

1           AN ACT relating to perfluoroalkyl and polyfluoroalkyl substances.

2    *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3           ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
4    READ AS FOLLOWS:

5    (1) The PFAS Working Group is hereby established and shall be attached to the  
6    Cabinet for Health and Family Services for administrative purposes and staff  
7    support.

8    (2) The PFAS Working Group shall have the following twenty-one (21) members or  
9    their designees:

10    (a) The commissioner of the Department for Public Health within the Cabinet  
11    for Health and Family Services, who shall serve as chair;

12    (b) The commissioner of the Department for Environmental Protection within  
13    the Energy and Environment Cabinet;

14    (c) The commissioner of the Department of Fish and Wildlife Resources;

15    (d) The executive director of the Public Service Commission;

16    (e) The director of the University of Louisville Center for Integrative  
17    Environmental Health Sciences;

18    (f) The director of the University of Kentucky Superfund Research Center;

19    (g) The executive director of the Kentucky Conservation Committee;

20    (h) The executive director of the Kentucky Resources Council;

21    (i) The president of the Kentucky Association of Manufacturers;

22    (j) The president of the Kentucky Retail Federation;

23    (k) Three (3) members of the House of Representatives who shall serve as  
24    nonvoting ex officio members, two (2) of whom shall be chosen by the  
25    Speaker of the House of Representatives, and one (1) of whom shall be  
26    chosen by the Minority Floor Leader of the House of Representatives;

27    (l) Three (3) members of the Senate who shall serve as nonvoting ex officio

1                   members, two (2) of whom shall be chosen by the President of the Senate,  
2                   and one (1) of whom shall be chosen by the Minority Floor Leader of the  
3                   Senate; and

4                   (m) The county judges/executive for each of the five (5) counties with the  
5                   highest PFAS chemical concentrations in their community public drinking  
6                   water treatment plants as documented in the latest version of the Energy  
7                   and Environment Cabinet's evaluation of Kentucky community drinking  
8                   water for PFAS.

9                   (3) The first meeting of the PFAS Working Group shall be no later than September  
10                   1, 2026. The working group shall meet at least three (3) times each year prior to  
11                   the annual submission of the report required under subsection (5) of this section.

12                   (4) The PFAS Working Group shall:

13                   (a) Review the latest research on the effect that exposure to PFAS has on  
14                   health outcomes amongst individuals within the Commonwealth;

15                   (b) Share state-level data gathered from studies conducted by members of the  
16                   working group and others within the Commonwealth;

17                   (c) Consult with any federal, state, or local agencies, nonprofit organizations,  
18                   private industry, or other impacted stakeholders on the presence and effect  
19                   of PFAS within the Commonwealth; and

20                   (d) Develop recommendations for the mitigation of the effect of PFAS on  
21                   health outcomes in the Commonwealth.

22                   (5) The PFAS Working Group shall submit a report to the Governor and to the  
23                   Legislative Research Commission on or before December 1, 2026, and each  
24                   December 1 thereafter, detailing all working group activity since its previous  
25                   report and providing policy recommendations for the mitigation of the effect of  
26                   PFAS on health outcomes in the Commonwealth.

27                   (6) As used in this section, "PFAS chemical" or "PFAS" means all perfluoroalkyl

1        or polyfluoroalkyl substances containing at least one (1) fully fluorinated carbon  
2        atom.

3        ➔ SECTION 2. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER  
4        224 IS CREATED TO READ AS FOLLOWS:

5        (1) As used in this section and Section 3 of this Act:

6        (a) "Intentionally added" means PFAS deliberately added during the  
7        manufacture of a product where the continued presence of PFAS is desired  
8        in the final product or one (1) of the product's components to perform a  
9        specific function;

10        (b) "PFAS" means all perfluoroalkyl or polyfluoroalkyl substances containing  
11        at least one (1) fully fluorinated carbon atom;

12        (c) "Product component" means an identifiable component of a product,  
13        regardless of whether the manufacturer of the product is the manufacturer  
14        of the component; and

15        (d) "Wastewater treatment facility" means a facility that is regulated or  
16        established under this chapter or KRS Chapter 76, 96, 220, or 278, that  
17        provides for or engages in the collection, transmission, or treatment of  
18        sewage.

