

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 13-0807.01 Jery Payne x2157

SENATE BILL 13-219

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Peniston,

Senate Committees

Health & Human Services
Appropriations

House Committees

Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REMEDIATION PERFORMED ON PROPERTY**
102 **CONTAMINATED BY AN ILLEGAL DRUG LABORATORY, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, the state board of health may promulgate rules for the cleanup of illegal drug labs. The bill requires the board to implement and promulgate rules addressing the following:

! Testing and evaluating contamination;

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
Amended 2nd Reading
May 3, 2013

SENATE
3rd Reading Unamended
April 24, 2013

SENATE
2nd Reading Unamended
April 23, 2013

- ! Training and certifying people to assess and clean up illegal drug laboratories;
- ! Approval of consultants' or contractors' trainers; and
- ! Certifying that property meets the cleanup standards established by the board.

The board is also directed to establish fees and administrative penalties to implement these standards.

Currently, a person who documents cleaning up an illegal drug lab to the board's standards is immune from a lawsuit but the manufacturer of the illegal drugs is not immune. The bill adds, as a person who is not immune, a person convicted of possession of chemicals, supplies, or equipment with intent to manufacture the illegal drugs.

A person who violates a rule of the board is subject to a penalty of up to \$15,000. The bill sets procedures for notifying a person of an alleged violation and issuing an order and establishes standards for taking administrative action and determining the penalty.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** article 18.5
3 of title 25 as follows:

4 **25-18.5-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (1) "Board" means the state board of health in the department of
7 public health and environment.

8 (2) ~~(Deleted by amendment, L. 2009, (SB 09-060), ch. 140, p.~~
9 ~~600, § 1, effective April 20, 2009.)~~ "CERTIFIED INDUSTRIAL HYGIENIST"
10 MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN BOARD OF
11 INDUSTRIAL HYGIENE OR ITS SUCCESSOR.

12 (3) "CLEAN-UP STANDARDS" MEANS THE ACCEPTABLE STANDARDS
13 FOR THE REMEDIATION OF AN ILLEGAL DRUG LABORATORY INVOLVING
14 METHAMPHETAMINE, AS ESTABLISHED BY THE BOARD UNDER SECTION
15 25-18.5-102.

16 (4) "CONSULTANT" MEANS A CERTIFIED INDUSTRIAL HYGIENIST OR

1 INDUSTRIAL HYGIENIST WHO IS NOT AN EMPLOYEE, AGENT,
2 REPRESENTATIVE, PARTNER, JOINT VENTURE PARTICIPANT, OR
3 SHAREHOLDER OF THE CONTRACTOR OR OF A PARENT OR SUBSIDIARY
4 COMPANY OF THE CONTRACTOR, AND WHO HAS BEEN CERTIFIED UNDER
5 SECTION 25-18.5-106.

6 (5) "CONTRACTOR" MEANS A PERSON:

7 (a) HIRED TO DECONTAMINATE AN ILLEGAL DRUG LABORATORY IN
8 ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE BOARD UNDER
9 SECTION 25-18.5-102; AND

10 (b) CERTIFIED BY THE DEPARTMENT UNDER SECTION 25-18.5-106.

11 (6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
12 PUBLIC HEALTH AND ENVIRONMENT.

13 ~~(2.5)~~ (7) "Governing body" means the agency or office designated
14 by the city council or board of county commissioners where the property
15 in question is located. If there is no such designation, the governing body
16 shall be the county, district, or municipal public health agency, building
17 department, and law enforcement agency with jurisdiction over the
18 property in question.

19 ~~(2.7)~~ (8) "Illegal drug laboratory" means the areas where
20 controlled substances, as defined by section 18-18-102, C.R.S., have been
21 manufactured, processed, cooked, disposed of, used, or stored and all
22 proximate areas that are likely to be contaminated as a result of ~~such~~ THE
23 manufacturing, processing, cooking, disposal, use, or ~~storing~~ STORAGE.

24 (9) "INDUSTRIAL HYGIENIST" HAS THE SAME MEANING AS SET
25 FORTH IN SECTION 24-30-1402 (2.2), C.R.S.

26 ~~(3)~~ (10) "Property" means anything that may be the subject of
27 ownership, including ~~but not limited to~~, land, buildings, structures, and

1 vehicles.

2 (4) (11) "Property owner", for the purposes of real property,
3 means the person holding record fee title to real property. "Property
4 owner" also means the person holding the title to a manufactured home.

