House Bill 458 (AS PASSED HOUSE AND SENATE)
By: Representatives Gullett of the 19th, Burns of the 159th, Barr of the 103rd, Smith of the 133rd, Moore of the 95th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to prohibit the use of class B fire-fighting foam for testing purposes if such foam contains a certain class of fluorinated organic chemicals; to provide for definitions; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, is amended by adding a new Code section to read as follows:

"25-2-41. (a) As used in this Code section, the term:

(1) 'Class B fire-fighting foam' means any foam designed to extinguish flammable liquid fires.

(2) 'PFAS chemicals' means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances, and designed to be fully functional in class B fire-fighting foam formulations.

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

(b) On and after January 1, 2020, no person; fire department provided for under Chapter 3 of this title; state department, agency, board, bureau, office, commission, public corporation, or authority; county, municipal corporation, school district, or other political subdivision of this state shall discharge or otherwise use class B fire-fighting foam that contains intentionally added PFAS chemicals unless:

(1) Such discharge or other use occurs in fire prevention or in response to an emergency fire-fighting operation; or
(2) Such discharge or other use is for training or testing purposes which occurs at a facility that has implemented containment, treatment, and disposal measures to prevent uncontrolled releases of such class B fire-fighting foam into the environment.

(c) Nothing in this Code section shall be construed to:

(1) Restrict the manufacture, sale, or distribution of class B fire-fighting foam that contains intentionally added PFAS chemicals or restrict the discharge or other use of class B fire-fighting foam in response to an emergency fire-fighting operation; or

(2) Prevent the use of nonfluorinated foams, including other class B fire-fighting foams, for purposes of training for fire-fighting operations."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.