

Senate Bill 417

By: Senators Albers of the 56th, Robertson of the 29th, Burns of the 23rd, Hufstetler of the 52nd, Still of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-2-106 of the Official Code of Georgia Annotated, relating to
2 reporting of accidents relative to elevators, dumbwaiters, escalators, manlifts, and moving
3 walks and removal from service of such equipment involved in accident, so as to provide for
4 timing and documentation for such reports; to amend Article 2 of Chapter 10 of Title 16 of
5 the Official Code of Georgia Annotated, relating to obstruction of public administration and
6 related offenses, so as to provide for a criminal offense for ignition of fireworks near an
7 emergency medical technician, firefighter, or law enforcement officer for purposes of
8 hindering the official duties thereof; to provide for punishment; to provide for definitions;
9 to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and
10 safety, so as to revise licensing requirements and penalties relative to the display of fireworks
11 and pyrotechnics and the sale of fireworks; to revise provisions relative to the prohibition on
12 the release of certain fire-propelled devices; to revise inspection and certification
13 requirements relative to boilers and pressure vessels; to provide for definitions; to amend
14 Chapter 22 of Title 45 of the Official Code of Georgia Annotated, relating to public
15 employee hazardous chemical protection and right to know, so as to allow for the
16 dissemination of certain information relative to hazardous chemicals in written or electronic
17 format; to provide for penalties; to provide for definitions; to provide for conforming
18 changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Code Section 8-2-106 of the Official Code of Georgia Annotated, relating to reporting of
22 accidents relative to elevators, dumbwaiters, escalators, manlifts, and moving walks and
23 removal from service of such equipment involved in accident, is amended by revising
24 subsections (a) and (b) as follows:

25 "(a) The owner or lessee shall report, by telephone, to the enforcement authority on the
26 same day or by noon on the next work day, excluding state holidays and weekends, all
27 elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving
28 personal injury or death. The owner or lessee shall also ~~provide a written report of this~~
29 ~~accident within seven days~~ file a report with all documentation of this accident by the end
30 of the next business day.

31 (b) The owner or lessee shall report, ~~in writing,~~ to the enforcement authority ~~within seven~~
32 ~~days~~ by the end of the next business day, excluding state holidays and weekends, all
33 elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving
34 structural damage to the elevator, escalator, manlift, moving walk, or power dumbwaiter."

35 **SECTION 2.**

36 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
37 obstruction of public administration and related offenses, is amended by adding a new Code
38 section to read as follows:

39 "16-10-35.

40 (a) As used in this Code section, the term:

41 (1) 'Emergency medical technician' shall have the same meaning as set forth in Code
42 Section 16-10-24.2.

43 (2) 'Firefighter' shall have the same meaning as set forth in Code Section 16-10-24.1.

44 (3) 'Firework' means any combustible or explosive composition or any substance or
45 combination of substances or article the possession of which is regulated by Chapter 10
46 of Title 25.

47 (4) 'Law enforcement officer' means any person certified by the Georgia Peace Officer
48 Standards and Training Council as having successfully completed the course of training
49 required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

50 (b) It shall be unlawful for any person to knowingly and intentionally ignite a firework
51 when such firework or component thereof explodes or detonates within 150 feet of or
52 causes injury or harm to an emergency medical technician, firefighter, or law enforcement
53 officer for the purpose of hindering or disrupting such emergency medical technician,
54 firefighter, or law enforcement officer during the lawful discharge of his or her duties.

55 (c) Any person who violates subsection (b) of this Code section shall be guilty of a high
56 and aggravated misdemeanor."

57 **SECTION 3.**

58 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
59 amended in Code Section 25-10-1, relating to definitions relative to regulation of fireworks,
60 by adding new paragraphs to subsection (a) to read as follows:

61 "(5.1) 'Fireworks or pyrotechnics exhibition or display before a proximate audience'
62 means any exhibition or display of fireworks, or any use of pyrotechnic special effects,
63 that occurs within a building or structure or before an audience closer to the pyrotechnic
64 devices than permitted by National Fire Protection Association Standard 1123, *Code for*
65 *Fireworks Display*, as adopted by the Safety Fire Commissioner; provided, however, that
66 such term shall not include the use of pyrotechnic special effects in television and motion
67 picture production when no audience is present."

68 "(8.1) 'Public exhibition or display of fireworks' means the use of pyrotechnics, display
69 fireworks, consumer fireworks, or any combination thereof for any purpose relating to

70 the amusement or entertainment of the public that does not occur within a building or
 71 structure or before a proximate audience; provided, however, that such term shall not
 72 include the private, personal use of consumer fireworks by the public."

