

Secretary of State / Administrative Rules
RULE TRANSMITTAL

948

Administrative Rules Stamp

RECEIVED

By Administrative Rules at 11:49 am, Aug 25, 2025

JCAR Stamp

RECEIVED

By JCAR at 1:13 pm, Jul 23, 2025

Rule Number 20 CSR 4240-40.080

Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 Fax 573-526-6010

Email address Nancy.Dippell@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 Fax 573-526-6010

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Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking > ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective date for the emergency

Proposed Rulemaking > ☐ Rule Amendment ☐ Rescission

☐ Rule Action Notice

□ In Addition

□ Rule Under Consideration

☐ Request for Non-Substantive Change

□ Statement of Actual Cost

☒ Order of Rulemaking > ☐ Withdrawal ☐ Adoption ☒ Amendment ☐ Rescission

Effective date for the order

☒ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS/SUBSECTIONS WITH CHANGES:

Section (1)



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

KAYLA HAHN
Chair

VACANT
Commissioner

GLEN KOLKMEYER
Commissioner

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

JOHN P. MITCHELL
Commissioner

Sarah Schappe
Director
Joint Committee on Administration Rules
State Capitol, Room B8A
Jefferson City, Missouri 65101

Re: 20 CSR 4240-40.080 Drug and Alcohol Testing

Dear Director Schappe,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: *sections 386.250, 386.310, and 393.140, RSMo 2016.*

If there are any questions regarding the content of this order of rulemaking, please contact:

Nancy Dippell, Secretary
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov

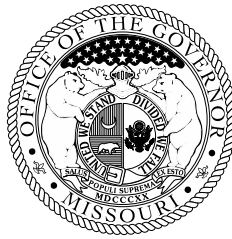
A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary to the Commission



Enclosures

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
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Mike Kehoe

GOVERNOR
STATE OF MISSOURI

July 18, 2025

Kayla Hahn, Chair
Missouri Public Service Commission
P O Box 360
Jefferson City MO 65102

Dear Ms. Hahn:

Our office has received the Final Order of rulemakings for the following regulations:

- **20 CSR 4240-40.020** Incident, Annual, and Safety-Related Condition Reporting Requirements
- **20 CSR 4240-40.030** Safety Standards-Transportation of Gas by Pipeline
- **20 CSR 4240-40.080** Drug and Alcohol Testing

Executive Order 25-13 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review, we approve submission of the rule and the regulatory impact report (if required) to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Lowell Pearson".

Lowell Pearson
General Counsel

Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240 – Public Service Commission
Chapter 40 – Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, 393.140, RSMo 2016, the commission amends a rule as follows:

20 CSR 4240-40.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2025 (50 MoReg 615). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2025, and the commission held a public hearing on the proposed amendment on June 6, 2025. The commission received one (1) written comment in support of the amendment and two (2) verbal comments at the hearing in support of the proposed amendment.

COMMENT #1: J. Scott Stacey on behalf of the staff of the commission filed written comments and commented at the hearing in support of the proposed amendment with certain changes. Staff noted that the proposed amendments were intended to update the Missouri regulations to the most current federal regulations. Staff notes that there is currently a more up-to-date version of the *Code of Federal Regulations* and recommends that section (1) be amended accordingly.

RESPONSE AND EXPLANATION OF CHANGES: The commission thanks its staff for its work updating the gas safety rules. The commission will make changes to section (1) as recommended by staff in order to reference the most up-to-date version of the federal regulations.

COMMENT #2: Antonio Arias of behalf of Spire Missouri Inc. commented at the hearing in support of the proposed amendment and staff's suggested changes.

RESPONSE: The commission thanks Spire for its comment. No changes were made as a result of this comment.

20 CSR 4240-40.080 Drug and Alcohol Testing

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By JCAR at 1:13 pm, Jul 23, 2025

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, 2024, and the subsequent amendment published on November 5, 2024 (published in the *Federal Register* on November 5, 2024, page 89 FR 87792), 49 CFR parts 40 and 199 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR parts 40 and 199. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740- 6001. The October 1, 2024, versions of 49 CFR parts 40 and 199 are available at <https://www.govinfo.gov/content/pkg/CFR-2024-title49-vol1/pdf/CFR-2024-title49-vol1-part40.pdf> and <https://www.govinfo.gov/content/pkg/CFR-2024-title49-vol3/pdf/CFR-2024-title49-vol3-part199.pdf> respectively. The *Federal Register* publication on page 89 FR 87792 is available at <https://www.govinfo.gov/content/pkg/FR-2024-11-05/pdf/2024-25403.pdf>.