

HOUSE BILL NO. 47

INTRODUCED BY JENKINS, ECK, KOLSTAD, IVERSON, GILBERT,  
HARPER, PECK, COHEN, KEENAN, D. BROWN, MANUEL, WINSLOW,  
MCCORMICK, DRISCOLL, BACHINI, SALES, HARP, SPAETH,  
BARDANOUE, COBB, COMPTON, HAFHEY, B. WILLIAMS, BOYLAN,  
MANNING, HIRSCH, SCHYE, SHAW, GAGE, HARDING, AKLESTAD,  
WEEDING, LYNCH, MONTAYNE, E. SMITH, STEPHENS, CRIPPEN,  
DANIELS, TVEIT, VAN VALKENBURG, PINSONEAULT, MCCALLUM,  
THAYER, GALT, HAMMOND, NEUMAN, MERCER, JACOBSON,  
STIMATZ, PATTERSON, HANNAH, O'CONNELL, PAVLOVICH,  
ABRAMS, GLASER, RAMIREZ, MARKS, FRITZ, SANDS, PISTORIA,  
NELSON, HARBIN, M. WILLIAMS, JANET MOORE, ERNST

IN THE HOUSE

June 23, 1986	Introduced and referred to Committee on Natural Resources.
June 25, 1986	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.  Second reading, do pass.  Third reading, passed.  Transmitted to Senate.

IN THE SENATE

June 25, 1986	Introduced and referred to Committee on Natural Resources.
June 27, 1986	Committee recommend bill be concurrent in. Report adopted.  Second reading, concurred in.  Third reading, concurred in. Ayes, 48; Noes, 0.  Returned to House.

IN THE HOUSE

June 28, 1986

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 *House Bill No. 47*  
2 INTRODUCED BY *Paula Pak* *James Gilbert*  
3 *Paula Pak* *James Gilbert* *James Gilbert* *James Gilbert*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE VOLUNTARY THE  
5 RECORDING OF MATERIAL SAFETY DATA SHEETS BY EMPLOYERS AND TO  
6 REVISE THE INFORMATION REQUIREMENTS OF THE WORKPLACE  
7 CHEMICAL LIST; AMENDING SECTIONS 50-78-202 AND 50-78-301  
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 50-78-202, MCA, is amended to read:  
11 "50-78-202. Workplace chemical list. (1) Each employer  
12 shall compile and maintain a workplace chemical list that  
13 must contain the following information for each hazardous  
14 chemical present in the workplace:  
15 (a) except as provided in 50-78-205, all generally  
16 used common names of any hazardous chemical present in the  
17 workplace, cross-referenced to the chemical name; and  
18 (b) the work area in which the hazardous chemical is  
19 normally stored or used. Except as provided in 50-78-205,  
20 the workplace chemical list must contain the chemical name  
21 of each hazardous chemical in the workplace,  
22 cross-referenced to any generally used common name. For  
23 chemical mixtures, the chemical name of each hazardous  
24 constituent indicated on the material safety data sheet must

1 be provided in parentheses along with the chemical name. The  
2 chemical abstracts service registry number, if available  
3 from the material safety data sheet, must accompany all  
4 chemical names on the workplace chemical list.

5 (2) The workplace chemical list must indicate the work  
6 area in which each hazardous chemical is normally stored or  
7 used.

8 (3) The workplace chemical list may be prepared for  
9 the workplace as a whole or for each work area, provided the  
10 list is readily available to employees and their designated  
11 representatives.

12 (4) New or newly assigned employees must be made  
13 aware of the workplace chemical list before working with or  
14 in a work area containing hazardous chemicals.

15 (5) The workplace chemical list must be updated as  
16 necessary but not less than annually."

17 Section 2. Section 50-78-301, MCA, is amended to read:

18 "50-78-301. Emergency and community information. (1)  
19 Except as provided in subsection (2), an employer  
20 normally having hazardous chemicals in the workplace of his  
21 employees shall submit record the following information to  
22 with the clerk and recorder of the county in which the  
23 workplace is located:

24 (a) a copy of the most current material safety data  
25 sheet certified by the employer for each hazardous chemical

INTRODUCED BILL  
HB 47

1 in-the-workplace;

2 {b} an acknowledged copy of each new annual workplace  
3 chemical list; and

4 {c}{b} a list acknowledged by the employer of the  
5 names or titles and telephone numbers of knowledgeable  
6 representatives of the employer or the chemical manufacturer  
7 who can be contacted for further information or in case of  
8 an emergency.