73 **SECTION 4.**

74 Said title is further amended by revising Code Section 25-10-3.2, relating to license required
 75 for pyrotechnics exhibits, requirements, and penalty for violations, as follows:

76 "25-10-3.2.

77 (a) No person, firm, corporation, association, or partnership shall cause the combustion,
 78 explosion, deflagration, detonation, or ignition of pyrotechnics for the purpose of a ~~public~~
 79 fireworks or pyrotechnics exhibition or display before a proximate audience unless such
 80 person, firm, corporation, association, or partnership holds a valid license issued by the
 81 Safety Fire Commissioner in accordance with the provisions of subsection (b) of this Code
 82 section. Any application for such a license shall be made to the Safety Fire Commissioner
 83 in the form prescribed by the Safety Fire Commissioner.

84 (b) All applicants ~~must~~ shall meet the following requirements for licensure to conduct a
 85 fireworks or pyrotechnics exhibition or display before a proximate audience:

86 (1) The applicant shall submit to the Safety Fire Commissioner proof of a valid
 87 comprehensive liability insurance policy purchased from an insurer authorized to do
 88 business in Georgia. The coverage ~~must~~ shall include bodily injury and property damage,
 89 products liability, completed operations, and contractual liability. The proof of insurance
 90 ~~must~~ shall also be provided before any license can be renewed. The minimum amount
 91 of said coverage shall be \$1 million or such other amount as specified by the Safety Fire
 92 Commissioner. An insurer that provided such coverage shall notify the Safety Fire
 93 Commissioner of any change in coverage;

94 (2) The applicant shall pay the required licensing fee as prescribed in Code
 95 Section 25-10-5; and

96 (3) The applicant shall comply with all rules and regulations promulgated by the Safety
97 Fire Commissioner pursuant to this chapter.

98 (c) No person, firm, corporation, association, or partnership shall cause the combustion,
99 explosion, deflagration, detonation, or ignition of fireworks for the purpose of a public
100 exhibition or display of fireworks unless such person, firm, corporation, association, or
101 partnership holds a valid license issued by the Safety Fire Commissioner in accordance
102 with the provisions of subsection (d) of this Code section. Any application for such a
103 license shall be made to the Safety Fire Commissioner in the form prescribed by the Safety
104 Fire Commissioner. Any violation of this chapter shall be grounds for revocation or denial
105 of licensure to conduct pyrotechnic displays.

106 (d) All applicants shall meet the following requirements for licensure to conduct a public
107 exhibition or display of fireworks:

108 (1) The applicant shall submit to the Safety Fire Commissioner proof of competency of
109 all operators and assistants;

110 (2) The applicant shall pay the required licensing fee as prescribed in Code
111 Section 25-10-5; and

112 (3) The applicant shall comply with all rules and regulations promulgated by the Safety
113 Fire Commissioner pursuant to this chapter.

114 (e) Any violation of this chapter shall be grounds for revocation or denial of licensure to
115 conduct a fireworks or pyrotechnics exhibition or display before a proximate audience or
116 public exhibition or display of fireworks."

117 **SECTION 5.**

118 Said title is further amended by revising Code Section 25-10-4, relating to permit required
119 to conduct public fireworks exhibition or display, as follows:

120 "25-10-4.

121 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public
122 exhibition or display of fireworks ~~not before a proximate audience~~ shall first obtain a
123 permit from the ~~judge of the probate court of the county~~ local fire authority of the county,
124 municipality, or other political subdivision or the chartered fire department legally
125 organized to operate in this state pursuant to Chapter 3 of this title and having operational
126 authority of the area in which the public exhibition or display of fireworks is to be held.
127 Application for a permit ~~must~~ shall be made in writing and filed with the ~~judge~~ local fire
128 authority not less than ten days prior to the date of the proposed public exhibition or
129 display of fireworks. Fireworks distributors located outside this state shall obtain display
130 permit application forms and provide the same to applicants upon request. The ~~judge~~ local
131 fire authority may grant a permit for the ~~display~~ public exhibition or display of fireworks
132 on the following conditions:

