



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2777		DATE: 4/8/2026
COMMITTEE: Judiciary		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: HAMPTON WILLIAMS		PHONE NUMBER: 573-893-4241
REPRESENTING: MISSOURI INSURANCE COALITION		TITLE:
ADDRESS: 220 EAST HIGH STREET, SUITE B		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65616
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/8/2026 12:00 AM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: KATE SAWYER		PHONE NUMBER: 617-615-9861	
BUSINESS/ORGANIZATION NAME: ALLIANCE FOR CONSUMERS ACTION FUND		TITLE: ATTORNEY - FUSION LAW	
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CITY: NASHVILLE		STATE: TN	ZIP: 37203
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/8/2026 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF		PHONE NUMBER: 314-440-9000	
BUSINESS/ORGANIZATION NAME: STATE PUBLIC ADVOCACY		TITLE: STATE PUBLIC ADVOC ATE	
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: RICHARD SHEETS		PHONE NUMBER: 573-635-9135
REPRESENTING: MISSOURI MUNICIPAL LEAGUE		TITLE: ADVOCACY ADVISOR
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In line 40 of the bill, section 5 (1) it states when a political subdivision brings a cause of action for a public nuisance that that the nuisance must be "wholly within the jurisdiction". Nuisance, smoke, noise, biological and chemical pollution and other nuisances can occur outside the city limits of a city yet still adversely impact residence of the city. Section 71.780 RSMo authorizes cities to abate nuisances within 1/2 mile of the city limits. HB 2777 conflicts with 71.780 RSMo and may jeopardize the health and well being of Missourians



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REGISTERED LOBBYIST:			
WITNESS NAME: SARA SCHUETT		PHONE NUMBER: 573-635-5215	
REPRESENTING: MISSOURI ASSOCIATION OF TRIAL ATTORNEYS		TITLE: EXEC. DIRECTOR	
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Oppose



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 4/1/2026 7:42 AM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

HB 2777, titled the “Public Nuisance Reform Act,” substantially restricts the availability of public nuisance claims in Missouri, raising significant constitutional concerns regarding access to the courts, separation of powers, and equal protection.

While framed as a reform measure, the bill operates to broadly eliminate or preclude entire categories of claims—particularly those involving lawful products, regulated activities, and aggregated harms—thereby limiting longstanding common law causes of action traditionally available to both governmental entities and private parties.

This raises concerns regarding access to the courts, as protected under the Missouri Constitution, by imposing heightened pleading standards, restrictive standing requirements, and categorical exclusions that may functionally bar otherwise valid claims before they can be meaningfully adjudicated. By requiring plaintiffs to meet elevated causation thresholds and procedural barriers not applied uniformly across other areas of law, the bill creates a structural imbalance in access to judicial remedies.

The bill further implicates separation of powers principles by expressly abrogating the common law of public nuisance “to the extent...inconsistent with this section.” Public nuisance has historically developed through judicial interpretation, and legislative efforts to narrowly redefine or eliminate such claims—particularly through rigid statutory constraints—risk encroaching upon the judiciary’s role in shaping and applying common law doctrines.

Additionally, HB 2777 raises equal protection concerns by treating similarly situated plaintiffs differently based on the nature of their claims and the identity of the defendant. The bill creates distinct and more restrictive pathways for public nuisance claims compared to other tort actions, while simultaneously shielding broad categories of conduct—such as the lawful manufacture and sale of products—from nuisance liability, regardless of downstream harm.

The requirement that governmental entities may only bring claims under limited circumstances, coupled with the requirement of executive approval for certain actions, raises further concerns regarding concentration of legal authority and potential barriers to local governments seeking to address harms within their jurisdictions. This may impair the ability of political subdivisions to protect public health and safety through traditional legal mechanisms.

The bill’s prohibition on damages and limitations on remedies in certain public nuisance actions

further restricts judicial discretion and raises concerns regarding due process, as courts are constrained from awarding relief proportionate to the harm demonstrated.

Finally, the imposition of strict statutes of limitation and repose—particularly where harms may manifest over extended periods—may operate to extinguish claims before they can reasonably be discovered, further limiting meaningful access to judicial review.

Bottom line:

HB 2777 significantly narrows the scope of public nuisance law in Missouri through categorical exclusions, heightened procedural barriers, and limitations on remedies, raising serious constitutional concerns regarding access to the courts, separation of powers, equal protection, and due process.

The General Assembly is hereby placed on notice that enactment of this provision may invite constitutional scrutiny where legislative action restricts longstanding common law claims and limits the ability of courts and litigants to address public harms through established legal frameworks.



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WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 4/8/2026 8:04 AM	

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This bill is framed as reform, but in practice it dismantles public nuisance as a functional legal tool in Missouri.

Section 3 removes entire categories of conduct from ever being considered a public nuisance, including the design, manufacture, and sale of products, as well as any activity that has been authorized or permitted by a governmental entity.

That is not clarification of the law; it is a broad grant of immunity to regulated actors regardless of downstream harm.

The bill then imposes layered causation requirements that go beyond traditional standards.

A plaintiff must establish both but-for causation and proximate cause under restrictive definitions. It is no longer sufficient to show that a defendant contributed to or foreseeably caused harm.

Instead, a plaintiff must prove that the nuisance would not exist without that specific defendant or that their expenditures would be reduced by more than twenty-five percent. In real-world public nuisance cases, which often involve multiple contributing actors, this standard becomes functionally unattainable.

The bill also centralizes enforcement authority.

Political subdivisions are limited to bringing claims only when the nuisance is entirely contained within their jurisdiction. In all other cases, only the Attorney General may bring a claim, and only with prior written approval from the Governor.

This structure places control of enforcement within the executive branch rather than leaving it accessible through the courts.

At the same time, the bill removes meaningful remedies. Courts are prohibited from awarding damages of any kind, including the costs associated with addressing or preventing harm.

Even where a nuisance is established, there is no mechanism to recover the costs of abatement, which eliminates any meaningful deterrent effect.

The limitations on private citizens are equally restrictive.

A private individual must demonstrate a special injury that is different in kind from the general public and must do so by clear and convincing evidence. Financial expenditures, environmental impacts, and cultural or emotional harms are excluded from qualifying as sufficient injury.

Class actions are prohibited. As a result, private enforcement is effectively eliminated.

The bill makes its intent explicit by stating that it abrogates common law public nuisance to the extent it conflicts with this framework. This is not a refinement of existing law; it is a replacement of longstanding legal doctrine with a far narrower, state-controlled system.

When categories of liability are removed, evidentiary burdens are elevated beyond practical reach, enforcement authority is centralized, remedies are stripped, and citizen standing is restricted, what remains is no longer a meaningful cause of action.

For these reasons, I stand in opposition.