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

AS PASSED

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 Title 16 of the Official Code of Georgia
5 Annotated, relating to crimes and offenses, so as to revise the offense of criminal damage to
6 property in the second degree; to provide for a criminal offense for ignition of fireworks near
7 an emergency medical technician, firefighter, or law enforcement officer for purposes of
8 hindering the official duties thereof or causing injury thereto; to provide for punishment; to
9 provide for definitions; to amend Title 25 of the Official Code of Georgia Annotated, relating
10 to fire protection and safety, so as to provide for authority of state fire marshal and
11 employees to investigate and arrest upon request by the Safety Fire Commissioner; to
12 prohibit the use of fireworks to cause injury or property damage; to revise licensing
13 requirements and penalties relative to the display of fireworks and pyrotechnics and the sale
14 of fireworks; to require a license for the use of certain special effects in production of a
15 motion picture or television production; to revise provisions relative to the prohibition on the
16 release of certain fire-propelled devices; to provide for penalties; to revise inspection and
17 certification requirements relative to boilers and pressure vessels; to revise and provide for
18 definitions; to amend Chapter 22 of Title 45 of the Official Code of Georgia Annotated,
relating to public employee hazardous chemical protection and right to know, so as to allow
for the dissemination of certain information relative to hazardous chemicals in written or
electronic format; to provide for penalties; to provide for definitions; to provide for
conforming changes; to provide for related matters; to repeal conflicting laws; and for other
purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Code Section 8-2-106 of the Official Code of Georgia Annotated, relating to reporting of
accidents relative to elevators, dumbwaiters, escalators, manlifts, and moving walks and
removal from service of such equipment involved in accident, is amended by revising
subsections (a) and (b) as follows:

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

(b) The owner or lessee shall report, in writing, to the enforcement authority within seven
days by the end of the next business day, excluding state holidays and weekends, all
elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving
structural damage to the elevator, escalator, manlift, moving walk, or power dumbwaiter."
SECTION 2.
Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-7-23, relating to criminal damage to property in the second degree, as follows:
"16-7-23.
(a) A person commits the offense of criminal damage to property in the second degree when he or she:
(1) Intentionally damages any property of another person without his or her consent and the damage thereto exceeds $500.00; or
(2) Recklessly or intentionally, by means of fire, explosive, or fireworks damages property of another person.
(b) A person convicted of the offense of criminal damage to property in the second degree shall be punished by imprisonment for not less than one nor more than five years."

SECTION 3.
Said title is further amended by adding a new Code section to read as follows:
"16-10-35.
(a) As used in this Code section, the term:
(1) 'Emergency medical technician' shall have the same meaning as set forth in Code Section 16-10-24.2.
(2) 'Firefighter' shall have the same meaning as set forth in Code Section 16-10-24.1.
(3) 'Firework' means any combustible or explosive composition or any substance or combination of substances or article the possession of which is regulated by Chapter 10 of Title 25.
(4) 'Law enforcement officer' means any person certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'
(b) It shall be unlawful for any person to knowingly and intentionally ignite a firework when such firework or component thereof explodes or detonates within 150 feet of or causes injury or harm to an emergency medical technician, firefighter, or law enforcement officer for the purpose of hindering or disrupting such emergency medical technician, firefighter, or law enforcement officer during the lawful discharge of his or her duties.

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

SECTION 4.

Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is amended by revising Code Section 25-2-9, relating to authority of state fire marshal and employees to investigate and arrest, as follows:


(a) Upon the direction of the Commissioner or the request of the sheriff of the county, the chief of police of the jurisdiction, the district attorney of the judicial circuit, or a local fire official, the state fire marshal and any employees of such official shall have the authority to investigate the cause and origin of any fire which occurred in said county, jurisdiction, or judicial circuit.

(b) Upon the direction of the Commissioner or the request of the sheriff of the county, the chief of police of the jurisdiction, the district attorney of the judicial circuit, or a local fire official, the state fire marshal and any employees of such official shall have the authority to investigate and enforce any laws provided for within this title or any regulations promulgated under this title.

(c) Personnel employed and authorized by the state fire marshal shall have the power to make arrests for criminal violations established as a result of investigations. Such personnel must hold certification as a peace officer from the Georgia Peace Officer Standards and Training Council and shall have the power to execute arrest warrants and

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search warrants for criminal violations and to arrest, upon probable cause and without warrant, any person found violating any of the provisions of applicable criminal laws. Authorized personnel empowered to make arrests pursuant to this Code section shall be empowered to carry firearms as authorized by the state fire marshal in the performance of their duties. It shall be unlawful for any person to resist an arrest authorized by this Code section or to interfere in any manner, including abetting or assisting such resistance or interference, with personnel employed by the state fire marshal in the duties imposed upon such personnel by law.”

