

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 917  
AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to paint recycling.

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

Section A. Chapter 701, RSMo, is amended by adding thereto  
2 one new section, to be known as section 701.151, to read as  
3 follows:

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

3 (1) "Administrative fee", a fee set by the department  
4 to reimburse the department for administering this section  
5 and paid by each producer or representative organization  
6 submitting a plan under this section;

7 (2) "Architectural paint", interior and exterior  
8 architectural coatings sold in containers of five gallons or  
9 less. "Architectural paint" shall not be construed to  
10 include industrial, original equipment, or specialty  
11 coatings;

12 (3) "Collection site", any location, event, or other  
13 department-approved collection service at which  
14 architectural paint is accepted into a post-consumer paint  
15 collection program under a post-consumer paint collection  
16 program plan;

17 (4) "Conditionally exempt small quantity generator",  
18 the meaning ascribed to "very small generator" under 40 CFR  
19 262.14;

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

21 (6) "Director", the director of the department of  
22 natural resources, or the director's designee;

23           (7) "Environmentally sound management practices",  
24 procedures for the collection, storage, transportation,  
25 reuse, recycling, energy recovery, and disposal of  
26 architectural paint that shall:

27           (a) Be implemented by producers or a representative  
28 organization or by contracted partners of the producers or a  
29 representative organization to ensure compliance with all  
30 applicable federal, state, and local laws and any  
31 regulations and ordinances for the protection of human  
32 health and the environment;

33           (b) Address adequate record keeping, tracking, and  
34 documenting of the final disposition of materials; and

35           (c) Address appropriate environmental liability  
36 coverage for the representative organization;

37           (8) "Household waste", the same definition as in 10  
38 CSR 80.2-010;

39           (9) "Paint" or "paint product", architectural paint  
40 and additional products as defined in an approved program  
41 plan. "Paint" or "paint product" shall not include  
42 industrial or original equipment coatings;

43           (10) "Paint assessment fee", cost added per container  
44 of paint by producers. Such cost shall cover the cost to  
45 operate and sustain the program authorized under this  
46 section and shall be verified by an independent financial  
47 auditor;

48           (11) "Post-consumer paint", architectural paint not  
49 used and no longer wanted by a purchaser;

50           (12) "Producer", a manufacturer of architectural paint  
51 that sells, offers for sale, or distributes the  
52 architectural paint in this state under the producer's own  
53 name or brand. "Producer" does not include a retailer who  
54 sells, offers for sale, or distributes within or into the

55 state architectural paint manufactured or trademarked by a  
56 person other than the retailer;

57 (13) "Program", the post-consumer paint collection  
58 program established under this section;

59 (14) "Recycling", the separation and reuse or  
60 remanufacture of materials that might otherwise be disposed  
61 of as solid waste;

62 (15) "Representative organization", a nonprofit  
63 organization established by producers to implement the  
64 program;

65 (16) "Retailer", a person who offers architectural  
66 paint or other allied products for sale at retail in this  
67 state.

68 2. Producers of architectural paint sold at retail in  
69 this state may establish or join a representative  
70 organization. The duties under this section shall be met by  
71 the representative organization on behalf of all its member  
72 producers. Any producer who is not a member of a  
73 representative organization shall meet the duties under this  
74 section separately.

75 3. (1) A representative organization or a producer of  
76 architectural paint sold at retail in this state that is not  
77 a member of such representative organization shall develop  
78 and submit to the director for the director's approval a  
79 plan for the establishment of a post-consumer paint  
80 collection program. Additional paint products may be  
81 proposed in a subsequent program plan in consultation with  
82 the department. The program shall be structured to:

83 (a) Reduce the generation of post-consumer paint;

84 (b) Promote the reuse and recycling of post-consumer  
85 paint;

86 (c) Manage the post-consumer paint waste stream using  
87 environmentally sound management practices; and

88 (d) Limit the department's role to oversight  
89 activities that include approving the program plan and  
90 reviewing the annual report.

