

SECOND REGULAR SESSION

HOUSE BILL NO. 2400

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURRAY.

5641H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 640, RSMo, by adding thereto seven new sections relating to products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances, with penalty provisions.

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

Section A. Chapter 640, RSMo, is amended by adding thereto seven new sections, to be known as sections 640.1700, 640.1701, 640.1702, 640.1703, 640.1704, 640.1705, and 640.1706, to read as follows:

640.1700. 1. For purposes of sections 640.1700 to 640.1706, the following terms mean:

(1) "Air care product", a chemically formulated consumer product labeled to indicate that the purpose of the product is to enhance or condition the indoor environment by eliminating odors or freshening the air;

(2) "Automotive maintenance product", a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles. Automotive maintenance product does not include automotive paint or paint repair products;

(3) "Cleaning product", a finished product used primarily for domestic, commercial, or institutional cleaning purposes including, but not limited to, an air care product, an automotive maintenance product, a general cleaning product, or a polish or floor maintenance product;

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.

- 15 (4) **"Cookware"**, durable houseware items used to prepare, dispense, or store
16 food, foodstuffs, or beverages. Cookware includes, but is not limited to, pots, pans,
17 skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils;
- 18 (5) **"Cosmetic"**, consists of articles, excluding soap, intended to be rubbed,
19 poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human
20 body or any part thereof for the purpose of cleansing, beautifying, promoting
21 attractiveness, or altering the appearance, for use as a component of any such article;
- 22 (6) **"Currently unavoidable use"**, a use of PFAS that the director has
23 determined by rule under section 640.1704 to be essential for health, safety, or the
24 functioning of society and for which alternatives are not reasonably available;
- 25 (7) **"Department"**, the department of natural resources;
- 26 (8) **"Director"**, the director of the department of natural resources;
- 27 (9) **"Fabric treatment"**, a substance applied to fabric to give the fabric one or
28 more characteristics including, but not limited to, stain resistance or water resistance;
- 29 (10) **"Intentionally added PFAS"**, PFAS deliberately added during the
30 manufacture of a product where the continued presence of PFAS is desired in the
31 final product or one of the product's components to perform a specific function;
- 32 (11) **"Internal components"**, internal parts of a product, whether permanently
33 affixed or removable, that are designed and intended to not be touched by a person
34 during intended use or handling. Internal components include parts of a product used
35 for holding batteries regardless of whether the parts are touched when replacing
36 batteries;
- 37 (12) (a) **"Juvenile product"**, a product designed or marketed for use by infants
38 and children under twelve years of age including, but not limited to:
- 39 a. Baby or toddler foam pillows;
- 40 b. Bassinets;
- 41 c. Bedside sleepers;
- 42 d. Booster seats;
- 43 e. Changing pads;
- 44 f. Child restraint systems for use in motor vehicles and aircraft;
- 45 g. Co-sleepers;
- 46 h. Crib mattresses;
- 47 i. Highchair and highchair pads;
- 48 j. Infant products, such as:
- 49 (i) Bouncers;
- 50 (ii) Carriers;
- 51 (iii) Seats;

- 52 (iv) Sleep positioners;
53 (v) Swings;
54 (vi) Travel beds; or
55 (vii) Walkers;
56 k. Nap cots;
57 l. Nursing pads;
58 m. Nursing pillows;
59 n. Play mats;
60 o. Playpens;
61 p. Playyards;
62 q. Polyurethane foam mats, pads, or pillows;
63 r. Portable products, such as:
64 (i) Foam nap mats;
65 (ii) Infant sleepers;
66 (iii) Hook-on chairs; or
67 (iv) Soft-sided cribs;
68 s. Strollers; and
69 t. Toddler mattresses;
70 (b) "Juvenile product" does not include an adult mattress or a children's
71 electronic product such as a personal computer, audio and video equipment, calculator,
72 wireless phone, game console, handheld device incorporating a video screen, or any
73 associated peripheral products such as a mouse, keyboard, power supply unit, or power
74 cord, or an adult mattress. In addition, "juvenile product" does not include the
75 following:
76 a. A recreational off-highway vehicle, as defined in section 301.010, made for
77 children;
78 b. An all-terrain vehicle, as defined in section 301.010, made for children;
79 c. A motorcycle, as defined in section 301.010, made for children;
80 d. An electric bicycle, as defined in section 301.010, made for children; and
81 e. A replacement part for a vehicle described in subparagraphs a. to d. of this
82 paragraph;
83 (13) "Manufacturer", the person or entity that creates or produces a product or
84 whose brand name is affixed to the product. In the case of a product imported into the
85 United States, manufacturer includes the importer or first domestic distributor of the
86 product if the person or entity that manufactured or assembled the product or whose
87 brand name is affixed to the product does not have a presence in the United States;

