

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 575, Page 1, Section TITLE, Line 3,

2 by striking the following from said line: "actions for damages
3 due to"; and

4 Further amend page 8, section 537.890, line 21 by inserting
5 after all of said section the following:

6 "Section 1. 1. As used in this section, the following
7 terms mean:

8 (1) "Asbestos":

9 (a) The asbestiform varieties of chrysotile, actinolite,
10 amosite, anthophyllite, crocidolite, richterite, winchite, and
11 tremolite; and

12 (b) The nonasbestiform varieties of richterite and
13 winchite.

14 (2) "Mixture or article containing asbestos", includes a
15 mixture or article in which asbestos is present as an impurity.

16 2. (1) Effective one year after the effective date of this
17 section, no person or entity may manufacture, process, sell, or
18 distribute asbestos or any mixture or article containing
19 asbestos.

20 (2) The provisions of this section shall not apply to:

21 (a) End-use of a mixture or article containing asbestos and

1 installed in a building or other structure before the effective
2 date of this section; or

3 (b) Distribution of a mixture or article containing
4 asbestos solely for the purpose of disposal of the mixture or
5 article in compliance with applicable federal, state, and local
6 requirements.

7 3. (1) Notwithstanding any other provision of law to the
8 contrary, the labor and industrial relations commission may, on
9 application, grant any person or entity an exemption from the
10 prohibition under subsection 2 of this section for the
11 manufacture, processing, sale, or distribution of asbestos or any
12 mixture or article containing asbestos only if the labor and
13 industrial relations commission determines that:

14 (a) The manufacture, processing, or distribution in
15 commerce of asbestos or any mixture or article containing
16 asbestos by the person is necessary to protect law enforcement
17 interests or the security interests of the state or any political
18 subdivision; and

19 (b) No feasible alternative to the manufacture, processing,
20 or distribution in commerce of asbestos or any mixture or article
21 containing asbestos exists for the intended use.

22 (2) The period of an exemption granted under this
23 subsection shall not exceed three years.

24 (3) The labor and industrial relations commission may, in
25 accordance with the standards described in subdivision (1) of
26 this subsection, extend an exemption granted under subdivision
27 (1) once, for a period not to exceed three years.

28 (c) An exemption granted under this subsection, including
29 any extension, shall include such terms and conditions as are

1 necessary in the discretion of the labor and industrial relations
2 commission to achieve the maximum practicable reduction in
3 exposure to asbestos.

4 4. Not later than thirty days after receipt of an
5 application for exemption under subsection 3 of this section, the
6 labor and industrial relations commission shall publish the
7 application in the Missouri Register.

8 5. Not later than thirty days after granting an exemption
9 under this section, the labor and industrial relations commission
10 shall publish in the Missouri Register:

11 (1) A notice of the exemption; and

12 (2) The terms and conditions included under subsection 3 of
13 this section.

14 6. Any person or entity granted an exemption under
15 subsection 3 of this section shall within six months after the
16 granting of the exemption and every six months thereafter so long
17 as the exemption is in effect, submit to the labor and industrial
18 relations commission a report describing:

19 (1) The date on which the exemption is granted;

20 (2) The date on which the exemption is extended, if
21 applicable;

22 (3) The name and address of the person submitting the
23 report;

24 (4) The name, title, and contact information of an
25 authorized representative of the person submitting the report;

26 (5) The location of the facility or facilities where the
27 manufacture, processing, or distribution in commerce of asbestos
28 or mixtures or articles containing asbestos has occurred, or will
29 occur, during the reporting period;

1 (6) A description of the manufacture, processing, sale or
2 distribution activity during the reporting period of the person
3 or entity submitting the report and the intended and known uses
4 of asbestos and each mixture or article containing asbestos by
5 that person or entity and all other persons to whom the asbestos,
6 mixture, or article is sold or otherwise distributed;

7 (7) The quantity of asbestos, and the quantity and
8 concentration of asbestos in any mixture or article containing
9 asbestos, that is manufactured, processed, sold, or distributed,
10 or expected to be manufactured, processed, sold, or distributed,
11 by the person or entity during the reporting period;

12 (8) Reasonable estimates of the quantity of asbestos to be
13 disposed of as a result of the reported manufacture, processing,
14 sale, or distribution activities, and the manner of the disposal;
15 and

16 (9) Reasonable estimates of the number of individuals who,
17 as a result of the reported manufacture, processing, and
18 distribution activities:

19 (a) Have been exposed to asbestos or mixtures or articles
20 containing asbestos;

21 (b) Will be so exposed; and

22 (c) The nature, duration, frequency, and levels of any such
23 exposure.

24 7. The labor and industrial relations commission shall
25 promulgate rules necessary to administer and implement the
26 provisions of this section. Any rule or portion of a rule, as
27 that term is defined in section 536.010, that is created under
28 the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions

1 of chapter 536 and, if applicable, section 536.028. This section
2 and chapter 536 are nonseverable and if any of the powers vested
3 with the general assembly pursuant to chapter 536 to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2020,
7 shall be invalid and void."; and

8 Further amend the title and enacting clause accordingly.