133 (1) That the ~~display be conducted by a competent operator approved by the judge~~ public
134 exhibition or display of fireworks be conducted by an operator licensed pursuant to
135 subsection (c) of Code Section 25-10-3.2;
136 (2) That the display shall be of such character as in the opinion of the judge will not be
137 hazardous to persons or property;
138 (3)(2) That the local fire official responsible for the area in question certifies in writing
139 that the site for the display meets his or her approval and public exhibition or display of
140 fireworks is in compliance with all applicable codes; and
141 (4)(3) That the application be accompanied by a bond in the principal sum of ~~\$10,000.00~~
142 \$50,000.00, payable to the county, municipality, or other political subdivision in which
143 the ~~display~~ public exhibition or display of fireworks is being held and conditioned for the
144 payment of damages which may be caused either to persons or to property by reason of
145 the ~~display~~ public exhibition or display of fireworks or, alternatively, that the application
146 be accompanied by evidence that the applicant carries proper liability insurance for

147 bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00
148 for each accident and for property damage in the amount of not less than \$25,000.00 for
149 each accident and \$50,000.00 aggregate, ~~with an insurance company duly licensed by the~~
150 ~~Commissioner of Insurance.~~

151 (b) Any person, firm, corporation, association, or partnership desiring to conduct a ~~public~~
152 ~~fireworks or pyrotechnics~~ exhibition or display ~~of fireworks~~ before a proximate audience
153 shall first obtain a permit from the ~~judge of the probate court of the county~~ local fire
154 authority of the county, municipality, or other political subdivision or the chartered fire
155 department legally organized to operate in this state pursuant to Chapter 3 of this title and
156 having operational authority of the area in which the ~~public~~ fireworks or pyrotechnics
157 exhibition or display is to be held. Application for a permit ~~must~~ shall be made in writing
158 and filed with the ~~judge~~ local fire authority not less than ten days prior to the date of the
159 proposed ~~public~~ fireworks or pyrotechnics exhibition or display ~~of fireworks~~ before a
160 proximate audience. ~~Such application must contain the license number issued by the~~
161 ~~Safety Fire Commissioner for the person, firm, corporation, association, or partnership that~~
162 ~~will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the~~
163 ~~public exhibition or display.~~ Fireworks distributors located outside this state shall obtain
164 display permit application forms and provide the same to applicants upon request. The
165 ~~judge~~ local fire authority may grant a permit for the ~~display~~ fireworks or pyrotechnics
166 exhibition or display before a proximate audience on the following conditions:

- 167 (1) That the ~~fireworks or pyrotechnics exhibition or display~~ be conducted by a ~~competent~~
168 ~~operator approved by the judge~~ an operator licensed pursuant to subsection (b) of Code
169 Section 25-10-3.2;
- 170 (2) That the display shall be of such character as in the opinion of the judge ~~will not be~~
171 ~~hazardous to persons or property;~~

172 ~~(3)(2)~~ That the local fire official responsible for the area in question certifies in writing
173 that the site for the display meets his or her approval and fireworks or pyrotechnics
174 exhibition or display is in compliance with all applicable codes; and

175 ~~(4)(3)~~ That the application be accompanied by a bond in the principal sum of ~~\$10,000.00~~
176 \$50,000.00, payable to the county, municipality, or other political subdivision in which
177 the display is being held and conditioned for the payment of damages that may be caused
178 either to persons or to property by reason of the fireworks or pyrotechnics exhibition or
179 display or, alternatively, that the application be accompanied by evidence that the
180 applicant carries property liability insurance for bodily injury in the amount of not less
181 than \$25,000.00 for each person and \$50,000.00 for each accident and for property
182 damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00
183 aggregate, ~~with an insurance company duly licensed by the Commissioner of Insurance.~~

184 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be
185 granted unless the applicant has met all the requirements of and is in full compliance with
186 the rules and regulations promulgated by the Safety Fire Commissioner pursuant to this
187 chapter.

188 (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited
189 to the time specified therein, ~~such time not to~~ which shall not exceed a two-week period.
190 The permit shall not be transferable. In the event any fireworks bought and possessed
191 under this Code section are not used by the licensee or in the event that there is a surplus
192 or excess after the two-week period expires, it shall be the duty of the licensee to return
193 such fireworks to a facility approved in accordance with Code Section 25-10-3.1 and the
194 rules and regulations promulgated by the Safety Fire Commissioner. Fireworks stored in
195 accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband
196 and shall not be subject to seizure.

197 (e) ~~The judge of the probate court shall receive \$10.00 for his or her services~~ local fire
198 authority shall receive a fee of not less than \$10.00 for services rendered in granting or

199 refusing the original permit ~~and \$1.00~~ pursuant to this Code section and \$10.00 for each
 200 copy issued, to be paid by the applicant. The ~~judge of the probate court~~ local fire authority
 201 shall provide the Safety Fire Commissioner a copy of each permit granted prior to the
 202 proposed date of the public exhibition or display of fireworks or the fireworks or
 203 pyrotechnics exhibition or display before a proximate audience."

