

**SUBSTITUTE FOR
HOUSE BILL NO. 4390**

A bill to amend 1966 PA 291, entitled
"Firefighters training council act,"
by amending sections 2 and 9 (MCL 29.362 and 29.369), as amended by
2017 PA 144, and by adding section 9c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Airport rescue firefighter" means an employee of or
3 volunteer assigned by a political subdivision to assist an
4 organized fire department or public safety department who is
5 certified under National Fire Protection Association standard no.
6 1003 and meets the requirements of the Federal Aviation
7 Administration under 14 CFR part 139, whose job description,
8 duties, or responsibilities include responding to an aircraft



1 accident.

2 (b) "Certificate" means a numbered document issued by the
3 state fire marshal to a person who has obtained certification under
4 this act.

5 (c) "Certification" means either of the following:

6 (i) A determination by the state fire marshal that a person
7 meets the certification requirements for a position within the fire
8 service, as established by the council under this act. Recognized
9 positions in the fire service include, but are not limited to,
10 firefighter, fire chief, public safety director, fire inspector,
11 plans examiner, fire investigator, fire officer, hazardous
12 materials responder, technical rescue responder, airport rescue
13 firefighter, and fire service instructor. Certifications for each
14 position within the fire service must comply with the Michigan
15 occupational safety and health administration general industry
16 safety standard, R 408.17411 of the Michigan Administrative Code.

17 (ii) A determination by the state fire marshal that a person
18 was employed as a firefighter before October 1, 1988 and that the
19 person is otherwise authorized under this act to be employed as a
20 firefighter.

21 (d) "Contested case" means that term as defined in section 3
22 of the administrative procedures act of 1969, 1969 PA 306, MCL
23 24.203.

24 (e) "Council" means the firefighters training council created
25 under section 3.

26 (f) "Executive secretary" means the executive secretary of the
27 council.

28 (g) "Felony" means a violation of the laws of this state,
29 another state, or the United States that is designated as a felony.



1 (h) "Firefighter" means a member of an organized fire
2 department or public safety department who is responsible for, or
3 is in a capacity that includes responsibility for, the
4 extinguishment of fires, the directing of the extinguishment of
5 fires, the directing or management of emergency response
6 activities, fire safety prevention inspection, plans examination,
7 fire investigation, hazardous materials response, technical rescue
8 response, airport rescue response, airport rescue firefighting,
9 fire service instruction, and the enforcement of the general fire
10 laws of this state and the community where he or she serves.

11 (i) "Firefighter training" means an education or training
12 program including a program eligible to receive funding from the
13 fireworks safety fund created in section 11 of the Michigan
14 fireworks safety act, 2011 PA 256, MCL 28.461, and other training
15 programs as approved by the state fire marshal, designed and
16 intended to enhance the ability of an organized fire department or
17 public safety department and the personnel of an organized fire
18 department or public safety department to safeguard life and
19 property from damage from explosion, fire, or disaster, and to
20 deliver fire suppression, emergency medical service, hazardous
21 material response, technical rescue, airport rescue and
22 firefighting, fire inspection, fire investigation, fire safety
23 education, and other related fire services.

24 (j) "Fire chief" means the individual who serves as the
25 administrative head of an organized fire department.

26 (k) "Fire inspector" means an employee of or volunteer
27 assigned by a political subdivision to assist an organized fire
28 department or public safety department whose job description,
29 duties, or responsibilities include, or who is in a capacity that



1 includes responsibility for, inspecting property for fire code
2 violations and enforcing the general fire codes of the jurisdiction
3 that he or she serves.

4 (l) "Fire instructor" means an employee of or volunteer
5 assigned by a political subdivision to assist an organized fire
6 department or public safety department, or other individual who is
7 certified to instruct 1 or more council-approved fire service
8 training programs.

9 (m) "Fire investigator" means an employee of or volunteer
10 assigned by a political subdivision to assist an organized fire
11 department or public safety department who is certified under
12 National Fire Protection Association standard no. 1033, whose job
13 description, duties, or responsibilities include investigating the
14 origin and cause of fires, and who has obtained the skills and
15 knowledge necessary to conduct, coordinate, and complete a fire
16 investigation. Fire investigator does not include a fire
17 investigator who is employed by a law enforcement agency as that
18 term is defined in section 2 of the Michigan commission on law
19 enforcement standards act, 1965 PA 203, MCL 28.602, other than a
20 public safety department, or a professional investigator licensed
21 under the professional investigator licensure act, 1965 PA 285, MCL
22 338.821 to 338.851.