88 (14) "Medical device", the meaning given to the term "device" under 21 U.S.C.
89 Section 321(h);

90 (15) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS", a class of
91 fluorinated organic chemicals containing at least one fully fluorinated carbon atom;

92 (16) "Product", an item manufactured, assembled, packaged, or otherwise
93 prepared for sale to consumers including, but not limited to, its product components,
94 sold or distributed for personal, residential, commercial, or industrial use, including for
95 use in making other products;

96 (17) "Product component", an identifiable component of a product, regardless
97 of whether the manufacturer of the product is the manufacturer of the component;

98 (18) "Ski wax", a lubricant applied to the bottom of snow runners, including
99 but not limited to skis and snowboards, to improve their grip or glide properties. "Ski
100 wax" includes related tuning products;

101 (19) "Textile", an item made in whole or part from a natural or synthetic fiber,
102 yarn, or fabric. "Textile" includes but is not limited to leather, cotton, silk, jute, hemp,
103 wool, viscose, nylon, and polyester;

104 (20) "Textile furnishings", textile goods of a type customarily used in households
105 and businesses, including but not limited to draperies, floor coverings, furnishings,
106 bedding, towels, and tablecloths;

107 (21) "Upholstered furniture", an article of furniture that is designed to be used
108 for sitting, resting, or reclining and that is wholly or partly stuffed or filled with any
109 filling material.

640.1701. 1. Before January 1, 2027, the manufacturer of any product sold,
2 offered for sale, or distributed in this state that contains intentionally added PFAS shall
3 submit to the director information that includes:

4 (1) A brief description of the product, including a universal product code (UPC),
5 stock keeping unit (SKU), or other numeric code assigned to the product;

6 (2) The purpose for which PFAS are used in the product, including in any
7 product components;

8 (3) The amount of each PFAS in the product, identified by its chemical abstracts
9 service registry number reported as an exact quantity determined using commercially
10 available analytical methods or as falling within a range approved for reporting
11 purposes by the director;

12 (4) The name and address of the manufacturer and the name, address, and
13 phone number of a contact person for the manufacturer; and

14 (5) Any additional information requested by the director as necessary to
15 implement the requirements of this section.

16 **2. With the approval of the director, a manufacturer may supply the information**
17 **required under subsection 1 of this section for a category or type of product rather than**
18 **for each individual product.**

19 **3. A manufacturer shall submit the information required under this section**
20 **whenever a new product that contains intentionally added PFAS is sold, offered for sale,**
21 **or distributed in this state and shall update and revise the information whenever there is**
22 **significant change in the information or when requested to do so by the director.**

23 **4. A person shall not sell, offer for sale, or distribute for sale in the state a**
24 **product containing intentionally added PFAS if the manufacturer has failed to provide**
25 **the information required under this section and the person has received notification**
26 **under section 640.1703.**

640.1702. 1. The director may waive all or part of the information requirement
2 **under section 640.1701 if the director determines that substantially equivalent**
3 **information is already publicly available. The director may grant a waiver under**
4 **this section to a manufacturer or a group of manufacturers for multiple products or a**
5 **product category.**

6 **2. For a pesticide regulated under chapter 281, a fertilizer, an agricultural liming**
7 **material regulated under chapter 266, a plant amendment regulated under chapter 281,**
8 **or a soil amendment regulated under chapter 266, a manufacturer may satisfy the**
9 **requirements of section 640.1701 by submitting the information required by that section**
10 **as part of its annual registration or approval process under sections 281.210 to 281.310**
11 **of the Missouri Pesticide Registration Act. For information that is regulated under**
12 **chapters 266 and 281, the director of the department of natural resources and the**
13 **director of the department of agriculture shall jointly determine whether to make the**
14 **information publicly available based on applicable statutes.**

15 **3. The director may enter into an agreement with one or more other states or**
16 **political subdivisions of a state, as authorized by federal or state law, to collect**
17 **information and may accept information to a shared system as meeting the information**
18 **requirement under section 640.1701.**

19 **4. The director may extend the deadline for submission by a manufacturer of the**
20 **information required under section 640.1701 if the director determines that more time is**
21 **needed by the manufacturer to comply with the submission requirement.**

640.1703. 1. If the director has reason to believe that a product contains
2 **intentionally added PFAS and the product is being offered for sale in this state, the**
3 **director may direct the manufacturer of the product to, within thirty days, provide the**
4 **director with testing results that demonstrate the amount of each of the PFAS in the**
5 **product, identified by its chemical abstracts service registry number, reported as an**

6 exact quantity determined using commercially available analytical methods or as falling
7 within a range approved for reporting purposes by the director.