204 **SECTION 6.**

205 Said title is further amended by revising Code Section 25-10-5, relating to license and fee for
 206 manufacture, storage, and transportation of fireworks or pyrotechnic displays, regulations,
 207 and inspections, as follows:

208 "25-10-5.

209 (a) The annual license fee for any person, firm, ~~or~~ corporation, association, or partnership
 210 conducting business in this state under paragraph (4) of Code Section 25-10-3 or storing
 211 fireworks under Code Section 25-10-3.1 or conducting ~~pyrotechnic displays under~~
 212 fireworks or pyrotechnics exhibitions or displays before a proximate audience under
 213 subsection (a) of Code Section 25-10-3.2 shall be \$1,500.00 per year, payable to the Safety
 214 Fire Commissioner. The license shall expire on December 31 of each year. The Safety
 215 Fire Commissioner is authorized and directed to promulgate safety regulations relating to
 216 the manufacture, storage, and transportation of fireworks within this state in order to ensure
 217 the adequate protection of the employees of any such person, firm, ~~or~~ corporation,
 218 association, or partnership and of the general public. The Safety Fire Commissioner is ~~also~~
 219 further authorized and directed to promulgate safety regulations relating to ~~the public~~
 220 ~~exhibition or display of pyrotechnics~~ fireworks or pyrotechnics exhibitions or displays
 221 before a proximate audience and the licensing requirements of those conducting such
 222 ~~public~~ fireworks or pyrotechnics exhibitions or displays before a proximate audience, as
 223 he or she deems necessary. The Safety Fire Commissioner is further authorized and
 224 directed to conduct periodic inspections of the facilities of any person, firm, ~~or~~ corporation,

225 association, or partnership manufacturing, storing, and transporting fireworks as provided
226 in paragraph (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order
227 to ensure compliance with fire safety rules and regulations.

228 (b) The annual license fee for any person, firm, corporation, association, or partnership
229 conducting public exhibitions or displays of fireworks under subsection (c) of Code
230 Section 25-10-3.2 shall be \$500.00 per year, payable to the Safety Fire Commissioner. The
231 license shall expire on December 31 of each year. The Safety Fire Commissioner is
232 authorized and directed to promulgate safety regulations relating to public exhibitions or
233 displays of fireworks and the licensing requirements of those conducting such public
234 exhibitions or displays of fireworks, as he or she deems necessary."

235 **SECTION 7.**

236 Said title is further amended in Code Section 25-10-8, relating to penalty for violations of
237 chapter, by revising subsection (b) as follows:

238 "(b) Any person, firm, corporation, association, or partnership that violates any other
239 provision of this chapter shall be guilty of a misdemeanor and shall be subject to monetary
240 penalties as provided for in Code Section 25-10-9."

241 **SECTION 8.**

242 Said title is further amended by revising Code Section 25-10-9, relating to penalty for illegal
243 use or sale of fireworks, as follows:

244 "25-10-9.

245 Notwithstanding any provision of this chapter to the contrary, the Safety Fire
246 Commissioner shall have the authority to subject any person, firm, corporation, association,
247 or partnership that ~~knowingly~~ violates this chapter to a monetary penalty of up to \$2,500.00
248 for each and every act in violation of this chapter; provided, however, that the Safety Fire
249 Commissioner shall have the authority to subject any person, firm, corporation, association,

250 or partnership that knowingly sells consumer fireworks from a tent, canopy, or membrane
 251 structure to a monetary penalty of up to \$5,000.00 and, if any such person, firm,
 252 corporation, association, or partnership is a distributor, then a license revocation for not
 253 more than two years. Each sales transaction in violation of this chapter shall be a separate
 254 offense."

255 **SECTION 9.**

256 Said title is further amended by revising Code Section 25-10-10, relating to prohibition on
 257 release of certain fire-propelled devices into the air and certain floating lantern devices into
 258 public water locations, as follows:

259 "25-10-10.

260 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to sell
 261 or offer for sale or release or cause to be released any balloon, bag, parachute, or other
 262 similar device which requires fire underneath for propulsion or to release or cause to be
 263 released any floating water lantern or wish lantern which uses a flame to create a lighting
 264 effect in any public waterway, lake, pond, stream, or river.

265 (b) It shall be unlawful for any person, firm, corporation, association, or partnership to
 266 release or cause to be released any floating water lantern which uses a flame to create a
 267 lighting effect in any public waterway, lake, pond, stream, or river."