9 (2) ~~The county clerk and recorder shall record and~~  
10 ~~update as necessary an index listing each hazardous chemical~~  
11 ~~for which a material safety data sheet has been recorded in~~  
12 ~~the county. The index must include the name of the employer~~  
13 ~~who recorded the material safety data sheet. No employer~~  
14 ~~shall be required to record a material safety data sheet for~~  
15 ~~any hazardous chemical for which a material safety data~~  
16 ~~sheet has already been recorded by any employer in the~~  
17 ~~county. An employer may record a copy of a material safety~~  
18 ~~data sheet for any hazardous chemical in the workplace.~~

19 (3) The county clerk and recorder shall record the  
20 information provided under subsection (1). The county clerk  
21 and recorder shall index the information provided under  
22 subsection (1) by workplace name, and all entries for a  
23 workplace must be grouped together in the index. The index  
24 must not be combined with any other type of index.

25 (4) All information submitted under subsection (1) is

1 public information and must be available at the office of  
2 the county clerk and recorder during normal working hours to  
3 any person for inspection and copying at the expense of the  
4 person requesting copies.

5 (5) The local fire chief shall inspect all information  
6 maintained by the county clerk and recorder on workplace  
7 hazardous chemicals.

8 (6) The local fire chief must be permitted onsite  
9 inspection of hazardous chemicals in any workplace,  
10 including workplaces under the control of a state agency,  
11 for the purposes of planning fire department activities in  
12 case of an emergency and reviewing compliance with this  
13 chapter. For a workplace that employs fire safety  
14 personnel, the local fire chief shall consult with the  
15 responsible fire safety official to clarify respective roles  
16 and response procedures in the event of an emergency.

17 (7) As a result of an inspection, the local fire chief  
18 may note and report for possible action by the county  
19 attorney or other appropriate law enforcement official any  
20 violation by an employer of a provision of this chapter or  
21 any other law pertaining to hazardous chemicals or fire  
22 safety.

23 (8) The local fire chief shall consult at least  
24 annually on safety and emergency considerations with each  
25 person responsible for the operation of any research,

1 educational, or testing laboratory workplace. The  
2 consultation may result in recommendations or, under the  
3 provisions of 50-62-108, orders by the fire chief to be  
4 implemented by the laboratory operator to enhance public  
5 safety, to reduce the likelihood of emergency incidents, or  
6 to improve emergency response in the event of an accident.  
7 The person responsible for the operation of the laboratory  
8 shall contact the local fire chief at any time there is a  
9 significant change in the location or nature of the  
10 hazardous chemicals in the workplace, initiation of any new  
11 and potentially dangerous method of processing or reacting  
12 hazardous chemicals, or any other operational change  
13 affecting emergency response considerations."

14 NEW SECTION. Section 3. Effective date. This act is  
15 effective on passage and approval.

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 *House Bill No. 47*  
2 INTRODUCED BY *Paula Pak*  
3 *Reck* *Chen* *Keenan* *Quinn* *Manuel*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE VOLUNTARY THE  
5 RECORDING OF MATERIAL SAFETY DATA SHEETS BY EMPLOYERS AND TO  
6 REVISE THE INFORMATION REQUIREMENTS ON THE WORKPLACE  
7 CHEMICAL LIST; AMENDING SECTIONS 50-78-202 AND 50-78-301  
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 Section 1. Section 50-78-202, MCA, is amended to read:  
11 "50-78-202. Workplace chemical list. (1) Each employer  
12 shall compile and maintain a workplace chemical list that  
13 must contain the following information--for each hazardous  
14 chemical present in the workplace: *M. Williams* *David M. Moore*  
15 (a) except as provided in 50-78-205, all generally  
16 used common names of any hazardous chemical present in the  
17 workplace, cross-referenced to the chemical name; and  
18 (b) the work area in which the hazardous chemical is  
19 normally stored or used. Except as provided in 50-78-205,  
20 the workplace chemical list must contain the chemical name  
21 of each hazardous chemical in the workplace,  
22 cross-referenced to any generally used common name. For  
23 chemical mixtures, the chemical name of each hazardous  
24 constituent indicated on the material safety data sheet must  
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1 be provided in parentheses along with the chemical name. The  
2 chemical abstracts service registry number, if available  
3 from the material safety data sheet, must accompany all  
4 chemical names on the workplace chemical list.  
5 (2) The workplace chemical list must indicate the work  
6 area in which each hazardous chemical is normally stored or  
7 used.  
8 (3) The workplace chemical list may be prepared for  
9 the workplace as a whole or for each work area, provided the  
10 list is readily available to employees and their designated  
11 representatives.  
12 (4) New or newly assigned employees must be made  
13 aware of the workplace chemical list before working with or  
14 in a work area containing hazardous chemicals.  
15 (5) The workplace chemical list must be updated as  
16 necessary but not less than annually."  
17 Section 2. Section 50-78-301, MCA, is amended to read:  
18 "50-78-301. Emergency and community information. (1)  
19 Except as provided in subsection (2), an employer  
20 normally having hazardous chemicals in the workplace of his  
21 employees shall submit record the following information to  
22 with the clerk and recorder of the county in which the  
23 workplace is located:  
24 (a) a copy of the most current material safety data  
25 sheet certified by the employer for each hazardous chemical