23 (n) "Fire officer" means a current member of an organized fire
24 department or public safety department assigned a rank above
25 firefighter who is responsible for, or is in a capacity that
26 includes responsibility for, performing supervisory or management
27 responsibilities of an emergency or nonemergency nature within his
28 or her organized fire department or public safety department. Fire
29 officer includes titles such as sergeant, lieutenant, captain, and



1 chief officer.

2 (o) "Fire service" means the engaging in the directing or
3 management of emergency response activities, fire safety prevention
4 inspection, plans examination, fire investigation, hazardous
5 material response, technical rescue response, airport rescue
6 response, airport rescue firefighting, fire service instruction,
7 and the enforcement of the general fire laws of this state and the
8 communities therein by fire service members and organized fire
9 departments and public safety departments.

10 (p) "Fire service course" means a training course or activity
11 that is approved by the council and meets the standard for
12 firefighter training in subdivision (i).

13 (q) "Fire service discipline" means each of the respective
14 certifiable fire service positions included under this act. Fire
15 service discipline includes fire chief, fire inspector, fire
16 instructor, fire investigator, fire officer, public safety
17 director, plans examiner, firefighter, hazardous materials
18 responder, technical rescue responder, and airport rescue
19 firefighter.

20 (r) "Fire service member" or "member" means a person described
21 in subdivision (a), (h), (j), (k), (l), (m), (n), (u), ~~(z), (cc),~~
22 ~~(cc), or (hh).~~ **(aa), (dd), (ff), or (ii).**

23 (s) "Full-time" means employment during which an individual
24 works scheduled shifts, is paid for all hours he or she works, and
25 works sufficient hours weekly to be classified as a full-time
26 employee by the applicable employing political subdivision.

27 (t) "Hazardous materials" means any chemical, substance,
28 compound, mixture, or other material defined as, designated as,
29 listed as, or having the same characteristics as any chemical



1 substance, compound, mixture, or material defined as, designated
2 as, or listed as hazardous under federal or state law or
3 regulations.

4 (u) "Hazardous materials responder" means an employee of or
5 volunteer assigned by a political subdivision to assist an
6 organized fire department or public safety department who is
7 certified under National Fire Protection Association standard no.
8 1072 and who is trained to or whose responsibilities include,
9 responding to and being actively involved with the mitigation of a
10 hazardous materials incident including a weapon of mass destruction
11 event.

12 (v) "Hazardous materials response" means any response to an
13 event involving any chemical, substance, compound, mixture, or
14 other material defined as, designated as, listed as, or having the
15 same characteristics as any substance, compound, mixture, or
16 material defined as, designated as, or listed as hazardous under
17 federal or state law or regulation.

18 (w) "Organized fire department" means that term as defined in
19 section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

20 (x) "Paid on-call" means employment during which an individual
21 works on an on-call basis, is paid for all hours he or she works,
22 and only occasionally works scheduled shifts.

23 (y) "Part-time" means employment during which an individual is
24 paid for all hours he or she works and works scheduled shifts but
25 works fewer hours weekly than the hours necessary to be classified
26 as a full-time employee by the applicable employing political
27 subdivision.

28 (z) "PFAS" means a perfluoroalkyl or polyfluoroalkyl
29 substance.



1 **(aa)** ~~(z)~~—"Plans examiner" means an employee of or volunteer
 2 assigned by a political subdivision to assist an organized fire
 3 department or public safety department who is certified under
 4 National Fire Protection Association standard no. 1031 and whose
 5 job description, duties, or responsibilities include conducting
 6 plan reviews of construction documents for compliance with the
 7 general fire codes of the community that he or she serves.

8 **(bb)** ~~(aa)~~—"Political subdivision" means a county,
 9 municipality, school district, or any other local governmental
 10 unit, agency, body, board, or commission but does not include a
 11 state department, board, commission, or agency of state government.