268 **SECTION 10.**

269 Said title is further amended in Code Section 25-15-16, relating to exceptions from article
 270 and exemptions from inspection and certificate requirements relative to regulation of boilers
 271 and pressure vessels, by revising paragraphs (13) through (15) of subsection (a) as follows:

272 ~~"(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing~~
 273 ~~process; provided, however, that any person, firm, partnership, or corporation operating~~
 274 ~~such a boiler or pressure vessel has insurance or is self-insured and such boiler or~~

275 ~~pressure vessel is regularly inspected in accordance with the minimum requirements for~~
 276 ~~safety as defined in the ASME Code by an inspector who has been issued a certificate of~~
 277 ~~competency by the Commissioner in accordance with the provisions of Code~~
 278 ~~Section 25-15-19;~~

279 ~~(14)~~(13) Boilers and pressure vessels operated and maintained by a public utility; and
 280 ~~(15)~~(14) Autoclaves used only for the sterilization of reusable medical or dental
 281 implements in the place of business of any professional licensed by the laws of this state."

282 **SECTION 11.**

283 Said title is further amended by revising Code Section 25-15-18, relating to deputy inspectors
 284 for boilers and pressure vessels, as follows:

285 "25-15-18.

286 The Commissioner may employ deputy inspectors who shall be responsible to the chief
 287 inspector and who shall have, ~~had~~ at the time of appointment ~~not~~:

288 (1)(A) Not less than three years' experience in the construction, installation, inspection,
 289 operation, maintenance, or repair of high pressure boilers and pressure vessels as a
 290 mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and
 291 who shall have passed; or

292 (B) Successfully completed a nationally recognized program which provides adequate
 293 experience in the field that has been approved by the Commissioner through rule or
 294 regulation; and

295 (2) Passed the examination provided for in Code Section 25-15-20."

296 **SECTION 12.**

297 Said title is further amended in Code Section 25-15-23, relating to inspections of boilers and
 298 pressure vessels, by revising subparagraph (b)(1)(D) as follows:

299 "(D) Pressure vessels ~~subject to internal corrosion~~ shall receive a certificate inspection
300 ~~triennially~~ biannually with an internal inspection at the discretion of the inspector.
301 Pressure vessels not subject to internal corrosion shall receive a certificate of inspection
302 at intervals set by the office; and"

303 **SECTION 13.**

304 Chapter 22 of Title 45 of the Official Code of Georgia Annotated, relating to public
305 employee hazardous chemical protection and right to know, is amended in Code
306 Section 45-22-2, relating to definitions, by revising paragraphs (15) through (20) and adding
307 a new paragraph to read as follows:

308 ~~"(15) 'Material safety data sheet' means the document prepared by manufacturers in~~
309 ~~accordance with the requirements of the Occupational Safety and Health Administration~~
310 ~~standard, 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987) and containing the~~
311 ~~following information:~~

- 312 ~~(A) The chemical name and the common name of the hazardous chemical;~~
313 ~~(B) The hazards or other risks in the use of the hazardous chemical, including:~~
314 ~~(i) The potential for fire, explosion, corrosivity, and reactivity;~~
315 ~~(ii) The known acute and chronic health effects of risks from exposure, including the~~
316 ~~medical conditions which are generally recognized as being aggravated by exposure~~
317 ~~to the hazardous chemical; and~~
318 ~~(iii) The primary routes of entry and the symptoms of overexposure;~~
319 ~~(C) The proper precautions, handling practices, necessary personal protective~~
320 ~~equipment, and other safety precautions in the use of or exposure to the hazardous~~
321 ~~chemicals, including appropriate emergency treatment in case of overexposure;~~
322 ~~(D) The emergency procedures for spills, fire, disposal, and first aid;~~
323 ~~(E) A description in lay terms of the known specific potential health risks posed by the~~
324 ~~hazardous chemical intended to alert any person reading this information; and~~

325 ~~(F) The year and month, if available, that the information was compiled and the name,~~
326 ~~address, and emergency telephone number of the manufacturer responsible for~~
327 ~~preparing the information.~~

328 ~~(16)~~(15) 'Mixture' means any combination of two or more chemicals, if the combination
329 is not, in whole or in part, the result of a chemical reaction.

330 ~~(17)~~(16) 'Occupational Safety and Health Administration standard' means the Hazard
331 Communication Standard issued by the Occupational Safety and Health Administration,
332 29 C.F.R. Sections 1910.0000 through 1910.1500 ~~(1987)~~ in effect as of January 1, 2024.