91 (2) The plan submitted under this section shall:

92 (a) Provide a list of participating producers and  
93 brands covered by the program;

94 (b) Provide information on the architectural paint  
95 products covered under the program, such as interior or  
96 exterior water and oil-based coatings, primers, sealers, or  
97 wood coatings;

98 (c) Describe how the program will provide for  
99 convenient and cost-effective statewide collection of post-  
100 consumer paint in this state. The producers or  
101 representative organization may coordinate the program with  
102 existing household hazardous waste collection infrastructure  
103 as is mutually agreeable. A paint retailer shall be  
104 authorized by the producers or representative organization  
105 as a paint collection site only if the paint retailer  
106 voluntarily agrees to act as such and complies with all  
107 applicable laws and regulations and the retail location is  
108 consistent with the maintenance of a cost-effective network  
109 of paint collection locations;

110 (d) Establish a goal for the number and geographic  
111 distribution of sites for collection of post-consumer paint  
112 based on the following criteria:

113 a. At least ninety percent of Missouri residents shall  
114 have a collection site within a fifteen-mile radius and one  
115 site shall be established for every fifty thousand residents  
116 of the state, unless otherwise approved by the director; or

117 b. If the program is unable to meet the requirements  
118 of this subsection, a collection event or other department-  
119 approved collection service shall be scheduled on a periodic  
120 basis to serve such residents;

121 (e) Describe how post-consumer paint will be managed  
122 in the most environmentally and economically sound manner  
123 using the following strategies in the following order:  
124 reuse, recycling, energy recovery, and disposal;

125 (f) Describe education and outreach efforts to inform  
126 consumers about the program. Such efforts should  
127 incorporate at least:

128 a. Information about collection opportunities for post-  
129 consumer paint;

130 b. Information about the charge for the operation of  
131 the program that shall be included in the purchase price of  
132 all architectural paint sold in this state; and

133 c. Efforts to promote the source reduction, reuse, and  
134 recycling of architectural paint;

135 (g) Establish a per-container cost to be added to  
136 architectural paint sold in this state as a result of the  
137 program. This per-container cost, known as the paint  
138 assessment fee, shall be reviewed by an independent  
139 financial auditor to ensure that any added cost to paint  
140 sold in this state as a result of the program does not  
141 exceed the costs to operate and sustain the program in  
142 accordance with sound management practices; and

143 (h) Describe how the program will compensate service  
144 providers for activities conducted under the program that  
145 may include:

146 a. The collection of post-consumer architectural paint  
147 and architectural paint containers through permanent  
148 collection sites, collection events, or curbside services;

149 b. The reuse or processing of post-consumer  
150 architectural paint at a permanent collection site; and

151 c. The transportation, recycling, and proper disposal  
152 of post-consumer architectural paint.

153           (3) The independent financial auditor required under  
154 paragraph (g) of subdivision (2) of this subsection shall be  
155 selected by the representative organization after  
156 consultation with the department. The independent financial  
157 auditor shall verify that the cost added to each unit of  
158 paint will cover the costs of the program. The department  
159 shall review the work product of the independent financial  
160 auditor. The cost of any work performed by such independent  
161 financial auditor shall be funded by the paint assessment  
162 fees authorized by the program.

163           (4) Each manufacturer under the plan shall include in  
164 the price of any architectural paint sold to retailers or  
165 distributors in the state the per-container amount of the  
166 fee set forth in the plan or fee adjustment. If a  
167 representative organization implements the plan for a  
168 manufacturer, the manufacturer shall be responsible for  
169 filing, reporting, and remitting any fee assessed under this  
170 section for each container of architectural paint to the  
171 representative organization. A retailer or distributor  
172 shall not deduct the amount of the fee from the purchase  
173 price of any architectural paint the retailer or distributor  
174 sells.

