

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 SENATE

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 prohibit the use of fireworks to cause injury or property
11 damage; to revise licensing requirements and penalties relative to the display of fireworks
12 and pyrotechnics and the sale of fireworks; to require a license for the use of certain special
13 effects in production of a motion picture or television production; to revise provisions
14 relative to the prohibition on the release of certain fire-propelled devices; to provide for
15 penalties; to revise inspection and certification requirements relative to boilers and pressure
16 vessels; to revise and provide for definitions; to amend Chapter 22 of Title 45 of the Official
17 Code of Georgia Annotated, relating to public employee hazardous chemical protection and
18 right to know, so as to allow for the dissemination of certain information relative to

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19 hazardous chemicals in written or electronic format; to provide for penalties; to provide for
20 definitions; to provide for conforming changes; to provide for related matters; to repeal
21 conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

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

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

38 **SECTION 2.**

39 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
40 amended by revising Code Section 16-7-23, relating to criminal damage to property in the
41 second degree, as follows:

42 "16-7-23.

43 (a) A person commits the offense of criminal damage to property in the second degree
44 when he or she:

45 (1) Intentionally damages any property of another person without his or her consent and
46 the damage thereto exceeds \$500.00; or

47 (2) Recklessly or intentionally, by means of fire, or explosive, or fireworks damages
48 property of another person.

49 (b) A person convicted of the offense of criminal damage to property in the second degree
50 shall be punished by imprisonment for not less than one nor more than five years."

51

SECTION 3.

52 Said title is further amended by adding a new Code section to read as follows:

53 "16-10-35.

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

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

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

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

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

64 (b) It shall be unlawful for any person to knowingly and intentionally ignite a firework
65 when such firework or component thereof explodes or detonates within 150 feet of or
66 causes injury or harm to an emergency medical technician, firefighter, or law enforcement

67 officer for the purpose of hindering or disrupting such emergency medical technician,
68 firefighter, or law enforcement officer during the lawful discharge of his or her duties.
69 (c) Any person who violates subsection (b) of this Code section shall be guilty of a high
70 and aggravated misdemeanor."

71 **SECTION 4.**

72 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
73 amended in Code Section 25-10-1, relating to definitions relative to regulation of fireworks,
74 by revising subsection (a) as follows:

75 "(a) As used in this chapter, the term:

76 (1) 'Consumer fireworks' means any small fireworks devices containing restricted
77 amounts of pyrotechnic composition, designed primarily to produce visible or audible
78 effects by combustion, that comply with the construction, chemical composition, and
79 labeling regulations of the United States Consumer Product Safety Commission as
80 provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the
81 United States Department of Transportation as provided for in Part 172 of Title 49 of the
82 Code of Federal Regulations, and the American Pyrotechnics Association as provided for
83 in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall
84 mean Roman candles.

85 (2) 'Consumer fireworks retail sales facility' shall have the same meaning as provided for
86 by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or
87 membrane structure.

88 (3) 'Consumer fireworks retail sales stand' shall have the same meaning as provided for
89 by NFPA 1124.

90 (4) 'Distributor' means any person, firm, corporation, association, or partnership which
91 sells consumer fireworks.

92 ~~(4.1)~~(5) 'Electric plant' shall have the same meaning as provided for in Code
93 Section 46-3A-1.

94 ~~(5)~~(6) 'Fireworks' means any combustible or explosive composition or any substance or
95 combination of substances or article prepared for the purpose of producing a visible or
96 audible effect by combustion, explosion, deflagration, or detonation, including blank
97 cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles
98 and explosives of like construction, as well as articles containing any explosive or
99 flammable compound and tablets and other devices containing an explosive substance.

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

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

110 ~~(6)~~(9) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code*
111 *for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and*
112 *Pyrotechnic Articles*, 2006 Edition.

113 ~~(7)~~(10) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3)
114 of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of
115 Title 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a
116 public or private elementary or secondary school in this state.

117 ~~(8) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted~~
118 ~~by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*,~~
119 ~~as adopted by the Safety Fire Commissioner.~~

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

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

129 ~~(9)~~(13) 'Pyrotechnics' means fireworks not intended for use by the general public.

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

134 ~~(10)~~(15) 'Store' shall have the same meaning as provided for by NFPA 1124; provided,
135 however, that such term shall only include such buildings with at least 4,000 square feet
136 of retail display space and wherefrom:

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

140 (B) Other items or products which are not consumer fireworks or items or products as
141 provided for under paragraph (2) of subsection (b) of this Code section are sold;

142 and provided, further, that such term means a person, firm, corporation, association, or
143 partnership with more than one mercantile location, where all such mercantile locations
144 are collectively known to the public by the same name or share central management.