333 ~~(18)~~(17) 'Person' means any individual, natural person, public or private corporation,
334 incorporated association, government, government agency, partnership, or unincorporated
335 association.

336 ~~(19)~~(18) 'Physical hazard' means a chemical for which there is scientifically valid
337 evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an
338 organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

339 ~~(20)~~(19) 'Produce' means to manufacture, process, formulate, or repackage.

340 (20) 'Safety data sheet' means the document prepared by manufacturers in accordance
341 with the requirements of Section 1920.1220(g) and Appendix D of the Occupational
342 Safety and Health Administration standard."

343 **SECTION 14.**

344 Said chapter is further amended by revising Code Section 45-22-4, relating to responsibility
345 of public contractors who introduce hazardous materials into workplace, as follows:

346 "45-22-4.

347 A public contractor who introduces hazardous materials into the workplace shall agree, and
348 include a statement, in all bids, agreements, contracts, or other ~~instrument~~ instruments to
349 the effect that such contractor shall be responsible for compliance with the provisions of
350 this chapter for persons employed by such contractor utilized under such contract. Any

351 such public contractor who introduces hazardous chemicals into the workplace shall
 352 provide ~~material~~ safety data sheets for such chemicals to all employees using ~~them~~ such
 353 hazardous chemicals and instruction in handling, emergency procedures, and disposal prior
 354 to introducing such hazardous chemicals. This Code section shall not be construed to place
 355 responsibility on any person, firm, or corporation other than public contractors."

356 **SECTION 15.**

357 Said chapter is further amended by revising Code Section 45-22-7, relating to material safety
 358 data sheets, notice to employees, and rights of employees, as follows:

359 "45-22-7.

360 (a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare a
 361 ~~material~~ safety data sheet which, to the best knowledge of the manufacturer, importer, or
 362 distributor, is current, accurate, and complete, based on information then reasonably
 363 available to the manufacturer, importer, or distributor, and provide a copy of the ~~material~~
 364 safety data sheet to employers who purchase such hazardous chemicals ~~and an electronic~~
 365 ~~copy to the department annually~~ in a written or electronic format. Such safety data sheet
 366 shall be maintained by the employer for a period of not less than three years.

367 (b) Any person who produces a mixture may, for the purposes of this Code section,
 368 prepare and use a mixture ~~material~~ safety data sheet, subject to the provisions of
 369 subsection (j) of this Code section.

370 (c) A manufacturer, importer, distributor, or employer may provide the information
 371 required by this Code section on an entire mixture, instead of on each hazardous chemical
 372 in it, when all of the following conditions exist:

373 (1) Toxicity test information exists on the mixture itself or adequate information exists
 374 to form a valid judgment of the hazardous properties of the mixture itself and the ~~material~~
 375 safety data sheet indicates that the information presented and the conclusions drawn are
 376 from some source other than direct test data on the mixture itself, and that a ~~material~~

377 safety data sheet on each constituent hazardous chemical identified on the ~~material~~ safety
378 data sheet is available upon request;

379 (2) Provision of information on the mixture will be as effective in protecting employee
380 health as information on the ingredients;

381 (3) The hazardous chemicals in the mixture are identified on the ~~material~~ safety data
382 sheet unless it is unfeasible to describe all the ingredients in the mixture, provided that
383 the reason why the hazardous chemicals in the mixture are not identified shall be stated
384 on the ~~material~~ safety data sheet; and

385 (4) A single mixture ~~material~~ safety data sheet may be provided for more than one
386 formulation of a product mixture if the information provided does not vary for the
387 formulation.

388 (d) A manufacturer, importer, or distributor who is responsible for preparing and
389 transmitting a ~~material~~ safety data sheet under the provisions of this Code section shall
390 revise such ~~material~~ safety data sheet on a timely basis, as appropriate to the importance
391 of any new information which would affect the contents of the existing ~~material~~ safety data
392 sheet, and in any event within three months of such information becoming available to the
393 manufacturer, importer, or distributor. Each such manufacturer, importer, or distributor
394 shall provide a copy of the ~~material~~ safety data sheet to employers who have purchased
395 such hazardous chemicals ~~and an electronic copy to the department~~ in a written or
396 electronic format. Such safety data sheet shall be maintained by the employer for a period
397 of not less than three years.