175           (5) No later than sixty days after the submission of a  
176 plan under this section, the director shall make a written  
177 determination of whether to approve the plan as submitted or  
178 disapprove the plan. If the director finds the plan does  
179 not meet the requirements of this section, the director  
180 shall provide a written explanation of the nonconforming  
181 items. Within sixty days following receipt of the  
182 director's written explanation of items that do not meet the  
183 requirements of this section, the representative  
184 organization or the producer of architectural paint shall  
185 submit a revised plan to the director for approval.

186           (6) The department shall enforce the producer's or the  
187 representative organization's compliance with the plan and  
188 may, by regulation or by using existing regulations  
189 promulgated under sections 260.230, 260.240, and 260.249,  
190 establish enforcement procedures and penalties.

191           (7) No later than the implementation date of the  
192 program, information regarding the approved plan, the names  
193 of participating producers, and the brands of architectural  
194 paint covered by the program shall be posted on the  
195 department's website and on the website of the  
196 representative organization.

197           (8) The plan required under this subsection shall be  
198 submitted to the department not later than twelve months  
199 after the effective date of this section. The department  
200 may, for good cause shown, grant an extension of the  
201 deadline for submission.

202           (9) Nothing in this section shall be construed to  
203 require the department to develop the plan or establish the  
204 program authorized under this section. Such requirement  
205 shall be the sole responsibility of the producers or  
206 representative organization.

207           (10) Nothing in this section shall require a retailer  
208 to track, file, report, submit, or remit a fee assessed  
209 under this section, sales data, or any other information on  
210 behalf of a manufacturer, distributor, or representative  
211 organization. Nothing in this section shall prohibit a  
212 manufacturer and a retailer from entering into remitter  
213 agreements.

214           4. (1) The department shall establish an  
215 administrative fee to be paid by each producer or  
216 representative organization submitting a plan under this  
217 section. The department shall set the fee at an amount  
218 that, when paid by every producer or representative

219 organization that submits a plan, is adequate to reimburse  
220 the department's full costs of administering this section.  
221 The total amount of annual fees collected under this  
222 subdivision shall not exceed the amount necessary to  
223 reimburse costs incurred by the department to administer  
224 this section. The department may consider relevant factors  
225 when establishing the fee including, but not limited to, the  
226 portion of architectural paint sold in the state by the  
227 producer or the members of the representative organization  
228 compared to the total amount of architectural paint sold in  
229 the state by all producers or representative organizations  
230 submitting a plan.

231 (2) Each producer or representative organization  
232 implementing a plan under this section shall pay the  
233 administrative fee required in subdivision (1) of this  
234 subsection on or before July 1, 2027, and annually  
235 thereafter. Each year after the initial payment, the annual  
236 administrative fee shall not exceed five percent of the  
237 aggregate program fee added to the cost of all architectural  
238 paint sold by producers in the state for the preceding  
239 calendar year. The department may extend the time for  
240 payment upon good cause shown.

241 (3) The "Paint Stewardship Subaccount" is hereby  
242 created within the solid waste management fund established  
243 under section 260.330. All administrative fees received  
244 under this section shall be deposited into the subaccount.  
245 The administrative fees collected under this section are  
246 dedicated, upon appropriation, to the department for  
247 administering this section and the rules adopted under this  
248 section. Administrative fees established by this section  
249 shall not yield revenue greater than the cost of  
250 administering this section and the rules adopted under this  
251 section, but shall be adequate to ensure sustained operation

252 of the post-consumer paint collection program established  
253 under this section. Notwithstanding the provisions of  
254 section 33.080 to the contrary, moneys and interest earned  
255 on moneys in the subaccount shall not revert to the general  
256 revenue fund at the end of each biennium.

257 5. Upon implementation of the program, each producer  
258 shall include in the price of any architectural paint sold  
259 to retailers and distributors in this state the per-  
260 container amount, known as the paint assessment fee, in the  
261 approved plan. No retailer or distributor shall deduct such  
262 amount from the purchase price.

263 6. Retailers may incorporate the fee as part of the  
264 price amount displayed to consumers of architectural  
265 products. Retailers shall not be required to incorporate  
266 the fee as part of the price amount displayed to consumers  
267 for architectural products, provided that the retailers make  
268 information about the fee available to consumers of  
269 architectural paint products prior to purchase.