1 in-the-workplace;

2 (b) an acknowledged copy of each new annual workplace  
3 chemical list; and

4 (c)(b) a list acknowledged by the employer of the  
5 names or titles and telephone numbers of knowledgeable  
6 representatives of the employer or the chemical manufacturer  
7 who can be contacted for further information or in case of  
8 an emergency.

9 (2) ~~The county clerk and recorder shall record and~~  
10 ~~update as necessary an index listing each hazardous chemical~~  
11 ~~for which a material safety data sheet has been recorded in~~  
12 ~~the county. The index must include the name of the employer~~  
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18 ~~data sheet for any hazardous chemical in the workplace.~~

19 (3) The county clerk and recorder shall record the  
20 information provided under subsection (1). The county clerk  
21 and recorder shall index the information provided under  
22 subsection (1) by workplace name, and all entries for a  
23 workplace must be grouped together in the index. The index  
24 must not be combined with any other type of index.

25 (4) All information submitted under subsection (1) is

1 public information and must be available at the office of  
2 the county clerk and recorder during normal working hours to  
3 any person for inspection and copying at the expense of the  
4 person requesting copies.

5 (5) The local fire chief shall inspect all information  
6 maintained by the county clerk and recorder on workplace  
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8 (6) The local fire chief must be permitted onsite  
9 inspection of hazardous chemicals in any workplace,  
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15 responsible fire safety official to clarify respective roles  
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20 violation by an employer of a provision of this chapter or  
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23 (8) The local fire chief shall consult at least  
24 annually on safety and emergency considerations with each  
25 person responsible for the operation of any research,

1 educational, or testing laboratory workplace. The  
2 consultation may result in recommendations or, under the  
3 provisions of 50-62-108, orders by the fire chief to be  
4 implemented by the laboratory operator to enhance public  
5 safety, to reduce the likelihood of emergency incidents, or  
6 to improve emergency response in the event of an accident.  
7 The person responsible for the operation of the laboratory  
8 shall contact the local fire chief at any time there is a  
9 significant change in the location or nature of the  
10 hazardous chemicals in the workplace, initiation of any new  
11 and potentially dangerous method of processing or reacting  
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13 affecting emergency response considerations."

14 NEW SECTION. Section 3. Effective date. This act is  
15 effective on passage and approval.

-End-



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INTRODUCED BY *Paul P. Keenan, Dan Brown, Manuel*  
A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE VOLUNTARY THE  
RECORDING OF MATERIAL SAFETY DATA SHEETS BY EMPLOYERS AND TO  
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CHEMICAL LIST; AMENDING SECTIONS 50-78-202 AND 50-78-301,  
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REFERENCE BILL  
HB 47

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7 with the clerk and recorder of the county in which the  
8 workplace is located:

9 (a) ~~a--copy--of--the--most--current--material--safety--data~~  
10 ~~sheet--certified--by--the--employer--for--each--hazardous--chemical~~  
11 ~~in--the--workplace;~~

12 ~~(b)~~ an acknowledged copy of each new annual workplace  
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14 ~~(c)~~(b) a list acknowledged by the employer of the  
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20 ~~update--as--necessary--an--index--listing--each--hazardous--chemical~~  
21 ~~for--which--a--material--safety--data--sheet--has--been--recorded--in~~  
22 ~~the--county.--The--index--must--include--the--name--of--the--employer~~  
23 ~~who--recorded--the--material--safety--data--sheet.--No--employer~~  
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-End-

-5-

HB 47