

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4577

(SENATE AUTHORS: HOFFMAN)

DATE
03/04/2024

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Introduction and first reading
Referred to Environment, Climate, and Legacy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to environment; protecting involuntary conveyors of PFAS from liability
1.3 under the Minnesota Environmental Response and Liability Act; amending
1.4 Minnesota Statutes 2022, sections 115B.02, by adding subdivisions; 115B.04,
1.5 subdivision 1, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 115B.02, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 9b. **Involuntary conveyor of PFAS.** "Involuntary conveyor of PFAS" means a
1.10 political subdivision as an owner or operator of any of the following:

1.11 (1) a sewage sludge disposal facility, as defined in section 115A.03;

1.12 (2) a treatment works, as defined in section 115.01;

1.13 (3) a public water system, as defined in the federal Safe Drinking Water Act, United
1.14 States Code, title 42, section 300f, clause (4); or

1.15 (4) constructed management facilities for stormwater, as defined in section 103G.005.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 2. Minnesota Statutes 2022, section 115B.02, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 12a. **PFAS.** "PFAS" means a class of fluorinated organic chemicals containing
1.20 at least one fully fluorinated carbon atom.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 3. Minnesota Statutes 2022, section 115B.04, subdivision 1, is amended to read:

2.2 Subdivision 1. **Liability.** Except as otherwise provided in subdivisions 2 to ~~12~~ 13, and
2.3 notwithstanding any other provision or rule of law, any person who is responsible for a
2.4 release or threatened release of a hazardous substance from a facility is strictly liable, jointly
2.5 and severally, for the following response costs and damages which result from the release
2.6 or threatened release or to which the release or threatened release significantly contributes:

2.7 (1) all reasonable and necessary response costs incurred by the state, a political
2.8 subdivision of the state or the United States;

2.9 (2) all reasonable and necessary removal costs incurred by any person; and

2.10 (3) all damages for any injury to, destruction of, or loss of natural resources, including
2.11 the reasonable costs of assessing such injury, destruction, or loss.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.13 Sec. 4. Minnesota Statutes 2022, section 115B.04, is amended by adding a subdivision to
2.14 read:

2.15 **Subd. 13. Involuntary conveyors of PFAS.** (a) An involuntary conveyor of PFAS is
2.16 not liable for the release of PFAS if:

2.17 (1) the release occurred during the operation of facilities in a manner consistent with all
2.18 applicable laws; and

2.19 (2) the release was not the result of gross negligence or willful misconduct.

2.20 (b) If federal law provides greater protection from liability to involuntary conveyors of
2.21 PFAS than is provided by this subdivision, involuntary conveyors of PFAS are protected
2.22 from liability to the extent provided under federal law. The commissioner must take all
2.23 steps necessary to ensure that involuntary conveyors of PFAS receive the greatest available
2.24 liability protection in any response actions related to discharges of PFAS.

2.25 (c) Paragraph (a) applies retroactively and prospectively to a discharge of PFAS regardless
2.26 of when the facilities in question were constructed and regardless of whether the release
2.27 occurred before or after the effective date of this subdivision.

2.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.