

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 4577

(SENATE AUTHORS: HOFFMAN)

DATE	D-PG	OFFICIAL STATUS
03/04/2024	11915	Introduction and first reading Referred to Environment, Climate, and Legacy

1.1A bill for an act

1.2relating to environment; protecting involuntary conveyors of PFAS from liability

1.3under the Minnesota Environmental Response and Liability Act; amending

1.4Minnesota Statutes 2022, sections 115B.02, by adding subdivisions; 115B.04,

1.5subdivision 1, by adding a subdivision.

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

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

1.8to read:

1.9Subd. 9b. **Involuntary conveyor of PFAS.** "Involuntary conveyor of PFAS" means a

1.10political 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

1.14States 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.

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

1.18read:

1.19Subd. 12a. **PFAS.** "PFAS" means a class of fluorinated organic chemicals containing

1.20at least one fully fluorinated carbon atom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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