

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 3068 & 3049, Page 39, Section  
2 589.417, Line 27, by inserting after all of said section and line the following:

3  
4 "644.800. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

18 3. A person that discharges or causes to be discharged firefighting or fire-suppressing  
19 foam to which PFAS have been intentionally added into or upon any lake, pond, river, stream,  
20 sewer, surface water drainage, groundwater, other waters of the state, or any public or private  
21 water supply or onto land adjacent to, on, or over such waters shall report the discharge to the  
22 department as soon as practicable, but no later than twenty-four hours after the discharge occurs.

23 4. Beginning January 1, 2028, a person shall not manufacture, sell, offer for sale,  
24 distribute for sale, or distribute for use in this state a firefighting or fire-suppressing foam to  
25 which PFAS have been intentionally added, except in the following circumstances:

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

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

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

7           6. Except as provided in subsection 4 of this section, before January 1, 2028, a person  
8 that manufactures firefighting or fire-suppressing foam to which PFAS have been intentionally  
9 added and sold, offered for sale, or distributed in this state before January 1, 2028, shall:

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

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

14           7. The director may promulgate all necessary rules and regulations for the administration  
15 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
16 created under the authority delegated in this section shall become effective only if it complies  
17 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
18 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
19 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
20 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
21 any rule proposed or adopted after August 28, 2026, shall be invalid and void."; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.