12 **(cc)** ~~(bb)~~—"Public safety department" means a department of a
 13 political subdivision providing both law enforcement and fire
 14 services either separately or utilizing a combined response force
 15 with personnel trained and certified as both firefighters under
 16 this act and law enforcement officers under the Michigan commission
 17 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
 18 28.615, under the direction and administration of a single
 19 director.

20 **(dd)** ~~(ee)~~—"Public safety director" means the individual who
 21 serves as the administrative head of a public safety department.

22 **(ee)** ~~(dd)~~—"Rule" means a rule promulgated under the
 23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 24 24.328.

25 **(ff)** ~~(ee)~~—"Technical rescue responder" means an employee of or
 26 volunteer assigned by a political subdivision to assist an
 27 organized fire department or public safety department who is
 28 certified under National Fire Protection Association standard no.
 29 1006 and who has received training in the application of special



1 knowledge, skills, and equipment to safely resolve unique and
2 complex rescue situations.

3 (gg) ~~(ff)~~ "Technical rescue response" means those aspects of
4 saving life or property that employ the use of tools and skills
5 that exceed those normally reserved for firefighting, medical
6 emergency, and rescue. These disciplines include, but are not
7 limited to, rope rescue, confined space rescue, trench and
8 excavation rescue, and building collapse rescue.

9 (hh) ~~(gg)~~ "Volunteer" means appointment or employment for
10 which an individual receives no compensation for work provided, or
11 appointment or employment for which an individual receives
12 compensation in the form of reasonable expenses incurred during the
13 course of his or her appointment or employment or other reasonable
14 benefits, including, but not limited to, length of service awards
15 or nominal fees.

16 (ii) ~~(hh)~~ "Volunteer firefighter" or "paid on-call
17 firefighter" means an individual who is charged with the prevention
18 or suppression of fires and who is directly engaged in the hazards
19 of firefighting or in charge of a designated fire company or
20 companies that are directly engaged in the hazards of firefighting
21 on a volunteer or paid on-call basis. Volunteer or paid on-call
22 firefighter does not include a full-time firefighter.

23 Sec. 9. (1) The state fire marshal, with the approval of a
24 majority of the council, shall prepare and publish rules that
25 establish minimum standards for certification as a fire service
26 member. The standards established under this section must comply
27 with the Michigan occupational safety and health administration
28 general industry safety standard, R 408.17411 of the Michigan
29 Administrative Code **and section 9c**. To maintain compliance with the



1 Michigan occupational safety and health administration general
2 industry safety standard, R 408.17411 of the Michigan
3 Administrative Code, the employer of a fire service member shall
4 provide initial and continued training to the member commensurate
5 with and specific to the duties that the member is expected to
6 perform. The training described in this section **and section 9c** must
7 be provided before the member is permitted to perform emergency
8 operations.

9 (2) The state fire marshal, with the approval of a majority of
10 the council, shall do all of the following:

11 (a) Create advisory standards of physical, criminal history,
12 and educational fitness that govern the recruitment, selection, and
13 certification of a person as a fire service member.

14 (b) Develop and administer certification examinations, testing
15 procedures, and reciprocity recognition for credentialing in the
16 various fire service disciplines recognized under this act. The
17 requirements for each fire service discipline must meet the
18 respective professional qualifications in the current and
19 appropriate National Fire Protection Association standard.

20 (c) Establish subordinate regional training centers in
21 strategic geographic locations in order to serve the greatest
22 number of organized fire departments and public safety departments
23 that are unable to support their own training programs.

24 (d) Develop and administer certification examinations that
25 include a practical demonstration and a written or oral test to
26 determine a person's competency in regard to the knowledge and
27 skill requirements in the current edition of the National Fire
28 Protection Association standards for each of the fire service
29 disciplines recognized under this act. The state fire marshal, or



1 his or her designee, shall, upon request, administer the
2 examination in each county of this state not less than once
3 annually. The examination may be administered in 2 parts. If the
4 examination is administered in 2 parts, part 1 of the examination
5 must test the knowledge and skill requirements set forth in the
6 standards for fire fighter I in the current edition of the
7 standards for Fire Fighter Professional Qualifications, National
8 Fire Protection Association standard no. 1001, and part 2 of the
9 examination must test the knowledge and skill requirements set
10 forth in the standards for fire fighter II in the current edition
11 of the standards for Fire Fighter Professional Qualifications,
12 National Fire Protection Association standard no. 1001. The
13 examination may also be administered as a combined fire fighter I
14 and fire fighter II examination if a combined examination is
15 requested by a county training committee or regional training
16 center.

