

2021 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVE HORTON

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

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

1 B. On and after January 1, 2022, no person shall discharge or otherwise use
 2 Class B fire fighting foam that contains intentionally added PFAS chemicals unless
 3 such discharge or other use occurs in fire prevention or in response to an emergency
 4 fire fighting operation.

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

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

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

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

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____