SECTION 5.

Said title is further amended in Code Section 25-10-1, relating to definitions relative to regulation of fireworks, by revising subsection (a) as follows:

"(a) As used in this chapter, the term:
(1) 'Consumer fireworks' means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.
(2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.
(3) 'Consumer fireworks retail sales stand' shall have the same meaning as provided for by NFPA 1124."
(4) 'Distributor' means any person, firm, corporation, association, or partnership which sells consumer fireworks.

(4.1) 'Electric plant' shall have the same meaning as provided for in Code Section 46-3A-1.

(5) 'Fireworks' means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

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

(7) 'Flame effect' means the combustion of solids, liquids, or gases utilizing atmospheric oxygen to produce thermal, physical, visual, or audible phenomena before an audience or for use in motion picture and television production.


(9) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or private elementary or secondary school in this state.
(8) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner.

(11) 'Personal and private use' means the use of consumer fireworks for any activity other than any activity of a professional or commercial nature or for profit or commercial gain and intended, in particular, for household entertainment or enjoyment for private gatherings.

(12) 'Public exhibition or display of fireworks' means the use of pyrotechnics, display fireworks, consumer fireworks, or any combination thereof for any purpose relating to the amusement or entertainment of the public that does not occur within a building or structure or before a proximate audience; provided, however, that such term shall not include the private and personal use of consumer fireworks by the public.

(9)(13) 'Pyrotechnics' means fireworks not intended for use by the general public.

(14) 'Special effect' means an audible or visual effect created for motion picture and television production through the use of flammable or combustible liquids, flammable solids, explosives, fireworks, pyrotechnics, flame effects, and any similar materials and devices.

(10)(15) 'Store' shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall only include such buildings with at least 4,000 square feet of retail display space and wherefrom:

(A) No more than 25 percent of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of this Code section; and

(B) Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of this Code section are sold;
and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management.

(16) 'Waste-water treatment plant' shall have the same meaning as provided for in Code Section 43-51-2.

(17) 'Water treatment plant' shall have the same meaning as provided for in Code Section 43-51-2."

SECTION 6.

Said title is further amended in Code Section 25-10-2, relating to prohibited fireworks activities and application of noise ordinances, by adding a new subsection to read as follows:

"(a.1) It shall be unlawful for any person, firm, corporation, association, or partnership to cause injury to another person or damage any property of another by means of fireworks whether recklessly or intentionally."

SECTION 7.

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

"25-10-3.2.

(a)(1) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, detonation, or ignition of pyrotechnics for the purpose of a public fireworks or pyrotechnics exhibition or display before a proximate audience unless such person, firm, corporation, association, or partnership holds a valid license issued by the Safety Fire Commissioner in accordance with the provisions of this Code section paragraph (2) of this subsection. Any application for such a license shall be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire Commissioner.
(b)(2) All applicants must meet the following requirements for licensure to conduct a fireworks or pyrotechnics exhibition or display before a proximate audience:

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

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

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

(c)(b)(1) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, detonation, or ignition of fireworks for the purpose of a public exhibition or display of fireworks unless such person, firm, corporation, association, or partnership holds a valid license issued by the Safety Fire Commissioner in accordance with the provisions of paragraph (2) of this subsection. Any application for such a license shall be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire Commissioner. Any violation of this chapter shall be grounds for revocation or denial of licensure to conduct pyrotechnic displays;

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

(A) The applicant shall submit to the Safety Fire Commissioner proof of competency of all operators and assistants;
(B) The applicant shall pay the required licensing fee as prescribed in Code Section 25-10-5; and

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

(c)(1) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, detonation, or ignition of special effects unless such person, firm, corporation, association, or partnership holds a valid license issued by the Safety Fire Commissioner in accordance with the provisions of paragraph (2) of this subsection, provided that any use of special effects in which an audience is present shall require licensure pursuant to subsection (a) of this Code section. Any application for such a license shall be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire Commissioner.

(2) All applicants shall meet the following requirements for licensure to use special effects:

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

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

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

(d) The license issued pursuant to subsection (c) of this Code Section shall not authorize the manufacture, transportation, use, sale, or storage of explosives as provided for in subsection (d) of Code Section 25-2-17.

