

**Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

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

SENATE  
Amended 3rd Reading  
March 2, 2004

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**A BILL FOR AN ACT**

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

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SENATE  
Amended 2nd Reading  
February 27, 2004

**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".

HOUSE  
3rd Reading Unamended  
February 10, 2004

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

HOUSE  
Amended 2nd Reading  
February 9, 2004

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.*



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 PUBLIC 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. IF  
18 THE OWNER ELECTS TO DEMOLISH THE CONTAMINATED PROPERTY, THE  
19 GOVERNING BODY WITH JURISDICTION OVER THE AREA WHERE THE  
20 PROPERTY IS LOCATED MAY REQUIRE THE OWNER TO FENCE OFF THE  
21 PROPERTY OR OTHERWISE MAKE IT INACCESSIBLE TO PERSONS FOR  
22 OCCUPANCY OR INTRUSION.

23 (2) ONCE A PROPERTY OWNER HAS MET THE CLEANUP STANDARDS  
24 ESTABLISHED BY THE BOARD, AS EVIDENCED BY A TEST PERFORMED BY A  
25 CERTIFIED INDUSTRIAL HYGIENIST OR AN INDUSTRIAL HYGIENIST AS  
26 DEFINED BY SECTION 24-30-1402, C.R.S., AND AS EVIDENCED BY A COPY  
27 OF THE RESULTS PROVIDED TO THE GOVERNING BODY, OR HAS DEMOLISHED

1 THE PROPERTY, COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION  
2 SHALL ESTABLISH IMMUNITY FOR THE PROPERTY OWNER FROM A SUIT FOR  
3 ALLEGED HEALTH-BASED CIVIL ACTIONS BROUGHT BY ANY FUTURE  
4 OWNER, RENTER, OR OTHER PERSON WHO OCCUPIES SUCH PROPERTY, OR  
5 A NEIGHBOR OF SUCH PROPERTY, IN WHICH THE ALLEGED CAUSE OF THE  
6 INJURY OR LOSS IS THE EXISTENCE OF THE ILLEGAL DRUG LABORATORY  
7 USED TO MANUFACTURE METHAMPHETAMINE; EXCEPT THAT IMMUNITY  
8 FROM A CIVIL SUIT IS NOT ESTABLISHED FOR THE PERSON CONVICTED FOR  
9 THE PRODUCTION OF METHAMPHETAMINE.

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