

2021 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVE HORTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIRE MARSHAL: Provides relative to the discharge or use of Class B fire fighting foam containing fluorinated organic chemicals

1 AN ACT

2 To enact R.S. 40:1615, relative to fire fighting foam; to provide for the discharge of Class  
3 B fire fighting foam containing fluorinated organic chemicals; to provide for  
4 exceptions; to provide for definitions; to provide for applicability; to provide for an  
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1615 is hereby enacted to read as follows:

8 §1615. Class B fire fighting foam containing fluorinated organic chemicals

9 A. As used in this Part, the following terms have the meaning ascribed to  
10 them in this Section, unless the context clearly indicates otherwise:

11 (1) "Class B fire fighting foam" means any foam designed to extinguish  
12 flammable liquid fires.

13 (2) "Person" means an individual, association, joint venture, partnership,  
14 corporation, limited liability company, political subdivision, municipality, or public  
15 or private organization of any character, including any agency, department, board,  
16 bureau, office, commission, district, corporation, and quasi-public corporation of the  
17 federal, state, municipal, or local government.

18 (3) "PFAS chemicals" means a class of fluorinated organic chemicals  
19 containing at least one fully fluorinated carbon atom, including perfluoroalkyl and

1 polyfluoroalkyl substances, and designed to be fully functional in Class B fire  
2 fighting foam formulations.

3 (4) "Testing" means calibration testing, conformance testing, or fixed system  
4 testing.

5 B. On and after January 1, 2022, no person shall discharge or otherwise use  
6 Class B fire fighting foam that contains intentionally added PFAS chemicals unless  
7 discharged under either of the following conditions:

8 (1) Such discharge or other use occurs in fire prevention or in response to an  
9 emergency fire fighting operation.

10 (2) Such discharge or other use is for training or testing purposes which  
11 occurs at a facility that has implemented containment, treatment, and disposal  
12 measures to prevent uncontrolled releases of such Class B fire fighting foam into the  
13 environment.

14 C. Nothing in this Section shall be construed to do any of the following:

15 (1) Restrict the manufacture, sale, or distribution of Class B fire fighting  
16 foam that contains intentionally added PFAS chemicals or restrict the discharge or  
17 other use of Class B fire fighting foam in response to an emergency fire fighting  
18 operation.

19 (2) Prevent the use of nonfluorinated foams, including other Class B fire  
20 fighting foams, for the purposes of training or testing for fire fighting operations.

21 Section 2. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
25 effective on the day following such approval.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 389 Engrossed

2021 Regular Session

Horton

**Abstract:** Prohibits the use of Class B fire fighting foam that contains certain fluorinated organic chemicals except in certain circumstances after Jan. 1, 2022.

Proposed law defines the following terms: Class B fire fighting foam, person, PFAS chemicals, and testing.

Proposed law prohibits the discharge of Class B fire fighting foam that contains intentionally added PFAS chemicals except under one of the following conditions:

- (1) The discharge or use is during prior prevention or in response to an emergency fire fighting operation.
- (2) The discharge or use is during training at a facility with containment, treatment, and disposal measures that prevent uncontrolled release of the Class B fire fighting foam into the environment.

Proposed law shall not be construed to restrict the manufacture, sale, or distribution of such Class B fire fighting foam or restrict the discharge or use of such foam in response to an emergency fire fighting operation.

Proposed law shall not be construed to prevent the use of nonfluorinated foams, including other Class B fire fighting foams, to train or test for fire fighting operations.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1615)