

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0019.01 Kristen Forrestal

HOUSE BILL 04-1182

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Hillman, and Sandoval

House Committees

Health, Environment, Welfare, & Institutions

Senate Committees

A BILL FOR AN ACT

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

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.

cleanup standards established by the department free from liability for any injuries alleged by future property owners, renters, or others occupying the property that result from the drug laboratory.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 25, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 18.5**

5 **Illegal Drug Laboratories**

6 **25-18.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
9 AND ENVIRONMENT.

10 (2) "DRUG LABORATORY" MEANS THE AREAS WHERE CONTROLLED
11 SUBSTANCES, AS DEFINED BY SECTION 18-18-102, C.R.S., HAVE BEEN
12 MANUFACTURED, PROCESSED, COOKED, DISPOSED OF, OR STORED AND ALL
13 PROXIMATE AREAS THAT ARE LIKELY TO BE CONTAMINATED AS A RESULT
14 OF SUCH MANUFACTURING, PROCESSING, COOKING, DISPOSING, OR
15 STORING.

16 (3) "PROPERTY" MEANS ANYTHING THAT MAY BE THE SUBJECT OF
17 OWNERSHIP, INCLUDING, BUT NOT LIMITED TO, LAND, BUILDINGS,
18 STRUCTURES, VEHICLES, AND ARTICLES OF PERSONAL PROPERTY.

19 (4) "PROPERTY OWNER", FOR THE PURPOSES OF REAL PROPERTY,
20 MEANS THE PERSON HOLDING RECORD FEE TITLE TO REAL PROPERTY.

21 **25-18.5-102. Illegal drug laboratories - rules.** THE DEPARTMENT
22 SHALL PROMULGATE RULES THAT ESTABLISH THE ACCEPTABLE STANDARDS
23 FOR THE CLEANUP OF ILLEGAL DRUG LABORATORIES. THE RULES SHALL
24 REFLECT THE FINDINGS OF THE HAZARDOUS MATERIALS AND WASTE

1 MANAGEMENT DIVISION OF THE DEPARTMENT IN THE JULY 2003 REPORT
2 TITLED "CLEANUP OF CLANDESTINE METHAMPHETAMINE LABS GUIDANCE
3 DOCUMENT" OR A SUCCESSOR DOCUMENT OUTLINING BEST PRACTICE
4 STANDARDS FOR METHAMPHETAMINE LABORATORY CLEAN-UP.

5 **25-18.5-103. Discovery of illegal drug laboratory - property**
6 **owner - cleanup - liability.** (1) UPON NOTIFICATION FROM A PEACE
7 OFFICER THAT CHEMICALS, EQUIPMENT, OR SUPPLIES INDICATIVE OF AN
8 ILLEGAL DRUG LABORATORY ARE LOCATED ON A PROPERTY, THE OWNER
9 OF SUCH PROPERTY SHALL MEET THE CLEANUP STANDARDS FOR PROPERTY
10 ESTABLISHED BY THE DEPARTMENT IN SECTION 25-18.5-102.

11 (2) ONCE A PERSON DETERMINED BY RULE OF THE DEPARTMENT TO
12 BE A PROPERLY QUALIFIED PERSON DETERMINES THAT A PROPERTY OWNER
13 HAS MET THE STANDARDS FOR THE CLEANUP OF AN ILLEGAL DRUG
14 LABORATORY ESTABLISHED BY THE DEPARTMENT IN SECTION 25-18.5-102,
15 THE PROPERTY WHERE SUCH DRUG LABORATORY WAS LOCATED MAY BE
16 REOCCUPIED. AT SUCH TIME THE PROPERTY OWNER SHALL BE FREE FROM
17 LIABILITY FOR ANY ACTIONS BROUGHT BY ANY FUTURE OWNER, RENTER,
18 OR OTHER PERSON WHO OCCUPIES SUCH PROPERTY RELATING TO ALLEGED
19 INJURIES RESULTING FROM THE EXISTENCE OF THE ILLEGAL DRUG
20 LABORATORY.

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