

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,

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19 relating to public employee hazardous chemical protection and right to know, so as to allow
20 for the dissemination of certain information relative to hazardous chemicals in written or
21 electronic format; to provide for penalties; to provide for definitions; to provide for
22 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
23 purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

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

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

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

40

SECTION 2.

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

44 "16-7-23.

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

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

49 (2) Recklessly or intentionally, by means of fire, ~~or~~ explosive, or fireworks damages
50 property of another person.

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

53

SECTION 3.

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

55 "16-10-35.

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

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

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

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

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

66 (b) It shall be unlawful for any person to knowingly and intentionally ignite a firework
67 when such firework or component thereof explodes or detonates within 150 feet of or
68 causes injury or harm to an emergency medical technician, firefighter, or law enforcement
69 officer for the purpose of hindering or disrupting such emergency medical technician,
70 firefighter, or law enforcement officer during the lawful discharge of his or her duties.
71 (c) Any person who violates subsection (b) of this Code section shall be guilty of a high
72 and aggravated misdemeanor."

73

SECTION 4.

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

77 "25-2-9.

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

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

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

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

100

SECTION 5.

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

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

104 (1) 'Consumer fireworks' means any small fireworks devices containing restricted
105 amounts of pyrotechnic composition, designed primarily to produce visible or audible
106 effects by combustion, that comply with the construction, chemical composition, and
107 labeling regulations of the United States Consumer Product Safety Commission as
108 provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the
109 United States Department of Transportation as provided for in Part 172 of Title 49 of the
110 Code of Federal Regulations, and the American Pyrotechnics Association as provided for
111 in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall
112 mean Roman candles.

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

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

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

120 ~~(4.1)~~(5) 'Electric plant' shall have the same meaning as provided for in Code
121 Section 46-3A-1.

122 ~~(5)~~(6) 'Fireworks' means any combustible or explosive composition or any substance or
123 combination of substances or article prepared for the purpose of producing a visible or
124 audible effect by combustion, explosion, deflagration, or detonation, including blank
125 cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles
126 and explosives of like construction, as well as articles containing any explosive or
127 flammable compound and tablets and other devices containing an explosive substance.

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

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

138 ~~(6)~~(9) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code*
139 *for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and*
140 *Pyrotechnic Articles*, 2006 Edition.

141 ~~(7)~~(10) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3)
142 of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of
143 Title 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a
144 public or private elementary or secondary school in this state.

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

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

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

157 ~~(9)~~(13) 'Pyrotechnics' means fireworks not intended for use by the general public.

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

162 ~~(10)~~(15) 'Store' shall have the same meaning as provided for by NFPA 1124; provided,
163 however, that such term shall only include such buildings with at least 4,000 square feet
164 of retail display space and wherefrom:

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

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

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

173 ~~(11)~~(16) 'Waste-water treatment plant' shall have the same meaning as provided for in
174 Code Section 43-51-2.

175 ~~(12)~~(17) 'Water treatment plant' shall have the same meaning as provided for in Code
176 Section 43-51-2."

177 **SECTION 6.**

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

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

183 **SECTION 7.**

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

186 "25-10-3.2.

187 (a)(1) No person, firm, corporation, association, or partnership shall cause the
188 combustion, explosion, deflagration, detonation, or ignition of pyrotechnics for the
189 purpose of a ~~public~~ fireworks or pyrotechnics exhibition or display before a proximate
190 audience unless such person, firm, corporation, association, or partnership holds a valid
191 license issued by the Safety Fire Commissioner in accordance with the provisions of ~~this~~
192 ~~Code section~~ paragraph (2) of this subsection. Any application for such a license shall
193 be made to the Safety Fire Commissioner in the form prescribed by the Safety Fire
194 Commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

247

SECTION 8.

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

250 "25-10-4.

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

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

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

268 (3)~~(2)~~ That the ~~local fire official responsible for the area in question certifies in writing~~
269 ~~that the site for the display meets his or her approval and~~ public exhibition or display of
270 fireworks is in compliance with all applicable codes; and

271 ~~(4)~~~~(3)~~ That the application be accompanied by a bond in the principal sum of ~~\$10,000.00~~
272 \$50,000.00, payable to the county, municipality, or other political subdivision in which
273 the ~~display public exhibition or display of fireworks~~ is being held and conditioned for the