145 ~~(11)~~(16) 'Waste-water treatment plant' shall have the same meaning as provided for in
146 Code Section 43-51-2.

147 ~~(12)~~(17) 'Water treatment plant' shall have the same meaning as provided for in Code
148 Section 43-51-2."

149 **SECTION 5.**

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

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

155 **SECTION 6.**

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

158 "25-10-3.2.

159 ~~(a)~~(1) No person, firm, corporation, association, or partnership shall cause the
160 combustion, explosion, deflagration, detonation, or ignition of pyrotechnics for the
161 purpose of a ~~public~~ fireworks or pyrotechnics exhibition or display before a proximate
162 audience unless such person, firm, corporation, association, or partnership holds a valid
163 license issued by the Safety Fire Commissioner in accordance with the provisions of ~~this~~
164 ~~Code section~~ paragraph (2) of this subsection. Any application for such a license shall
165 be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire
166 Commissioner.

167 ~~(b)(2)~~ All applicants ~~must shall~~ meet the following requirements for licensure to conduct
168 a fireworks or pyrotechnics exhibition or display before a proximate audience:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219

SECTION 7.

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

222 "25-10-4.

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

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

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

240 (3)~~(2)~~ That the ~~local fire official responsible for the area in question certifies in writing~~
241 ~~that the site for the display meets his or her approval and~~ public exhibition or display of
242 fireworks is in compliance with all applicable codes; and

243 ~~(4)~~~~(3)~~ That the application be accompanied by a bond in the principal sum of ~~\$10,000.00~~
244 \$50,000.00, payable to the county, municipality, or other political subdivision in which
245 the ~~display public exhibition or display of fireworks~~ is being held and conditioned for the

246 payment of damages which may be caused either to persons or to property by reason of
247 the ~~display~~ public exhibition or display of fireworks or, alternatively, that the application
248 be accompanied by evidence that the applicant carries proper liability insurance for
249 bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00
250 for each accident and for property damage in the amount of not less than \$25,000.00 for
251 each accident and \$50,000.00 aggregate, ~~with an insurance company duly licensed by the~~
252 ~~Commissioner of Insurance.~~

253 (b) Any person, firm, corporation, association, or partnership desiring to conduct a ~~public~~
254 fireworks or pyrotechnics exhibition or display ~~of fireworks~~ before a proximate audience
255 shall first obtain a permit from the ~~judge of the probate court of the county~~ local fire
256 authority of the county, municipality, or other political subdivision or the chartered fire
257 department legally organized to operate in this state pursuant to Chapter 3 of this title and
258 having operational authority of the area in which the ~~public~~ fireworks or pyrotechnics
259 exhibition or display is to be held. Application for a permit ~~must~~ shall be made in writing
260 and filed with the ~~judge~~ local fire authority not less than ten days prior to the date of the
261 proposed ~~public~~ fireworks or pyrotechnics exhibition or display ~~before a~~
262 proximate audience. ~~Such application must contain the license number issued by the~~
263 ~~Safety Fire Commissioner for the person, firm, corporation, association, or partnership that~~
264 ~~will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the~~
265 ~~public exhibition or display~~. Fireworks distributors located outside this state shall obtain
266 display permit application forms and provide the same to applicants upon request. The
267 ~~judge~~ local fire authority may grant a permit for the ~~display~~ fireworks or pyrotechnics
268 exhibition or display before a proximate audience on the following conditions:

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

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

274 (3)(2) ~~That the local fire official responsible for the area in question certifies in writing~~
275 ~~that the site for the display meets his or her approval and fireworks or pyrotechnics~~
276 ~~exhibition or display is in compliance with all applicable codes; and~~

277 (4)(3) ~~That the application be accompanied by a bond in the principal sum of \$10,000.00~~
278 ~~\$50,000.00, payable to the county, municipality, or other political subdivision in which~~
279 ~~the display is being held and conditioned for the payment of damages that may be caused~~
280 ~~either to persons or to property by reason of the fireworks or pyrotechnics exhibition or~~
281 ~~display or, alternatively, that the application be accompanied by evidence that the~~
282 ~~applicant carries property liability insurance for bodily injury in the amount of not less~~
283 ~~than \$25,000.00 for each person and \$50,000.00 for each accident and for property~~
284 ~~damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00~~
285 ~~aggregate, with an insurance company duly licensed by the Commissioner of Insurance.~~

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

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

299 (e) ~~The judge of the probate court shall receive \$10.00 for his or her services~~ local fire
 300 authority shall receive a fee of up to \$100.00 for the administrative cost of processing in
 301 granting or refusing the original permit and \$1.00 pursuant to this Code section and \$10.00
 302 for each copy issued, to be paid by the applicant. In addition to the original permit fees,
 303 local fire authorities may also charge reasonable fees for personnel needed for standby fire
 304 suppression and permit compliance. ~~The judge of the probate court~~ local fire authority
 305 shall provide the Safety Fire Commissioner a copy of each permit granted prior to the
 306 proposed date of the public exhibition or display of fireworks or the fireworks or
 307 pyrotechnics exhibition or display before a proximate audience."

