

FIRST REGULAR SESSION

HOUSE BILL NO. 1208

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUSH.

2528H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 644, RSMo, by adding thereto one new section relating to foam fire suppressants.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 644, RSMo, is amended by adding thereto one new section, to be known as section 644.800, to read as follows:

644.800. 1. As used in this section, the following terms mean:

(1) "Department", the department of natural resources;

(2) "Discharge", a release by any means including, but not limited to, spilling, leaking, pumping, pouring, spraying, emitting, disposing, escaping, emptying, or dumping, whether intentional or unintentional;

(3) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS", any perfluoroalkyl and polyfluoroalkyl substances listed in the toxic chemical list under section 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), as amended;

(4) "Person", the same as defined under section 644.016;

(5) "Waters of the state", the same as defined under section 644.016.

2. The department shall promulgate rules regulating the manufacture, use, storage, and remediation of firefighting or fire-suppressing foam to which PFAS have been intentionally added. Such rules and regulations shall be designed to protect the environment and ensure safe and clean soil, water, and air for the state of Missouri.

3. A person that discharges or causes to be discharged firefighting or fire-suppressing foam to which PFAS have been intentionally added into or upon any lake,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 pond, river, stream, sewer, surface water drainage, groundwater, other waters of the
19 state, or any public or private water supply or onto land adjacent to, on, or over such
20 waters shall report the discharge to the department as soon as practicable, but no later
21 than twenty-four hours after the discharge occurs.

22 4. Beginning January 1, 2027, a person shall not manufacture, sell, offer for sale,
23 distribute for sale, or distribute for use in this state a firefighting or fire-suppressing
24 foam to which PFAS have been intentionally added, except in the following
25 circumstances:

26 (1) Such foam is manufactured, sold, or distributed for use at an airport in the
27 state, so long as the foam is required by federal law or regulation to be used at airports
28 for firefighting or fire-suppressing purposes including, but not limited to, as required by
29 14 C.F.R. 139. The exception in this subdivision shall not apply if such foam is not
30 required by federal law or regulation; or

31 (2) Such foam is manufactured, sold, or distributed for a marine defense
32 application and the use of the foam is required by the United States Department of
33 Defense.

34 5. A person that manufactures for sale or distribution in this state a firefighting
35 or fire-suppressing foam shall, upon request by the department, provide the department
36 with a certificate of compliance certifying that the foam does not contain intentionally
37 added PFAS or is excepted from the prohibition under subdivision (1) or (2) of
38 subsection 4 of this section.

39 6. Except as provided in subsection 4 of this section, before January 1, 2027, a
40 person that manufactures firefighting or fire-suppressing foam to which PFAS have
41 been intentionally added and sold, offered for sale, or distributed in this state before
42 January 1, 2027, shall:

43 (1) Provide written notification regarding the prohibition to any person in the
44 state that received such foam from the manufacturer for sale, distribution, or use; and

45 (2) Issue a recall of all such foam, which shall include a process by which a
46 person in the state that received such foam will be reimbursed by the manufacturer for
47 the recalled foam.

48 7. The director may promulgate all necessary rules and regulations for the
49 administration of this section. Any rule or portion of a rule, as that term is defined in
50 section 536.010, that is created under the authority delegated in this section shall
51 become effective only if it complies with and is subject to all of the provisions of chapter
52 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
53 and if any of the powers vested with the general assembly pursuant to chapter 536 to
54 review, to delay the effective date, or to disapprove and annul a rule are subsequently

55 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
56 **adopted after August 28, 2025, shall be invalid and void.**

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