17 (e) Establish eligibility criteria for students to retake a
18 failed written, oral, or practical certification examination.

19 (3) A person who is hired or appointed as a full-time or part-
20 time firefighter shall pass both part 1 and part 2 of the
21 certification examination described in subsection (2) (d) not more
22 than 12 months after he or she is hired or appointed as a full-time
23 or part-time firefighter to be eligible to continue his or her
24 employment or appointment as a full-time or part-time firefighter.

25 (4) A person who is hired or appointed as a volunteer or paid
26 on-call firefighter shall pass part 1 of the certification
27 examination described in subsection (2) (d) not more than 24 months
28 after he or she is hired or appointed as a volunteer or paid on-
29 call firefighter to be eligible to continue his or her employment



1 or appointment as a volunteer or paid on-call firefighter, as
2 applicable.

3 (5) The certification examination requirement under this
4 section does not apply to a person who was employed or under
5 appointment as a firefighter on or before October 1, 1988, unless
6 the person subsequently seeks to change his or her status from a
7 volunteer or paid on-call firefighter to a part-time or full-time
8 firefighter.

9 (6) The state fire marshal may waive the examination
10 requirements under this section for a veteran who served in and is
11 separated from the armed forces and provides a form DD214, a form
12 DD215, or any other form that is satisfactory to the department of
13 licensing and regulatory affairs that demonstrates that he or she
14 was separated from service with an honorable character of service
15 or under honorable conditions (general) character of service, upon
16 verification that the veteran completed firefighter training that
17 meets the standards for fire fighter I and fire fighter II in the
18 standards for Fire Fighter Professional Qualifications, National
19 Fire Protection Association standard no. 1001, while serving in the
20 Armed Forces of the United States. As used in this subsection,
21 "armed forces" means the Army, Air Force, Navy, Marine Corps, Coast
22 Guard, or other military force designated by Congress as part of
23 the Armed Forces of the United States.

24 (7) Except as otherwise provided in this subsection, the state
25 fire marshal shall waive the examination requirements under this
26 section and extend reciprocity certification to a person from
27 another state who seeks to become employed or volunteer in the fire
28 service in this state if the person was certified in the other
29 state after successfully completing a program that meets or exceeds



1 the National Fire Protection Association standards for the
2 applicable fire service discipline recognized under this act. The
3 state fire marshal shall not waive the certification examination
4 for a person who was certified in another state if either of the
5 following applies:

6 (a) The person's out-of-state certification was revoked by
7 that state or another issuing organization.

8 (b) The person has been convicted of a felony under the laws
9 of this state, another state, or the United States.

10 (8) Certification as a fire service member granted to a person
11 under this act is valid unless or until the council revokes the
12 certification as part of a disciplinary action.

13 (9) The state fire marshal shall issue a certificate to a
14 person who is certified under this act not more than 30 days after
15 the person becomes certified. A certificate issued under this act
16 remains the property of the state fire marshal.

17 (10) The state fire marshal and the council shall review and
18 monitor the state and federal standards relating to live fire
19 training exercises in structures and make recommendations regarding
20 the general industry safety standards for any new or modified
21 standards necessary for the protection of firefighter trainees
22 under part 74 of the Michigan occupational safety and health
23 administration general industry safety standard, R 408.17401 to R
24 408.17464 of the Michigan Administrative Code.

25 **(11) Not later than 1 year after obtaining a waiver of the**
26 **examination requirements under subsection (6) or (7), the veteran**
27 **or person certified in another state must complete the training**
28 **required under section 9c.**

29 **Sec. 9c. (1) Firefighting foam concentrate containing**



1 intentionally added PFAS must not be used in any firefighter
2 training required under this act.

3 (2) Until December 31, 2023, the firefighter training required
4 under this act must include both of the following subjects:

5 (a) The proper use, handling, and storage of firefighting foam
6 concentrate.

7 (b) The best environmental and public health practices,
8 including, but not limited to, containment and proper disposal, and
9 decontamination of the firefighter's equipment and body, following
10 the use of firefighting foam.

11 (3) The firefighter training under subsection (2) may involve
12 the use of a video or online resource.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