308

SECTION 8.

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

312 "25-10-5.

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

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

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

342

SECTION 9.

343 Said title is further amended in Code Section 25-10-8, relating to penalty for violations of
344 chapter, by adding a new subsection and revising subsection (b) as follows:

345 "(b) Any person, firm, corporation, association, or partnership that violates subsection (a)
346 of Code Section 25-10-2 shall be guilty of a felony and shall be punished pursuant to Code
347 Section 16-7-23 and shall also be subject to a monetary penalty of not more than
348 \$10,000.00.

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

352 **SECTION 10.**

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

355 "25-10-9.

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

366 **SECTION 11.**

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

370 "25-10-10.

371 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to sell
 372 or offer for sale or release or cause to be released any balloon, bag, parachute, or other
 373 similar device which requires fire underneath for propulsion ~~or to release or cause to be~~

374 ~~released any floating water lantern or wish lantern which uses a flame to create a lighting~~
 375 ~~effect in any public waterway, lake, pond, stream, or river.~~

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

379 **SECTION 12.**

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

383 ~~"(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing~~
 384 ~~process; provided, however, that any person, firm, partnership, or corporation operating~~
 385 ~~such a boiler or pressure vessel has insurance or is self-insured and such boiler or~~
 386 ~~pressure vessel is regularly inspected in accordance with the minimum requirements for~~
 387 ~~safety as defined in the ASME Code by an inspector who has been issued a certificate of~~
 388 ~~competency by the Commissioner in accordance with the provisions of Code~~
 389 ~~Section 25-15-19;~~

390 ~~(14)~~(13) Boilers and pressure vessels operated and maintained by a public utility; and
 391 ~~(15)~~(14) Autoclaves used only for the sterilization of reusable medical or dental
 392 implements in the place of business of any professional licensed by the laws of this state."

393 **SECTION 13.**

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

396 "25-15-18.

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

399 (1)(A) Not less than three years' experience in the construction, installation, inspection,
 400 operation, maintenance, or repair of high pressure boilers and pressure vessels as a
 401 mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and
 402 who shall have passed; or
 403 (B) Successfully completed a nationally recognized program which provides adequate
 404 experience in the field that has been approved by the Commissioner through rule or
 405 regulation; and
 406 (2) Passed the examination provided for in Code Section 25-15-20."

407 **SECTION 14.**

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

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

414 **SECTION 15.**

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

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

423 ~~(A) The chemical name and the common name of the hazardous chemical;~~

- 424 ~~(B) The hazards or other risks in the use of the hazardous chemical, including:~~
425 ~~(i) The potential for fire, explosion, corrosivity, and reactivity;~~
426 ~~(ii) The known acute and chronic health effects of risks from exposure, including the~~
427 ~~medical conditions which are generally recognized as being aggravated by exposure~~
428 ~~to the hazardous chemical; and~~
429 ~~(iii) The primary routes of entry and the symptoms of overexposure;~~
430 ~~(C) The proper precautions, handling practices, necessary personal protective~~
431 ~~equipment, and other safety precautions in the use of or exposure to the hazardous~~
432 ~~chemicals, including appropriate emergency treatment in case of overexposure;~~
433 ~~(D) The emergency procedures for spills, fire, disposal, and first aid;~~
434 ~~(E) A description in lay terms of the known specific potential health risks posed by the~~
435 ~~hazardous chemical intended to alert any person reading this information; and~~
436 ~~(F) The year and month, if available, that the information was compiled and the name,~~
437 ~~address, and emergency telephone number of the manufacturer responsible for~~
438 ~~preparing the information.~~
- 439 ~~(16)~~(15) 'Mixture' means any combination of two or more chemicals, if the combination
440 is not, in whole or in part, the result of a chemical reaction.
- 441 ~~(17)~~(16) 'Occupational Safety and Health Administration standard' means the Hazard
442 Communication Standard issued by the Occupational Safety and Health Administration,
443 29 C.F.R. Sections 1910.0000 through 1910.1500 ~~(1987)~~ in effect as of January 1, 2024.
- 444 ~~(18)~~(17) 'Person' means any individual, natural person, public or private corporation,
445 incorporated association, government, government agency, partnership, or unincorporated
446 association.
- 447 ~~(19)~~(18) 'Physical hazard' means a chemical for which there is scientifically valid
448 evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an
449 organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.
- 450 ~~(20)~~(19) 'Produce' means to manufacture, process, formulate, or repackage.