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

281 (b) Any person, firm, corporation, association, or partnership desiring to conduct a ~~public~~
282 fireworks or pyrotechnics exhibition or display ~~of fireworks~~ before a proximate audience
283 shall first obtain a permit from the ~~judge of the probate court of the county~~ local fire
284 authority of the county, municipality, or other political subdivision or the chartered fire
285 department legally organized to operate in this state pursuant to Chapter 3 of this title and
286 having operational authority of the area in which the ~~public~~ fireworks or pyrotechnics
287 exhibition or display is to be held. Application for a permit ~~must~~ shall be made in writing
288 and filed with the ~~judge~~ local fire authority not less than ten days prior to the date of the
289 proposed ~~public~~ fireworks or pyrotechnics exhibition or display ~~before a~~
290 proximate audience. ~~Such application must contain the license number issued by the~~
291 ~~Safety Fire Commissioner for the person, firm, corporation, association, or partnership that~~
292 ~~will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the~~
293 ~~public exhibition or display~~. Fireworks distributors located outside this state shall obtain
294 display permit application forms and provide the same to applicants upon request. The
295 ~~judge~~ local fire authority may grant a permit for the ~~display~~ fireworks or pyrotechnics
296 exhibition or display before a proximate audience on the following conditions:

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

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

302 ~~(3)(2) That the local fire official responsible for the area in question certifies in writing~~
303 ~~that the site for the display meets his or her approval and fireworks or pyrotechnics~~
304 ~~exhibition or display is in compliance with all applicable codes; and~~

305 ~~(4)(3) That the application be accompanied by a bond in the principal sum of \$10,000.00~~
306 ~~\$50,000.00, payable to the county, municipality, or other political subdivision in which~~
307 ~~the display is being held and conditioned for the payment of damages that may be caused~~
308 ~~either to persons or to property by reason of the fireworks or pyrotechnics exhibition or~~
309 ~~display or, alternatively, that the application be accompanied by evidence that the~~
310 ~~applicant carries property liability insurance for bodily injury in the amount of not less~~
311 ~~than \$25,000.00 for each person and \$50,000.00 for each accident and for property~~
312 ~~damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00~~
313 ~~aggregate, with an insurance company duly licensed by the Commissioner of Insurance.~~

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

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

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

336

SECTION 9.

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

340 "25-10-5.

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

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

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

370 **SECTION 10.**

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

373 "(b) Any person, firm, corporation, association, or partnership that violates subsection (a)
374 of Code Section 25-10-2 shall be guilty of a felony and shall be punished pursuant to Code
375 Section 16-7-23 and shall also be subject to a monetary penalty of not more than
376 \$10,000.00.

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

380

SECTION 11.

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

383 "25-10-9.

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

394

SECTION 12.

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

398 "25-10-10.

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

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

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

407 **SECTION 13.**

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

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

418 ~~(14)~~(13) Boilers and pressure vessels operated and maintained by a public utility; and
 419 ~~(15)~~(14) Autoclaves used only for the sterilization of reusable medical or dental
 420 implements in the place of business of any professional licensed by the laws of this state."

421 **SECTION 14.**

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

424 "25-15-18.

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

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

435 **SECTION 15.**

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

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

442 **SECTION 16.**

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

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

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

452 ~~(B) The hazards or other risks in the use of the hazardous chemical, including:~~

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

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

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

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

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

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

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

467 ~~(16)~~(15) 'Mixture' means any combination of two or more chemicals, if the combination
468 is not, in whole or in part, the result of a chemical reaction.

469 ~~(17)~~(16) 'Occupational Safety and Health Administration standard' means the Hazard
470 Communication Standard issued by the Occupational Safety and Health Administration,
471 29 C.F.R. Sections 1910.0000 through 1910.1500 ~~(1987)~~ in effect as of January 1, 2024.

472 ~~(18)~~(17) 'Person' means any individual, natural person, public or private corporation,
473 incorporated association, government, government agency, partnership, or unincorporated
474 association.

475 ~~(19)~~(18) 'Physical hazard' means a chemical for which there is scientifically valid
476 evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an
477 organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

478 ~~(20)~~(19) 'Produce' means to manufacture, process, formulate, or repackage.

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

482 **SECTION 17.**

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

485 "45-22-4.

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

495 **SECTION 18.**

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

498 "45-22-7.

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

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

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

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

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

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

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

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

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

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

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

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

542 (2) The chemical is labeled pursuant to:

543 (A) The federal Atomic Energy Act; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

630

SECTION 19.

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

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

635 (1) The requirements of this Code section;

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

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

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

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

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

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

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

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

665 **SECTION 20.**

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

668 "45-22-9.

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

675 **SECTION 21.**

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