

**PUBLIC SCHOOL EMPLOYEE AUDITORY
PROTECTION REQUIREMENTS**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Laura Black

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a public school to provide a minimum level of auditory protection to employees exposed to certain conditions.

Highlighted Provisions:

This bill:

- requires a local school board or charter school governing board, in consultation with the Division of Occupational Safety and Health, to set safety standards for employees exposed to certain levels of sound;

- provides employees at risk of hearing damage with a minimum level of hearing protection; and

- provides an implementation date.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-3-429, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-3-429** is enacted to read:

30 **53A-3-429. Auditory protection required for certain employees.**

31 (1) As used in this section, "auditory protection" means a device that reduces sound
32 and helps prevent hearing loss or damage.

33 (2) Subject to Subsection (3), a local school board or charter school governing board
34 shall set safety standards in consultation with the Division of Occupational Safety and Health,
35 created in Subsection 34A-1-202(1)(b), that establish:

36 (a) when an employee is considered to be exposed to significant and ongoing levels of
37 sound as a condition of employment; and

38 (b) a minimum level of auditory protection for the degree of exposure that the
39 employee shall receive if it is determined that the employee is exposed.

40 (3) If an employee's job duties require the employee to be able to hear voices and other
41 tones clearly while using auditory protection, the level of auditory protection that an employee
42 receives as required in Subsection (4) shall be the more protective of:

43 (a) the federal Williams-Steiger Occupational Safety and Health Act of 1970; or

44 (b) a device that meets the following standards:

45 (i) is specifically fitted by a licensed audiologist ~~H~~ or a licensed hearing instrument
45a specialist ~~H~~ to an individual's ears;

46 (ii) has a noise reduction rating of between 9 and 25 decibels average sound reduction
47 over the 250 to 8,000 hertz frequency range; and

48 (iii) attenuates damaging noise while maintaining a tonal quality and allowing an
49 appropriate level of hearing activity needed to perform the duties of employment.

50 (4) On and after July 1, 2011, a district or charter school shall provide the minimum
51 auditory protection for an employee who meets the standards set under Subsection (2).

Legislative Review Note
as of 1-25-10 11:42 AM

Office of Legislative Research and General Counsel

H.B. 105 - Public School Employee Auditory Protection Requirements

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