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

454 **SECTION 16.**

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

457 "45-22-4.

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

467 **SECTION 17.**

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

470 "45-22-7.

471 (a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare a
472 ~~material~~ safety data sheet which, to the best knowledge of the manufacturer, importer, or
473 distributor, is current, accurate, and complete, based on information then reasonably
474 available to the manufacturer, importer, or distributor, and provide a copy of the ~~material~~
475 safety data sheet to employers who purchase such hazardous chemicals ~~and an electronic~~

476 ~~copy to the department annually~~ in a written or electronic format. Such safety data sheet
477 shall be maintained by the employer for a period of not less than three years.

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

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

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

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

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

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

499 (d) A manufacturer, importer, or distributor who is responsible for preparing and
500 transmitting a ~~material~~ safety data sheet under the provisions of this Code section shall
501 revise such ~~material~~ safety data sheet on a timely basis, as appropriate to the importance
502 of any new information which would affect the contents of the existing ~~material~~ safety data

503 sheet, and in any event within three months of such information becoming available to the
504 manufacturer, importer, or distributor. Each such manufacturer, importer, or distributor
505 shall provide a copy of the ~~material~~ safety data sheet to employers who have purchased
506 such hazardous chemicals ~~and an electronic copy to the department~~ in a written or
507 electronic format. Such safety data sheet shall be maintained by the employer for a period
508 of not less than three years.

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

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

514 (2) The chemical is labeled pursuant to:

515 (A) The federal Atomic Energy Act; or

516 (B) The federal Resource Conservation and Recovery Act; or

517 (3) The article is one sold at retail and is incidentally sold to an employer or the
518 employer's employees in the same form, approximate amount, concentration, and manner
519 as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article
520 is not significantly greater than the consumer exposure occurring during the principal
521 consumer use of the article.

522 (f) If an employer is not supplied with a ~~material~~ safety data sheet by a manufacturer,
523 importer, or distributor for a hazardous chemical subject to this Code section, such
524 employer shall, within a reasonable amount of time after discovering that a ~~material~~ safety
525 data sheet has not been supplied, use diligent efforts to obtain such ~~material~~ safety data
526 sheet from the manufacturer, importer, or distributor. For purposes of this ~~subsection~~ Code
527 section, 'diligent efforts' means a prompt inquiry by the employer to the manufacturer,
528 importer, or distributor of the hazardous chemicals; provided, however, that an independent

529 contractor or subcontractor shall be responsible for obtaining the ~~material~~ safety data sheet
530 for his or her employees in the workplace of another.

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

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

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

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

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

554 (k)(1) A ~~material~~ safety data sheet may be kept in any form, including operations
555 procedures, and may be designed to cover groups of hazardous chemicals in a work area

556 where it may be appropriate to address the hazards of a process rather than individual
557 hazardous chemicals. The employer shall ensure that in all cases the required information
558 is provided for each hazardous chemical, and is readily accessible during each workshift
559 to employees when they are in their work area; provided, however, that employers who
560 maintain one or more work areas which are not fixed at specific geographic locations
561 shall be authorized to maintain ~~material~~ safety data sheets for each hazardous chemical
562 used in such work area at a central location.

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

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

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

583 employer; provided, however, that nothing contained in this paragraph shall be construed
584 to permit any employee to refuse to perform essential services, as such term is defined
585 by rule or regulation; provided, further, that nothing in this paragraph shall be construed
586 to interfere with the right of the employer to transfer an employee who so refuses to work
587 to other duties until such ~~material~~ safety data sheet is provided; and such a transfer shall
588 ~~to~~ be considered as a discriminatory act under Code Section 45-22-10. No pay,
589 position, seniority, or other benefits shall be lost for exercise of any right provided by this
590 chapter as a result of such a transfer.

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

593 (m) For ~~the~~ purposes of this Code section, an employer, independent contractor, or
594 subcontractor shall maintain ~~material~~ safety data sheets for their own workplaces only;
595 provided, however, that employees of such independent contractor or subcontractor, insofar
596 as they are exposed in the course of their employment to hazardous chemicals in other
597 workplaces, shall have the right to examine ~~material~~ safety data sheets for those chemicals
598 to which they are exposed from the workplace employer through a written request to their
599 own employer as provided in paragraph (2) of subsection (k) of this Code section.

600 Nothing contained in this chapter shall be construed to require an employer to conduct
601 studies to develop new information."

602 **SECTION 18.**

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

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

607 (1) The requirements of this Code section;

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

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

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

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

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

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

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

635 necessary to protect employee health as compared to those stated on a material safety data
636 sheet previously provided."

637 **SECTION 19.**

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

640 "45-22-9.

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

647 **SECTION 20.**

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