270 7. (1) After the program is implemented, no producer  
271 or retailer shall sell or offer for sale architectural paint  
272 to any person in this state unless the producer of a paint  
273 brand or a representative organization is implementing or  
274 participating in the program as required by this section.

275 (2) A retailer shall be deemed to be in compliance  
276 with this section if, on the date the architectural paint  
277 was offered for sale, the producer is listed on the  
278 department's website as implementing or participating in the  
279 program or if the paint brand is listed on the department's  
280 website as being included in the program.

281 (3) A paint collection site authorized under this  
282 section shall not charge any additional amount for the  
283 disposal of paint when the paint is offered for disposal.

284 (4) A producer or the representative organization that  
285 organizes the collection, transport, and processing of post-  
286 consumer paint in accordance with the program shall not be  
287 liable for any claim of a violation of antitrust, restraint  
288 of trade, unfair trade practice, or other anticompetitive  
289 activity arising from conduct undertaken in accordance with  
290 the program under this section.

291 (5) Before March thirty-first of each year, the  
292 producers or representative organization shall submit an  
293 annual report for the previous year to the director that  
294 details the program. The first report shall be submitted  
295 after the first full year of implementation. The director  
296 may, for good cause shown, extend the deadline for filing  
297 the report. The report or information relating to the  
298 report shall be posted on the department's website and on  
299 the website of the representative organization. The report  
300 shall contain at least the following:

301 (a) A description of the methods used to collect,  
302 transport, and process post-consumer paint in this state;

303 (b) The volume and type of post-consumer paint  
304 collected by method of disposition, containing information  
305 about reuse, recycling, other methods of processing, and any  
306 other related and appropriate information;

307 (c) Samples of educational materials provided to  
308 consumers of architectural paint;

309 (d) The total cost of the program; and

310 (e) An independent financial audit completed by an  
311 individual financial auditor chosen by the producers or the  
312 representative organization.

313 (6) Financial, production, or sales data reported to  
314 the department by a producer or by the representative  
315 organization shall not be subject to disclosure, but the  
316 director may release a summary form of such data that does

317 not disclose financial, production, or sales data of the  
318 producer, retailer, or representative organization.

319 (7) The producers or the representative organization  
320 shall implement the program required under this section on  
321 January 1, 2028, or six months after the approval of the  
322 plan under this section, whichever occurs later.

323 8. (1) Generators of household wastes and  
324 conditionally exempt small quantity generators may transport  
325 or send architectural paints to a paint collection site to  
326 the extent permitted by a program approved by the director.

327 (2) Paint collection sites may collect and temporarily  
328 store architectural paints generated by entities specified  
329 in subdivision (1) of this subsection in accordance with the  
330 requirements of the program in lieu of any otherwise  
331 applicable requirements of state laws or regulations.

332 (3) Nothing in this section shall be construed to  
333 restrict the collection of architectural paint by a program  
334 where such collection is authorized by any other state laws  
335 or regulations.

336 (4) Nothing in this section shall be construed to  
337 affect any requirements applicable to facilities that treat,  
338 dispose, or recycle architectural paint under any other  
339 state laws or regulations.

340 9. The director may promulgate all necessary rules and  
341 regulations for the administration of this section. Any  
342 rule or portion of a rule, as that term is defined in  
343 section 536.010, that is created under the authority  
344 delegated in this section shall become effective only if it  
345 complies with and is subject to all of the provisions of  
346 chapter 536 and, if applicable, section 536.028. This  
347 section and chapter 536 are nonseverable and if any of the  
348 powers vested with the general assembly pursuant to chapter  
349 536 to review, to delay the effective date, or to disapprove

350 and annul a rule are subsequently held unconstitutional,  
351 then the grant of rulemaking authority and any rule proposed  
352 or adopted after August 28, 2026, shall be invalid and void.