(e) Any violation of this chapter shall be grounds for revocation or denial of licensure to conduct a fireworks or pyrotechnics exhibition or display before a proximate audience, to conduct a public exhibition or display of fireworks, or for the use of special effects.”
SECTION 8.

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

"25-10-4.

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

(1) That the display be conducted by a competent operator approved by the judge public exhibition or display of fireworks be conducted by an operator licensed pursuant to subsection (b) of Code Section 25-10-3.2;

(2) That the display shall be of such character as in the opinion of the judge will not be hazardous to persons or property;

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

(4) That the application be accompanied by a bond in the principal sum of $10,000.00, payable to the county, municipality, or other political subdivision in which the display public exhibition or display of fireworks is being held and conditioned for the
payment of damages which may be caused either to persons or to property by reason of
the display public exhibition or display of fireworks or, alternatively, that the application
be accompanied by evidence that the applicant carries proper liability insurance for
bodily injury in the amount of not less than $25,000.00 for each person and $50,000.00
for each accident and for property damage in the amount of not less than $25,000.00 for
each accident and $50,000.00 aggregate, with an insurance company duly licensed by the
Commissioner of Insurance.
(b) Any person, firm, corporation, association, or partnership desiring to conduct a public
fireworks or pyrotechnics exhibition or display of fireworks before a proximate audience
shall first obtain a permit from the judge of the probate court of the county local fire
authority of the county, municipality, or other political subdivision or the chartered fire
department legally organized to operate in this state pursuant to Chapter 3 of this title and
having operational authority of the area in which the public fireworks or pyrotechnics
exhibition or display is to be held. Application for a permit must shall be made in writing
and filed with the judge local fire authority not less than ten days prior to the date of the
proposed public fireworks or pyrotechnics exhibition or display of fireworks before a
proximate audience. Such application must contain the license number issued by the
Safety Fire Commissioner for the person, firm, corporation, association, or partnership that
will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the
public exhibition or display. Fireworks distributors located outside this state shall obtain
display permit application forms and provide the same to applicants upon request. The
judge local fire authority may grant a permit for the display fireworks or pyrotechnics
exhibition or display before a proximate audience on the following conditions:
(1) That the fireworks or pyrotechnics exhibition or display be conducted by a competent
operator approved by the judge an operator licensed pursuant to subsection (a) of Code
Section 25-10-3.2;
(2) That the display shall be of such character as in the opinion of the judge will not be hazardous to persons or property;

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

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

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

(d) The permit provided for in subsection (a) or (b) of this Code section shall be limited to the time specified therein, such time not to which shall not exceed a two-week period. The permit shall not be transferable. In the event any fireworks bought and possessed under this Code section are not used by the licensee or in the event that there is a surplus or excess after the two-week period expires, it shall be the duty of the licensee to return such fireworks to a facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations promulgated by the Safety Fire Commissioner. Fireworks stored in accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband and shall not be subject to seizure.
(e) The judge of the probate court shall receive $10.00 for his or her services local fire authority shall receive a fee of up to $100.00 for the administrative cost of processing in granting or refusing the original permit and $1.00 pursuant to this Code section and $10.00 for each copy issued, to be paid by the applicant. In addition to the original permit fees, local fire authorities may also charge reasonable fees for personnel needed for standby fire suppression and permit compliance. The judge of the probate court local fire authority shall provide the Safety Fire Commissioner a copy of each permit granted prior to the proposed date of the public exhibition or display of fireworks or the fireworks or pyrotechnics exhibition or display before a proximate audience."

SECTION 9.

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

"25-10-5.

(a) The annual license fee for any person, firm, or corporation, association, or partnership conducting business in this state under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code Section 25-10-3.1 or conducting pyrotechnic displays under fireworks or pyrotechnics exhibitions or displays before a proximate audience under subsection (a) of Code Section 25-10-3.2 shall be $1,500.00 per year, payable to the Safety Fire Commissioner. The license shall expire on December 31 of each year. The Safety Fire Commissioner is authorized and directed to promulgate safety regulations relating to the manufacture, storage, and transportation of fireworks within this state in order to ensure the adequate protection of the employees of any such person, firm, or corporation, association, or partnership and of the general public. The Safety Fire Commissioner is also further authorized and directed to promulgate safety regulations relating to the public exhibition or display of pyrotechnics fireworks or pyrotechnics exhibitions or displays

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before a proximate audience and the licensing requirements of those conducting such
public fireworks or pyrotechnics exhibitions or displays before a proximate audience, as
he or she deems necessary. The Safety Fire Commissioner is further authorized and
directed to conduct periodic inspections of the facilities of any person, firm, or corporation,
association, or partnership manufacturing, storing, and transporting fireworks as provided
in paragraph (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order
to ensure compliance with fire safety rules and regulations.

