



February 18, 2020

---

---

# ENGROSSED HOUSE BILL No. 1189

---

DIGEST OF HB 1189 (Updated February 17, 2020 11:21 am - DI 135)

**Citations Affected:** IC 36-8.

**Synopsis:** Use of firefighting foam containing PFAS. Prohibits the use of Class B firefighting foam containing an intentionally added PFAS chemical: (1) for training purposes; and (2) for testing purposes, unless the testing facility has implemented appropriate measures to prevent releases of the firefighting foam to the environment.

**Effective:** July 1, 2020.

---

---

## Mayfield, Frye R, Pressel, Forestal

(SENATE SPONSORS — CRIDER, NIEMEYER, STOOPS)

---

---

January 13, 2020, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 23, 2020, amended, reported — Do Pass.

January 27, 2020, read second time, ordered engrossed. Engrossed.

January 28, 2020, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Environmental Affairs.

February 17, 2020, reported favorably — Do Pass.

---

---

EH 1189—LS 6796/DI 55





February 18, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1189

---

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-10.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]:  
4 **Chapter 10.7. Use of Firefighting Foam Containing PFAS**  
5 **Chemicals**  
6 **Sec. 1. As used in this chapter, "Class B firefighting foam"**  
7 **means a foam intended for use in extinguishing flammable liquid**  
8 **fires.**  
9 **Sec. 2. As used in this chapter, "person" means an individual, a**  
10 **corporation, a limited liability company, a partnership, or another**  
11 **legal entity.**  
12 **Sec. 3. As used in this chapter, "PFAS chemical" means any**  
13 **chemical of a class of fluorinated organic chemicals, including:**  
14 **(1) perfluoroalkyl substances; and**  
15 **(2) polyfluoroalkyl substances;**  
16 **that contains at least one (1) fully fluorinated carbon atom and is**  
17 **used in firefighting agents.**

EH 1189—LS 6796/DI 55



1           **Sec. 4. As used in this chapter, "state agency" means any**  
2 **agency, board, commission, department, bureau, or other entity of**  
3 **the administrative branch of Indiana state government.**

4           **Sec. 5. As used in this chapter, "testing" includes:**

- 5           (1) calibration testing;
- 6           (2) conformance testing; and
- 7           (3) fixed and mobile system testing.

8           **Sec. 6. After June 30, 2020, a person, unit, or state agency:**

- 9           (1) shall not use for training purposes a Class B firefighting  
10 foam that contains an intentionally added PFAS chemical;  
11 and
- 12           (2) for the purposes of training firefighters in the use of  
13 firefighting foam, may use only training foam that does not  
14 contain intentionally added PFAS chemicals.

15           **Sec. 7. (a) After June 30, 2020, a person, unit, or state agency**  
16 **shall not use for testing purposes a Class B firefighting foam that**  
17 **contains intentionally added PFAS chemicals unless the testing**  
18 **facility has implemented appropriate containment, treatment, and**  
19 **disposal measures to prevent releases of the Class B firefighting**  
20 **foam to the environment.**

21           (b) Subsection (a) applies regardless of whether the testing is  
22 required by law or by a unit or state agency having authority  
23 concerning testing by firefighters.

24           **Sec. 8. This chapter does not prohibit or restrict:**

- 25           (1) the manufacture, sale, or distribution of Class B  
26 firefighting foam that contains intentionally added PFAS  
27 chemicals; or
- 28           (2) the use of Class B firefighting foam that contains  
29 intentionally added PFAS chemicals in:
  - 30           (A) an emergency firefighting operation; or
  - 31           (B) an emergency fire prevention operation.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 7, after "fixed" insert "**and mobile**".

and when so amended that said bill do pass.

(Reference is to HB 1189 as introduced.)

FRYE R

Committee Vote: yeas 12, nays 0.

---

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1189, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1189 as printed January 24, 2020.)

MESSMER, Chairperson

Committee Vote: Yeas 9, Nays 0

