

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

REVISED

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

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

Local Government

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.

SENATE
Amended 2nd Reading
February 27, 2004

HOUSE
3rd Reading Unamended
February 10, 2004

HOUSE
Amended 2nd Reading
February 9, 2004

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) "BOARD" MEANS THE STATE BOARD OF HEALTH IN THE
9 DEPARTMENT OF PUBLIC HEALTH 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, AND VEHICLES.

19 (4) "PROPERTY OWNER", FOR THE PURPOSES OF REAL PROPERTY,
20 MEANS THE PERSON HOLDING RECORD FEE TITLE TO REAL PROPERTY.
21 "PROPERTY OWNER" ALSO MEANS THE PERSON HOLDING THE TITLE TO A
22 MANUFACTURED HOME.

23 **25-18.5-102. Illegal drug laboratories - rules.** THE BOARD
24 SHALL PROMULGATE RULES THAT ESTABLISH THE ACCEPTABLE STANDARDS

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