

HB 163 -- CONTROLLED SUBSTANCES CONTAMINATED PROPERTY CLEANUP ACT

SPONSOR: Norr

This bill establishes the Controlled Substances Contaminated Property Cleanup Act. In its main provisions, the bill:

- (1) Requires the Department of Health and Senior Services to:
  - (a) Establish and administer a certification program to certify contractors who choose to undertake the inspection, sampling, remediation, and removal of contaminated materials from any property contaminated through the manufacture of a controlled substance, and requires a contractor to demonstrate that he or she has the qualifications required to perform these duties;
  - (b) Establishes the certification program and standards for the remediation of properties contaminated through the manufacture of a controlled substance by July 1, 2016;
  - (c) Provide the certification program rules and remediation standards to law enforcement officials and the public on the department's website and in hard copy upon request to the department;
  - (d) Review annually and update the remediation standards;
  - (e) Develop guidelines for a property owner who wishes to perform remediation of their property contaminated through the manufacture of a controlled substance; and
  - (f) Promulgate rules and regulations to implement the contractor certification program;
- (2) Specifies that if a private property owner finds an abandoned laboratory for the manufacture of a controlled substance on his or her property and there has been no active law enforcement involvement, the property owner must notify local law enforcement for proper removal of the contaminated material or if a property owner finds or becomes aware of evidence of a laboratory for the manufacture of a controlled substance on his or her property, the property owner must notify the Department of Health and Senior Services, and the department must inspect the property;
- (3) Specifies that if the department verifies that a laboratory for the manufacture of a controlled substance has been found on the property, it must place the property on the contaminated properties list;

(4) Requires the department, beginning July 1, 2016, to maintain records concerning properties contaminated through the manufacture of a controlled substance;

(5) Requires the department to:

(a) Create a list of properties contaminated through the manufacture of a controlled substance;

(b) Place a contaminated property on the contaminated properties list;

(c) Determine that a property has been adequately remediated;

(d) Post the results of a cleanup on the department's website for 10 business days after the department determines that the property has been adequately remediated; and

(e) Remove a property from the list when the department finds that the property has been adequately remediated;

(6) Requires the department to make the list of properties contaminated through the manufacture of a controlled substance available to law enforcement officials and to the public on the department's website and in hard copy upon request to the department. The department must keep hard copies of the information required under this section until the department has removed the property from the list of properties contaminated through the manufacture of a controlled substance;

(7) Specifies that if a law enforcement officer discovers a laboratory for the manufacture of a controlled substance or arrests an individual for having equipment used in manufacturing controlled substances on any real property, the law enforcement officer must at the time of discovery or arrest deliver a copy of the notice of removal required to the owner of the property if the owner is present at the time of the discovery or arrest, the on-site manager if the on-site manager is present at the time of the discovery or arrest, an on-site drop box if available, or in the case of a tenant-owner unit in a space rental mobile home or a recreational vehicle park, the occupant if the occupant is present at the time of the discovery or arrest or the on-site park landlord if the on-site park landlord is present at the time of the discovery or arrest;

(8) Requires the department to cooperate with the Highway Patrol to create a computer link that will allow the Highway Patrol to transfer to the department information from the National Clandestine Laboratory Seizure Report that is relevant to the

notice of removal;

(9) Specifies that at the time a law enforcement officer removes the contamination from the property used as a laboratory for the manufacture of controlled substances, the law enforcement officer must order the removal of all persons from the residually contaminated portion of the property or dwelling unit or in the case of a space rental mobile home or a recreational vehicle park, from the unit located on the property. After the law enforcement officer removes all persons, the law enforcement officer is to affix the notice of removal in a conspicuous place on the property or in the case of a space rental mobile home or a recreational vehicle park, on the unit located on the property. The notice of removal must be in writing and contain specific language; and

(10) Specifies that after property contaminated through the manufacture of a controlled substance is remediated and the property owner receives official notification from the department, no individual including the property owner, landlord, or real estate agent is required to report or otherwise disclose the past contamination and unless retention is mandated by federal law, the department must destroy all copies of information that refer to a specific property location once the property is officially removed from the contaminated properties list.