

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 04-0019.01 Kristen Forrestal

**HOUSE BILL 04-1182**

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**HOUSE SPONSORSHIP**

**Cloer,** Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, and Wiens

**SENATE SPONSORSHIP**

**Hillman,** and Sandoval

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**House Committees**

Health, Environment, Welfare, & Institutions

**Senate Committees**

Local Government

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**A BILL FOR AN ACT**

101 **CONCERNING STANDARDS FOR THE CLEANUP OF ILLEGAL DRUG**  
102 **LABORATORIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the department of public health and environment to promulgate rules that establish the standards for the cleanup of illegal drug laboratories. Requires the rules to reflect the findings of the hazardous materials and waste management division of the department in the July 2003 report titled "Cleanup of Clandestine Methamphetamine Labs Guidance Document".

Requires property owners to meet the cleanup standards established by the department. Makes property owners who have met the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
February 10, 2004

HOUSE  
Amended 2nd Reading  
February 9, 2004



1 FOR THE CLEANUP OF ILLEGAL LABORATORIES USED TO MANUFACTURE  
2 METHAMPHETAMINE. THE RULES SHALL CONSIDER THE FINDINGS OF THE  
3 HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION OF THE  
4 DEPARTMENT OF PUBIC HEALTH AND ENVIRONMENT IN THE JULY 2003  
5 REPORT TITLED "CLEANUP OF CLANDESTINE METHAMPHETAMINE LABS  
6 GUIDANCE DOCUMENT" OR A SUCCESSOR DOCUMENT OUTLINING BEST  
7 PRACTICE STANDARDS FOR METHAMPHETAMINE LABORATORY CLEAN-UP.

8 **25-18.5-103. Discovery of illegal drug laboratory - property**  
9 **owner - cleanup - liability.** (1) UPON NOTIFICATION FROM A PEACE  
10 OFFICER THAT CHEMICALS, EQUIPMENT, OR SUPPLIES INDICATIVE OF AN  
11 ILLEGAL DRUG LABORATORY ARE LOCATED ON A PROPERTY, OR WHEN AN  
12 ILLEGAL DRUG LABORATORY USED TO MANUFACTURE METHAMPHETAMINE  
13 IS OTHERWISE DISCOVERED AND THE PROPERTY OWNER HAS RECEIVED  
14 NOTICE, THE OWNER OF SUCH PROPERTY SHALL MEET THE CLEANUP  
15 STANDARDS FOR PROPERTY ESTABLISHED BY THE BOARD IN SECTION  
16 25-18.5-102. EXCEPT THAT A PROPERTY OWNER MAY, AT HIS OR HER  
17 OPTION, ELECT INSTEAD TO DEMOLISH THE CONTAMINATED PROPERTY.

18 (2) ONCE A PROPERTY OWNER HAS MET THE CLEANUP STANDARDS  
19 ESTABLISHED BY THE BOARD, AS EVIDENCED BY A TEST PERFORMED BY A  
20 CERTIFIED INDUSTRIAL HYGIENIST AND A COPY OF THE RESULTS PROVIDED  
21 TO THE GOVERNING BODY HAVING JURISDICTION OVER THE AREA WHERE  
22 THE PROPERTY IS LOCATED, COMPLIANCE WITH THE STANDARDS SHALL  
23 ESTABLISH IMMUNITY FOR THE PROPERTY OWNER FROM A SUIT FOR  
24 ALLEGED HEALTH-BASED CIVIL ACTIONS BROUGHT BY ANY FUTURE  
25 OWNER, RENTER, OR OTHER PERSON WHO OCCUPIES SUCH PROPERTY IN  
26 WHICH THE ALLEGED CAUSE OF THE INJURY IS THE EXISTENCE OF THE  
27 ILLEGAL DRUG LABORATORY USED TO MANUFACTURE METHAMPHETAMINE;

1 EXCEPT THAT IMMUNITY FROM A CIVIL SUIT IS NOT ESTABLISHED FOR THE  
2 PERSON CONVICTED FOR THE PRODUCTION OF METHAMPHETAMINE.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.