIDE**  
24 **IN-PERSON TRAINING IN BASIC FIRST AID AND CARDIOPULMONARY**  
25 **RESUSCITATION TO ANY EMPLOYEE WHO WORKS IN OR IN THE IMMEDIATE**  
26 **VICINITY OF A MANHOLE OR CONFINED SPACE.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2011.