398 (e) Any person subject to the provisions of this Code section shall be relieved of the
399 obligation to provide a direct purchaser of a hazardous chemical with a ~~material~~ safety data
400 sheet if:

401 (1) He or she has a record of having provided the direct purchaser with the most recent
402 version of the ~~material~~ safety data sheet;

403 (2) The chemical is labeled pursuant to:

- 404 (A) The federal Atomic Energy Act; or
- 405 (B) The federal Resource Conservation and Recovery Act; or
- 406 (3) The article is one sold at retail and is incidentally sold to an employer or the
407 employer's employees in the same form, approximate amount, concentration, and manner
408 as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article
409 is not significantly greater than the consumer exposure occurring during the principal
410 consumer use of the article.
- 411 (f) If an employer is not supplied with a ~~material~~ safety data sheet by a manufacturer,
412 importer, or distributor for a hazardous chemical subject to this Code section, such
413 employer shall, within a reasonable amount of time after discovering that a ~~material~~ safety
414 data sheet has not been supplied, use diligent efforts to obtain such ~~material~~ safety data
415 sheet from the manufacturer, importer, or distributor. For purposes of this subsection Code
416 section, 'diligent efforts' means a prompt inquiry by the employer to the manufacturer,
417 importer, or distributor of the hazardous chemicals; provided, however, that an independent
418 contractor or subcontractor shall be responsible for obtaining the ~~material~~ safety data sheet
419 for his or her employees in the workplace of another.
- 420 ~~(g)~~ If after having used diligent efforts, an employer still fails to obtain a ~~material~~ safety
421 data sheet, such employer shall notify the department of the employer's inability to obtain
422 such ~~material~~ safety data sheet.
- 423 (g) The department shall be authorized to punish any manufacturer, importer, or distributor
424 of a hazardous chemical that violates this Code section by imposition of a monetary
425 penalty not to exceed \$1,000.00 for each day that such manufacturer, importer, or
426 distributor of a hazardous chemical subject to this Code section has not provided the
427 employer with the safety data sheet.
- 428 (h) An employer who has used diligent efforts and who has made a documented
429 notification to the department pursuant to this Code section shall not be found in violation

430 of this Code section with respect to the ~~material~~ safety data sheet which was not supplied
431 by the manufacturer, importer, or distributor as required by this Code section.

432 (i) Every employer who manufactures, produces, uses, applies, or stores hazardous
433 chemicals in the workplace shall post a notice ~~as prescribed by rule or regulation~~
434 ~~promulgated by the department~~ in a place where notices are normally posted, informing
435 employees of their rights under this chapter.

436 (j) Every employer who manufactures, produces, uses, applies, or stores hazardous
437 chemicals in the workplace shall maintain a ~~material~~ safety data sheet for each hazardous
438 chemical which is present in such workplace. All ~~material~~ safety data sheets shall be
439 readily available in the workplace in a written or electronic format; provided, however, that
440 employers who maintain one or more work areas which are not fixed at specific geographic
441 locations shall be authorized to maintain ~~material~~ safety data sheets for each hazardous
442 chemical used in such work area at a central location.

443 (k)(1) A ~~material~~ safety data sheet may be kept in any form, including operations
444 procedures, and may be designed to cover groups of hazardous chemicals in a work area
445 where it may be appropriate to address the hazards of a process rather than individual
446 hazardous chemicals. The employer shall ensure that in all cases the required information
447 is provided for each hazardous chemical, and is readily accessible during each workshift
448 to employees when they are in their work area; provided, however, that employers who
449 maintain one or more work areas which are not fixed at specific geographic locations
450 shall be authorized to maintain ~~material~~ safety data sheets for each hazardous chemical
451 used in such work area at a central location.

452 (2) Any employee may request in writing and shall have the right to examine and obtain
453 the ~~material~~ safety data sheets for the hazardous chemicals to which he or she is, has
454 been, or may be exposed. The employer shall provide any ~~material~~ safety data sheet
455 within its possession within five of the requesting employee's working days, subject to
456 the provisions of subsection ~~(g)~~ (f) of this Code section. The employer may adopt

457 reasonable procedures for acting upon such requests to avoid interruption of normal work
458 operations.

459 (3) An independent contractor or subcontractor working in the workplace of another
460 employer may request in writing and shall have the right to examine the ~~material~~ safety
461 data sheets for the hazardous chemicals to which such contractor, subcontractor, or
462 employees thereof are, have been, or may be exposed. The employer shall provide any
463 ~~material~~ safety data sheet within its possession within five of the requesting independent
464 contractor's or subcontractor's working days, subject to the provisions of subsection ~~(g)~~
465 (f) of this Code section. The employer may adopt reasonable procedures for acting upon
466 such requests to avoid interruption of normal work operations.

