

ASSEMBLY THIRD READING
AB 2499 (Gipson)
As Amended May 18, 2026
Majority vote

SUMMARY

Require the Division of Occupational Safety and Health, by July 1, 2027, to submit a rulemaking proposal for the Occupational Safety and Health Standards Board's review and adoption, specifically applicable to workers in any prison or institution under the jurisdiction of the Department of Corrections and Rehabilitation, as specified.

Major Provisions

- 1) Provides that, by July 1, 2027, the Division of Occupational Safety and Health ("division") shall submit a rulemaking proposal to the standards board, for the board's review and adoption, specifically applicable to workers in any prison or institution under the jurisdiction of the Department of Corrections and Rehabilitation (CDCR).
- 2) Requires the division, in preparing the proposed regulations, to do both of the following:
 - a) Ensure the standards proposed and adopted, as appropriate, draw from, or build upon, the heat illness prevention standards, as specified.
 - b) Provide regulatory protections for both of the following:
 - i) Workers when the temperature or heat index in a work area equals or exceeds 85 degrees Fahrenheit.
 - ii) Workers when the indoor temperature or heat index equals or exceeds 80 degrees Fahrenheit if workers wear restrictive clothing or are exposed to high radiant heat, consistent with, and no less protective than, the framework for indoor heat illness prevention set for in Section 3396 of Title 8 of the California Code of Regulations, while tailored to the unique conditions of correctional facilities.
- 3) Defines the following terms have the following meanings:
 - a) "Heat illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load. It includes heat cramps, heat exhaustion, heat syncope, and heat stroke.
 - b) "Indoor" means a space under a ceiling or overhead covering that restricts airflow and is enclosed along its entire perimeter by walls, doors, windows, dividers, or other barriers that restrict airflow, whether open or closed. All work areas that are not indoor are considered outdoor.
- 4) Includes findings and declarations.

COMMENTS

According to the Author

"California has a responsibility to ensure that every individual in its care is housed in safe and humane conditions. As climate impacts intensify, dangerously high temperatures and poor air quality in our state prisons are putting lives at risk and exposing individuals to preventable harm. This measure establishes clear, enforceable standards to protect health, uphold basic dignity, and ensure accountability within our correctional system."

Arguments in Support

According to *La Defensa*, "Workers in California prisons do not receive adequate protection and are routinely subject to extreme weather. Recorded temperatures in CDCR facilities routinely reach 95 degrees Fahrenheit, sometimes for up to fifty days in a year. Many California prisons, some of which predate the Civil War, lack air conditioning, fans, and other basic climate mitigation technology. Subjecting incarcerated Californians to these climate conditions is cruel and unusual punishment, in clear violation of their Eighth Amendment rights under the United States Constitution. Worse, these worsening climate conditions are already leading to tragedy, such as the unnecessary death of Adrienne Boulware, who in 2024 passed away due to heat-related causes while incarcerated at the Central California Women's Facility.

"As temperatures continue to rise across the state, and extreme climate events become more frequent, incarceration in California prison will become a death sentence for any incarcerated people at risk of heat-related illness, especially the elderly, the disabled, and incarcerated workers. AB 2499 is urgently needed to strengthen protections for incarcerated people, and ensure that no more people incarcerated in California state prison pass away from preventable heat-related illnesses. Additionally, many CDCR facilities lack sufficient evacuation and disaster plans despite climate disasters such as wildfires, earthquakes, and heatwaves becoming more frequent and severe in recent years. This bill will require CDCR to develop life-saving disaster and evacuation protocols- instead of leaving incarcerated workers stranded inside facilities facing serious injury or death.

"Critically, this bill does not mandate costly infrastructure upgrades to prisons. Instead, it prioritizes low-cost remedies, compliance standards, and enhanced safety measures that can provide incarcerated Californians with the increased protections they need now, as extreme weather events continue to become more and more frequent with each passing day. These measures will provide crucial work site protections for *everyone* working in state prisons- including the tens of thousands of correctional officers, nurses, janitors, physicians, and incarcerated workers under CDCR's jurisdiction."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown, but definitely significant amount, to CDCR for compliance with workplace standards established in Cal/OSHA regulations.
- 2) Costs of approximately \$750,000 to \$1 million per year during the rulemaking process to Cal/OSHA and OSHSB collectively (Occupational Safety and Health Fund (OSFH)). Additionally, ongoing costs in the low millions of dollars to Cal/OSHA to enforce the rule,

dependent on the number of complaints filed by covered workers (OSHF). Cal/OSHA will also incur likely absorbable costs to serve on the working group.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year (FY) and ongoing.

VOTES

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Alanis, Mark González, Harabedian, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Haney, Lackey

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Elhawary, Kalra, Lee, Ward

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Tangipa

ABS, ABST OR NV: Ta

UPDATED

VERSION: May 18, 2026

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