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

SECTION 10.
Said title is further amended in Code Section 25-10-8, relating to penalty for violations of
chapter, by adding a new subsection and revising subsection (b) as follows:
"(b) Any person, firm, corporation, association, or partnership that violates subsection (a)
of Code Section 25-10-2 shall be guilty of a felony and shall be punished pursuant to Code
Section 16-7-23 and shall also be subject to a monetary penalty of not more than
$10,000.00.
Any person, firm, corporation, association, or partnership that violates any other provision of this chapter shall be guilty of a misdemeanor and shall be subject to monetary penalties as provided for in Code Section 25-10-9."

SECTION 11.

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

"25-10-9.

Notwithstanding any provision of this chapter to the contrary, the Safety Fire Commissioner shall have the authority to subject any person, firm, corporation, association, or partnership that knowingly violates this chapter to a monetary penalty of up to $2,500.00 for each and every act in violation of this chapter; provided, however, that the Safety Fire Commissioner shall have the authority to subject any person, firm, corporation, association, or partnership that knowingly sells consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of up to $5,000.00 and, if any such person, firm, corporation, association, or partnership is a distributor, then a license revocation for not more than two years. Each sales transaction in violation of this chapter shall be a separate offense."

SECTION 12.

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

"25-10-10.

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

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

SECTION 13.
Said title is further amended in Code Section 25-15-16, relating to exceptions from article
and exemptions from inspection and certificate requirements relative to regulation of boilers
and pressure vessels, by revising paragraphs (13) through (15) of subsection (a) as follows:
"(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing
process; provided, however, that any person, firm, partnership, or corporation operating
such a boiler or pressure vessel has insurance or is self-insured and such boiler or
pressure vessel is regularly inspected in accordance with the minimum requirements for
safety as defined in the ASME Code by an inspector who has been issued a certificate of
competency by the Commissioner in accordance with the provisions of Code
Section 25-15-19;
(14) Boilers and pressure vessels operated and maintained by a public utility; and
(15) Autoclaves used only for the sterilization of reusable medical or dental
implements in the place of business of any professional licensed by the laws of this state."

SECTION 14.
Said title is further amended by revising Code Section 25-15-18, relating to deputy inspectors
for boilers and pressure vessels, as follows:
The Commissioner may employ deputy inspectors who shall be responsible to the chief
inspector and who shall have, had at the time of appointment not:
(1)(A) Not less than three years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who shall have passed; or

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

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

SECTION 15.

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

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

SECTION 16.

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

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

(A) The chemical name and the common name of the hazardous chemical;
(B) The hazards or other risks in the use of the hazardous chemical, including:

(i) The potential for fire, explosion, corrosivity, and reactivity;

(ii) The known acute and chronic health effects of risks from exposure, including the medical conditions which are generally recognized as being aggravated by exposure to the hazardous chemical; and

(iii) The primary routes of entry and the symptoms of overexposure;

(C) The proper precautions, handling practices, necessary personal protective equipment, and other safety precautions in the use of or exposure to the hazardous chemicals, including appropriate emergency treatment in case of overexposure;

(D) The emergency procedures for spills, fire, disposal, and first aid;

(E) A description in lay terms of the known specific potential health risks posed by the hazardous chemical intended to alert any person reading this information; and

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

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


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

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

(20)(19) 'Produce' means to manufacture, process, formulate, or repackate.
(20) 'Safety data sheet' means the document prepared by manufacturers in accordance with the requirements of Section 1920.1220(g) and Appendix D of the Occupational Safety and Health Administration standard."

SECTION 17.

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

"45-22-4.

A public contractor who introduces hazardous materials into the workplace shall agree, and include a statement, in all bids, agreements, contracts, or other instruments to the effect that such contractor shall be responsible for compliance with the provisions of this chapter for persons employed by such contractor utilized under such contract. Any such public contractor who introduces hazardous chemicals into the workplace shall provide material safety data sheets for such chemicals to all employees utilizing them and instruction in handling, emergency procedures, and disposal prior to introducing such hazardous chemicals. This Code section shall not be construed to place responsibility on any person, firm, or corporation other than public contractors."

SECTION 18.

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

"45-22-7.

