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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

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DIGEST

SB 399 Original

2020 Regular Session

Fields

Present law provides for the "Hazardous Materials Information Development, Preparedness, and Response Act" also known as the "Right-to-Know" law that creates a comprehensive information system containing specific data regarding the presence and location of hazardous materials in the state to be shared with the public and among state agencies and local governing authorities.

Proposed law defines an "emergency condition" as any condition that could reasonably expect to endanger the health and safety of the public; cause significant adverse impact to the land, water, or air environment; or cause severe damage to property. Proposed law presumes the existence of an emergency condition whenever a reportable hazardous material release causes an injury requiring hospitalization, or a fatality, or results in a fire or explosion which could reasonably expect to affect the public safety beyond the boundaries of the facility.

Present law defines "immediately" as a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Proposed law retains present law and adds that in cases of an emergency condition, "immediately" means as soon as possible not to exceed 15 minutes from the discovery of the condition.

Proposed law requires the deputy secretary of the Dept. of Public Safety and Corrections to develop or utilize an electronic or telephonic public notification system that, in addition to any other appropriate technology, includes cell tower or cellular base station location to aid in the dissemination of information to the public.

Proposed law requires owners or operators to immediately report to the department any reportable release of any hazardous material regulated by present law which causes an emergency condition.

Proposed law requires the department to utilize the public notification system upon receipt of such notification.

Proposed law provides that any additional information required by rules and regulations promulgated pursuant to present law shall be reported to the department after a reasonable amount of time to take prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Present law authorizes the rules and regulations to implement and clarify the reporting requirements of present law and to address changes in federal regulations.

Proposed law requires such rules and regulations provide that any written notification reports on

releases that caused an emergency condition shall be submitted within 24 hours from the emergency condition report.

Effective August 1, 2020.

(Amends R.S. 30:2363(10) and 2373(B)(2) and (6); adds R.S. 30:2363(21) and 2365(A)(8))