

House Bill 458 (AS PASSED HOUSE AND SENATE)

By: Representatives Gullett of the 19<sup>th</sup>, Burns of the 159<sup>th</sup>, Barr of the 103<sup>rd</sup>, Smith of the 133<sup>rd</sup>, Moore of the 95<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "25-2-41.

12 (a) As used in this Code section, the term:

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

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

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

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

24 (1) Such discharge or other use occurs in fire prevention or in response to an emergency  
25 fire-fighting operation; or

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

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

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

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

35 **SECTION 2.**

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