8 2. If testing demonstrates that the product does not contain intentionally added
9 PFAS, the manufacturer shall provide the director a certificate attesting that the
10 product does not contain intentionally added PFAS, including testing results and any
11 other relevant information.

12 3. If testing demonstrates that the product contains intentionally added PFAS,
13 the manufacturer shall provide the director with the testing results and the information
14 required under section 640.1701.

15 4. A manufacturer shall notify persons who sell or offer for sale a product
16 prohibited under section 640.1701 or 640.1704 that the sale of that product is prohibited
17 in this state and provide the director with a list of the names and addresses of those
18 notified.

19 5. The director may notify persons who sell or offer for sale a product prohibited
20 under section 640.1701 or 640.1704 that the sale of that product is prohibited in this
21 state.

 640.1704. 1. Beginning January 1, 2027, a person shall not sell, offer for sale, or
2 distribute for sale in this state the following products if the product contains
3 intentionally added PFAS:

- 4 (1) Carpets or rugs;
- 5 (2) Cleaning products;
- 6 (3) Cookware;
- 7 (4) Cosmetics;
- 8 (5) Dental floss;
- 9 (6) Fabric treatments;
- 10 (7) Juvenile products;
- 11 (8) Menstruation products;
- 12 (9) Textile furnishings;
- 13 (10) Ski wax; or
- 14 (11) Upholstered furniture.

15 2. Subsection 1 of this section does not prohibit the sale, offer for sale, or
16 distribution for sale of a product that contains intentionally added PFAS only in
17 electronic components or internal components.

18 3. The director may by rule identify additional products by category or use that
19 shall not be sold, offered for sale, or distributed for sale in this state if they contain
20 intentionally added PFAS and designate effective dates. A prohibition adopted under
21 this subsection shall be effective no earlier than January 1, 2027, and no later than

22 **January 1, 2033. The director shall prioritize the prohibition of the sale of product**
23 **categories that, in the director's judgment, are most likely to contaminate or harm this**
24 **state's environment and natural resources if they contain intentionally added PFAS.**

25 **4. Beginning January 1, 2033, a person shall not sell, offer for sale, or distribute**
26 **for sale in this state any product that contains intentionally added PFAS unless the**
27 **director has determined by rule that the use of PFAS in the product is a currently**
28 **unavoidable use. The director may specify specific products or product categories for**
29 **which the director has determined the use of PFAS is a currently unavoidable use. The**
30 **director shall not determine that the use of PFAS in a product is a currently unavoidable**
31 **use if the product is listed in subsection 1 of this section.**

32 **5. Unless the director of the department of agriculture approves the action, the**
33 **director shall not take action under subsection 2 or 3 of this section with respect to the**
34 **following:**

- 35 **(1) A pesticide, as defined under section 281.020;**
36 **(2) A fertilizer, as defined under section 266.291;**
37 **(3) An agricultural liming material, as defined in section 266.505;**
38 **(4) A soil conditioner, as defined under section 266.361; or**
39 **(5) A plant amendment, as such term is used in sections 281.010 to 281.115 of the**
40 **"Missouri Pesticide Use Act".**

640.1705. 1. The provisions of sections 640.1700 to 640.1706 shall not apply to
2 **any law or regulation relating to PFAS in food packaging and fire suppression foam for**
3 **firefighters.**

4 **2. In the enforcement of sections 640.1700 to 640.1706, the director may**
5 **coordinate with the department of agriculture, department of commerce and insurance,**
6 **and department of health and senior services, as needed.**

7 **3. Any person who wilfully violates the provisions of sections 640.1700 to**
8 **640.1706, or any rule or order issued or adopted by the director regarding products**
9 **containing intentionally added PFAS, shall be guilty of a misdemeanor and, upon**
10 **conviction, shall be fined not more than five hundred dollars or imprisoned for not more**
11 **than one year, or be subject to both fine and imprisonment. It shall be the duty of any**
12 **prosecuting attorney to whom any violation of sections 640.1700 to 640.1706 is reported**
13 **to cause appropriate proceedings to be instituted and prosecuted in a court of competent**
14 **jurisdiction without delay.**

640.1706. 1. The director shall establish by rule a fee payable by a manufacturer
2 **to the director upon submission of information required under section 640.1701 to cover**
3 **the department's reasonable costs to implement the provisions of sections 640.1700 to**
4 **640.1706.**

5 2. The director may promulgate all necessary rules and regulations for the
6 administration of sections 640.1700 to 640.1706. Any rule or portion of a rule, as that
7 term is defined in section 536.010, that is created under the authority delegated in this
8 section shall become effective only if it complies with and is subject to all of the
9 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
10 536 are nonseverable and if any of the powers vested with the general assembly
11 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
12 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
13 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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