467 (4) If an employee who has requested a ~~material~~ safety data sheet pursuant to this chapter
468 has not received such ~~material~~ safety data sheet within five of the requesting employee's
469 working days, subject to the provisions of subsection ~~(g)~~ (f) of this Code section, that
470 employee may refuse to work with the chemical for which he or she has requested the
471 ~~material~~ safety data sheet until such ~~material~~ safety data sheet is provided by the
472 employer; provided, however, that nothing contained in this paragraph shall be construed
473 to permit any employee to refuse to perform essential services, as such term is defined
474 by rule or regulation; provided, further, that nothing in this paragraph shall be construed
475 to interfere with the right of the employer to transfer an employee who so refuses to work
476 to other duties until such ~~material~~ safety data sheet is provided; and such a transfer shall
477 not ~~to~~ be considered as a discriminatory act under Code Section 45-22-10. No pay,
478 position, seniority, or other benefits shall be lost for exercise of any right provided by this
479 chapter as a result of such a transfer.

480 (l) No employer shall discharge or otherwise discriminate against an employee for the
481 employee's assertion of the employee's rights under this chapter.

482 (m) For ~~the~~ purposes of this Code section, an employer, independent contractor, or
483 subcontractor shall maintain ~~material~~ safety data sheets for their own workplaces only;

484 provided, however, that employees of such independent contractor or subcontractor, insofar
485 as they are exposed in the course of their employment to hazardous chemicals in other
486 workplaces, shall have the right to examine ~~material~~ safety data sheets for those chemicals
487 to which they are exposed from the workplace employer through a written request to their
488 own employer as provided in paragraph (2) of subsection (k) of this Code section.
489 Nothing contained in this chapter shall be construed to require an employer to conduct
490 studies to develop new information."

491

SECTION 16.

492 Said chapter is further amended in Code Section 45-22-8, relating to information and training
493 standards, by revising subsections (a) and (b) as follows:

494 "(a) Each employer shall be required to comply with the minimum information standards
495 set forth in this subsection. Each employee shall be informed of:

496 (1) The requirements of this Code section;

497 (2) What a ~~material~~ safety data sheet is and the contents of the ~~material~~ safety data sheet
498 for any hazardous chemical to which he or she is exposed, or equivalent information,
499 either in written form or through training programs;

500 (3) Any operations in his or her work area where hazardous chemicals are present;

501 (4) The location and availability of training programs;

502 (5) His or her right to receive information regarding hazardous chemicals to which he
503 or she may be exposed;

504 (6) His or her right for his or her physician to receive information regarding hazardous
505 chemicals to which the employee may be exposed; and

506 (7) His or her right against discharge or other discrimination due to the employee's
507 exercise of the rights provided by this chapter.

508 (b) In addition to providing the information required by subsection (a) of this Code
509 section, each employer shall be required to provide a training program for all employees

510 who are exposed to hazardous chemicals in the normal course of their employment. When
511 training employees who are exposed to hazardous chemicals, the employer shall explain
512 any physical or health hazards associated with the use of the chemical or mixture; proper
513 precautions for handling, necessary personal protective equipment, or other safety
514 precautions necessary to prevent or minimize exposure to the hazardous chemical; methods
515 of observation that may be used to detect the presence or release of a hazardous chemical
516 in a work area, including, but not limited to, spot check monitoring, continuous monitoring,
517 or methods of visual or olfactory detection; the labeling system and the ~~material~~ safety data
518 sheet; and how employees can obtain and use the appropriate hazard information; and
519 emergency procedures for spills, fire, disposal, and first aid. This information may relate
520 to an entire class of hazardous chemicals to the extent appropriate and related to the job.
521 Whenever any employer receives a new or revised ~~material~~ safety data sheet, such
522 information shall be provided to employees on a timely basis not to exceed 30 days after
523 receipt, if the new information indicates significantly increased risks to or measures
524 necessary to protect employee health as compared to those stated on a ~~material~~ safety data
525 sheet previously provided."

526

SECTION 17.

527 Said chapter is further amended by revising Code Section 45-22-9, relating to publication by
528 employers of list of hazardous chemicals in workplace, as follows:

529 "45-22-9.

530 Each employer shall publish. ~~On and after July 1, 1989, each employer shall publish in~~
531 ~~print or electronically~~ in January and July of each year, a list of hazardous chemicals that
532 its employees use or are exposed to in the workplace. Such list shall be in written or
533 electronic format and available for public inspection at the workplace office. A
534 comprehensive list of all hazardous chemicals used by the employer shall also be available
535 for public inspection at the employer's state headquarters."

536

SECTION 18.

537 All laws and parts of laws in conflict with this Act are repealed.