19        (2) Beginning on January 1, 2027, and every January 1 thereafter, a manufacturer  
20        of a product sold, offered for sale, or distributed in the Commonwealth that  
21        contains intentionally added PFAS shall submit to the secretary, in a form and  
22        manner to be determined by the secretary, information that includes:

23        (a) A brief description of the product, including a universal product code, stock  
24        keeping unit, or other numeric code assigned to the product;

25        (b) The purpose for which PFAS are used in the product, including in any  
26        product components containing PFAS;

27        (c) The amount of PFAS in the product, identified by their chemical abstracts

1        service registry numbers, reported as an exact quantity determined using  
2        commercially available analytical methods or as falling within a range  
3        approved for reporting purposes by the secretary;

4        (d) The name and address of the manufacturer and the name, address, and  
5        phone number of a contact person for the manufacturer; and

6        (e) Any additional information requested by the secretary necessary to  
7        implement the requirements of this section.

8        (3) With the approval of the secretary, a manufacturer may supply the information  
9        required by subsection (2) of this section for a category or type of product rather  
10        than for each individual product.

11        (4) A manufacturer shall submit the information required under this section  
12        whenever a new product that contains intentionally added PFAS is sold, offered  
13        for sale, or distributed in the Commonwealth, and update and revise the  
14        information whenever there is a significant change in the information or when  
15        requested to do so by the secretary.

16        (5) A person shall not sell, offer for sale, or distribute for sale in the Commonwealth  
17        a product containing intentionally added PFAS if the manufacturer has failed to  
18        provide the information required under this section.

19        (6) No later than thirty (30) days after a manufacturer has made a disclosure under  
20        this section, the cabinet shall publish the list of products, the manufacturers of  
21        the products, and the PFAS that the products contain on the cabinet's website.

22        ➔ SECTION 3. A NEW SECTION OF SUBCHAPTER 10 OF KRS CHAPTER  
23        224 IS CREATED TO READ AS FOLLOWS:

24        (1) A manufacturer of a product that is produced in the Commonwealth that  
25        contains intentionally added PFAS shall report to the secretary, in a form and  
26        manner to be determined by the secretary:

27        (a) Beginning January 1, 2027, and every January 1 thereafter, the amount

1                   and the names of PFAS that the manufacturer's facility or facilities have  
2                   released in the Commonwealth over the course of the previous year; and  
3                   (b) As needed for any individual release of PFAS greater than ten (10) pounds  
4                   over the course of twenty-four (24) hours. A report made under this  
5                   paragraph shall include the amount, location, and name of the PFAS  
6                   released.

7                   (2) The cabinet shall publish all PFAS release disclosure reports on its website.  
8                   Disclosure reports made under subsection (1)(b) of this section shall be published  
9                   within twenty-four (24) hours of receipt.

10                   (3) Upon receipt of a PFAS release disclosure report made under subsection (1)(b) of  
11                   this section, the secretary shall notify the county judge/executive of the county in  
12                   which the entity is located of the amount, location, and name of the PFAS  
13                   released, and shall provide a copy of the report to the county judge/executive.

14                   (4) Upon receipt of a PFAS release disclosure report from the secretary, the county  
15                   judge/executive shall:

16                   (a) Post a notice of the contents of the report on the county government website  
17                   within twenty-four (24) hours;

18                   (b) Post a notice of the contents of the report on all social media pages operated  
19                   by the county government within twenty-four (24) hours; and

20                   (c) Inform the members of the county's legislative body of the contents of the  
21                   report at the body's next scheduled meeting.

22                   (5) Wastewater treatment facilities shall not refuse to accept or treat sewage due to  
23                   the concentration of PFAS found in or reported to be found in the sewage.

24                   (6) On or before January 1, 2027, the cabinet shall promulgate administrative  
25                   regulations in accordance with KRS Chapter 13A requiring that each wastewater  
26                   treatment facility monitor and annually report to the cabinet the PFAS  
27                   concentration levels found in sewage after it is treated by the wastewater

1        *treatment facility.*

2        ➔ Section 4. KRS 224.99-030 is amended to read as follows:

3        (1) Any applicant or certificate holder who fails to provide the information required in  
4            KRS 224.1-310 or falsifies such information shall be liable for a civil penalty of not  
5            to exceed the sum of one thousand dollars (\$1,000). The penalty shall be  
6            recoverable in an action brought in the name of the Commonwealth of Kentucky by  
7            the cabinet, or upon the secretary's request, by the Attorney General.

8        (2) *Any manufacturer or county judge/executive who fails to comply with the*  
9            *reporting requirements in Section 3 of this Act shall be liable for a civil penalty of*  
10            *not to exceed the sum of one thousand dollars (\$1,000) per day until in*  
11            *compliance. The penalty shall be recoverable in an action brought in the name of*  
12            *the Commonwealth of Kentucky by the cabinet, or upon the secretary's request,*  
13            *by the Attorney General.*