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

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

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

1. Toxicity test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the material safety data sheet indicates that the information presented and the conclusions drawn are from some source other than direct test data on the mixture itself, and that a material safety data sheet on each constituent hazardous chemical identified on the material safety data sheet is available upon request;

2. Provision of information on the mixture will be as effective in protecting employee health as information on the ingredients;

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

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

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

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

1. He or she has a record of having provided the direct purchaser with the most recent version of the material safety data sheet;
2. The chemical is labeled pursuant to:
   A. The federal Atomic Energy Act; or
   B. The federal Resource Conservation and Recovery Act; or
3. The article is one sold at retail and is incidentally sold to an employer or the employer's employees in the same form, approximate amount, concentration, and manner as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article is not significantly greater than the consumer exposure occurring during the principal consumer use of the article.

(f) If an employer is not supplied with a material safety data sheet by a manufacturer, importer, or distributor for a hazardous chemical subject to this Code section, such employer shall, within a reasonable amount of time after discovering that a material safety data sheet has not been supplied, use diligent efforts to obtain such material safety data sheet from the manufacturer, importer, or distributor. For purposes of this subsection, 'diligent efforts' means a prompt inquiry by the employer to the manufacturer, importer, or distributor of the hazardous chemicals; provided, however, that an independent
contractor or subcontractor shall be responsible for obtaining the material safety data sheet for his or her employees in the workplace of another.

(g) If after having used diligent efforts, an employer still fails to obtain a material safety data sheet, such employer shall notify the department of the employer's inability to obtain such material safety data sheet.

(g) The department shall be authorized to punish any manufacturer, importer, or distributor of a hazardous chemical that violates this Code section by imposition of a monetary penalty not to exceed $1,000.00 for each day that such manufacturer, importer, or distributor of a hazardous chemical subject to this Code section has not provided the employer with the safety data sheet.

(h) An employer who has used diligent efforts and who has made a documented notification to the department pursuant to this Code section shall not be found in violation of this Code section with respect to the material safety data sheet which was not supplied by the manufacturer, importer, or distributor as required by this Code section.

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

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

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

(2) Any employee may request in writing and shall have the right to examine and obtain the material safety data sheets for the hazardous chemicals to which he or she is, has been, or may be exposed. The employer shall provide any material safety data sheet within its possession within five of the requesting employee's working days, subject to the provisions of subsection (f) of this Code section. The employer may adopt reasonable procedures for acting upon such requests to avoid interruption of normal work operations.

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

(4) If an employee who has requested a material safety data sheet pursuant to this chapter has not received such material safety data sheet within five of the requesting employee's working days, subject to the provisions of subsection (f) of this Code section, that employee may refuse to work with the chemical for which he or she has requested the material safety data sheet until such material safety data sheet is provided by the

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employer; provided, however, that nothing contained in this paragraph shall be construed
to permit any employee to refuse to perform essential services, as such term is defined
by rule or regulation; provided, further, that nothing in this paragraph shall be construed
to interfere with the right of the employer to transfer an employee who so refuses to work
to other duties until such material safety data sheet is provided; and such a transfer shall
not to be considered as a discriminatory act under Code Section 45-22-10. No pay, position, seniority, or other benefits shall be lost for exercise of any right provided by this chapter as a result of such a transfer.

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

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

SECTION 19.

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

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

(1) The requirements of this Code section;
(2) What a material safety data sheet is and the contents of the material safety data sheet for any hazardous chemical to which he or she is exposed, or equivalent information, either in written form or through training programs;

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

(4) The location and availability of training programs;

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

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

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

(b) In addition to providing the information required by subsection (a) of this Code section, each employer shall be required to provide a training program for all employees who are exposed to hazardous chemicals in the normal course of their employment. When training employees who are exposed to hazardous chemicals, the employer shall explain any physical or health hazards associated with the use of the chemical or mixture; proper precautions for handling, necessary personal protective equipment, or other safety precautions necessary to prevent or minimize exposure to the hazardous chemical; methods of observation that may be used to detect the presence or release of a hazardous chemical in a work area, including, but not limited to, spot check monitoring, continuous monitoring, or methods of visual or olfactory detection; the labeling system and the material safety data sheet; and how employees can obtain and use the appropriate hazard information; and emergency procedures for spills, fire, disposal, and first aid. This information may relate to an entire class of hazardous chemicals to the extent appropriate and related to the job. Whenever any employer receives a new or revised material safety data sheet, such information shall be provided to employees on a timely basis not to exceed 30 days after receipt, if the new information indicates significantly increased risks to or measures...
necessary to protect employee health as compared to those stated on a material safety data sheet previously provided."

SECTION 20.

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

"45-22-9.

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

SECTION 21.

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