

SENATE BILL NO. 1725

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

7413S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 644, RSMo, by adding thereto one new section relating to foam fire suppressants.

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

Section A. Chapter 644, RSMo, is amended by adding thereto one new section, to be known as section 644.800, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

47 5. A person that manufactures for sale or distribution
48 in this state a firefighting or fire-suppressing foam shall,

49 upon request by the department, provide the department with
50 a certificate of compliance certifying that the foam does
51 not contain intentionally added PFAS or is excepted from the
52 prohibition under subdivision (1) or (2) of subsection 4 of
53 this section.

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

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

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

67 7. The director may promulgate all necessary rules and
68 regulations for the administration of this section. Any
69 rule or portion of a rule, as that term is defined in
70 section 536.010, that is created under the authority
71 delegated in this section shall become effective only if it
72 complies with and is subject to all of the provisions of
73 chapter 536 and, if applicable, section 536.028. This
74 section and chapter 536 are nonseverable and if any of the
75 powers vested with the general assembly pursuant to chapter
76 536 to review, to delay the effective date, or to disapprove
77 and annul a rule are subsequently held unconstitutional,
78 then the grant of rulemaking authority and any rule proposed
79 or adopted after August 28, 2026, shall be invalid and void.

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