

HB 1389 - AS INTRODUCED

2026 SESSION

26-3198
08/07

HOUSE BILL **1389**

AN ACT relative to PFAS facility liability.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. Muns, Rock. 29; Rep. Meuse, Rock. 37; Rep. N. Germana, Ches. 15; Rep. Lascelles, Hills. 14; Rep. Dunn, Rock. 16; Rep. Rung, Hills. 12; Rep. Donnelly, Rock. 25; Rep. W. Thomas, Hills. 12; Rep. Ebel, Merr. 7; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Sen. Ricciardi, Dist 9

COMMITTEE: Judiciary

ANALYSIS

This bill provides for perfluoroalkyls (PFAS) facility liability for contaminations of groundwater quality standards according to federal regulations.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to PFAS facility liability.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 PFAS Definitions. RSA 147-B:2, VIII-j through VIII-o are repealed and reenacted to read as
2 follows:

3 VIII-j. "PFAS" means all perfluoroalkyl and polyfluoroalkyl substances.

4 VIII-k. "Perfluoroalkyl substance" means a chemical of which all of the alkyl carbon atoms
5 are fully fluorinated carbon atoms.

6 VIII-l. "Polyfluoroalkyl substance" means a chemical containing at least one fully
7 fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

8 VIII-m. "Fully fluorinated carbon atom" means a carbon atom on which all of the hydrogen
9 substituents have been replaced by fluorine.

10 VIII-n. "Manufacturing process" means a process that turns raw materials into a finished
11 product.

12 2 PFAS; Strict Liability; Civil Action; PFAS Facilities. RSA 147-B:10, VIII is repealed and
13 reenacted to read as follows:

14 VIII. Any person who owns or operates a PFAS facility where a release of PFAS at or from
15 such PFAS facility has resulted in total combined concentrations in groundwater or surface water of
16 500 parts per trillion or greater of PFAS compounds for which ambient groundwater quality
17 standards have been established pursuant to RSA 485-C, or who owned or operated a PFAS facility
18 at the time of such a release, shall be subject to the provisions of federal regulations in 40 CFR
19 265.111 and 265.114. Such provisions shall apply to the closure, removal from service, or
20 decommissioning of:

21 (a) All tanks, piping, containers, manufacturing equipment, waste or wastewater
22 treatment infrastructure, and air pollution control devices used to handle, convey, or otherwise
23 manage materials or wastes containing PFAS; and

24 (b) The interior and exterior surfaces of PFAS facility buildings and structures where
25 materials or wastes containing PFAS are or have been used, stored, treated or otherwise managed.
26 Nothing in this paragraph shall be interpreted to limit the applicability of RSA 147-B:10 or RSA 147-
27 B:10-a to releases of PFAS otherwise subject to such sections.

28 3 Effective Date. This act shall take effect 60 days after its passage.