

HOUSE BILL NO. 51 am S(efd add S)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WRIGHT, Mears, Ruffridge, Schrage, Josephson

Amended: 5/15/23

Introduced: 1/30/23

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to refrigerants designated as acceptable for use under federal law;**
2 **relating to firefighting substances; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 18.95 is amended by adding a new section to read:

5 **Sec. 18.95.020. Use of designated refrigerants.** Notwithstanding a provision
6 of the state building code, a refrigerant designated as acceptable for use under 42
7 U.S.C. 7671k may be used in the state if the equipment containing the refrigerant is
8 listed and installed in accordance with the safety standards and use conditions imposed
9 under the designation. In this section, "state building code" has the meaning given in
10 AS 18.56.300(e).

11 *** Sec. 2.** AS 46.03 is amended by adding a new section to article 5 to read:

12 **Sec. 46.03.340. Use of firefighting substances.** (a) Notwithstanding
13 AS 46.03.320, a person may not use a firefighting substance that contains a
14 perfluoroalkyl substance or polyfluoroalkyl substance in the state unless the use is

1 permitted under (b) of this section or required by federal law.

2 (b) Unless the state fire marshal adopts regulations under (c) of this section
3 requiring use of an alternative firefighting substance, a person may use a firefighting
4 substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance to
5 respond to a fire that originates in relation to oil or gas production, transmission,
6 transportation, or refining in the state.

7 (c) If the state fire marshal determines an alternative firefighting substance
8 listed by an organization recognized by the federal Occupational Safety and Health
9 Administration's Nationally Recognized Testing Laboratory Program is safe and
10 effective, the state fire marshal shall adopt regulations requiring use of the alternative
11 firefighting substance. The regulations must state the proposed effective date of the
12 regulations.

13 (d) The department shall ensure the state accepts for disposal from a person
14 domiciled in a community in the state with a population of less than 2,000 that is off
15 the road system, or a person domiciled in the state who received a firefighting
16 substance that contains a perfluoroalkyl substance or polyfluoroalkyl substance from a
17 partially state funded fire safety project, a firefighting substance that contains a
18 perfluoroalkyl substance or polyfluoroalkyl substance in a quantity not to exceed 40
19 gallons each year.

20 * **Sec. 3.** Section 2 of this Act takes effect January 1, 2024.