5 **25-18.5-102. Illegal drug laboratories - rules.** (1) The board
6 shall promulgate ~~health-protective rules that establish procedures for~~
7 ~~testing and evaluation of contamination and the acceptable standards for~~
8 ~~the cleanup of illegal drug laboratories involving methamphetamine.~~ IN
9 ACCORDANCE WITH SECTION 24-4-103, C.R.S., AS NECESSARY TO
10 IMPLEMENT THIS ARTICLE, INCLUDING:

11 (a) PROCEDURES FOR TESTING CONTAMINATION, EVALUATING
12 CONTAMINATION, AND ESTABLISHING THE ACCEPTABLE STANDARDS FOR
13 CLEANUP OF ILLEGAL DRUG LABORATORIES INVOLVING
14 METHAMPHETAMINE;

15 (b) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM
16 FOR PEOPLE INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND
17 SAMPLING OF ILLEGAL DRUG LABORATORIES. THE BOARD MAY DEVELOP
18 DIFFERENT LEVELS OF TRAINING AND CERTIFICATION REQUIREMENTS
19 BASED ON A PERSON'S PRIOR EXPERIENCE IN THE ASSESSMENT,
20 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES.

21 (c) A DEFINITION OF "ASSESSMENT", "DECONTAMINATION", AND
22 "SAMPLING" FOR PURPOSES OF THIS ARTICLE;

23 (d) PROCEDURES FOR THE APPROVAL OF PERSONS TO TRAIN
24 CONSULTANTS OR CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION,
25 OR SAMPLING OF ILLEGAL DRUG LABORATORIES; AND

26 (e) PROCEDURES FOR CONTRACTORS AND CONSULTANTS TO ISSUE
27 CERTIFICATES OF COMPLIANCE TO PROPERTY OWNERS UPON COMPLETION

1 OF ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG
2 LABORATORIES TO CERTIFY THAT THE REMEDIATION OF THE PROPERTY
3 MEETS THE CLEAN-UP STANDARDS ESTABLISHED BY THE BOARD UNDER
4 PARAGRAPH (a) OF THIS SUBSECTION (1).

5 (2) THE BOARD SHALL ESTABLISH FEES FOR THE FOLLOWING:

6 (a) CERTIFICATION OF PERSONS INVOLVED IN THE ASSESSMENT,
7 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES;

8 (b) MONITORING OF PERSONS INVOLVED IN THE ASSESSMENT,
9 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES, IF
10 NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE; AND

11 (c) APPROVAL OF PERSONS INVOLVED IN TRAINING FOR
12 CONSULTANTS OR CONTRACTORS UNDER PARAGRAPH (d) OF SUBSECTION
13 (1) OF THIS SECTION.

14 (3) THE BOARD SHALL ADOPT RULES FOR DETERMINING
15 ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ARTICLE, BASED ON
16 THE FACTORS ENUMERATED IN SECTION 25-18.5-107 (2) (g).

17 **25-18.5-103. Discovery of illegal drug laboratory - property**
18 **owner - cleanup - liability.** (1) (a) Upon notification from a peace
19 officer that chemicals, equipment, or supplies ~~indicative~~ of an illegal drug
20 laboratory are located on a property, or when an illegal drug laboratory
21 used to manufacture methamphetamine is otherwise discovered and the
22 property owner has received notice, the owner of any contaminated
23 property shall meet the clean-up standards for property established by the
24 board in section 25-18.5-102; except that a property owner may, ~~at his or~~
25 ~~her option and~~ subject to paragraph (b) of this subsection (1), elect instead
26 to demolish the contaminated property. If the owner elects to demolish
27 the contaminated property, the governing body or, if none has been

1 designated, the county, district, or municipal public health agency,
2 building department, or law enforcement agency with jurisdiction over
3 ~~the area where the property is located~~ may require the owner to fence off
4 the property or otherwise make it inaccessible to ~~persons~~ for occupancy
5 or intrusion.

6 (b) An owner of ~~any~~ personal property within a structure or
7 vehicle contaminated by illegal drug laboratory activity ~~shall have~~ HAS ten
8 days after the date of discovery of the laboratory or contamination to
9 remove or clean ~~his or her personal~~ THE property according to board rules
10 AND PARAGRAPH (c) OF THIS SUBSECTION (1). If the personal property
11 owner fails to remove the personal property within ten days, the owner of
12 the structure or vehicle may dispose of the personal property during the
13 clean-up process without liability to the owner of the personal property
14 for ~~such~~ THE disposition.

15 (c) A PERSON WHO REMOVES PERSONAL PROPERTY OR DEBRIS
16 FROM A DRUG LABORATORY SHALL SECURE THE PROPERTY AND DEBRIS TO
17 PREVENT THEFT OR EXPOSING ANOTHER PERSON TO ANY TOXIC OR
18 HAZARDOUS CHEMICALS UNTIL THE PROPERTY AND DEBRIS IS
19 APPROPRIATELY DISPOSED OF OR CLEANED ACCORDING TO BOARD RULES.

20 (2) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
21 SUBSECTION (2), once a property owner has ~~met the clean-up standards~~
22 ~~and documentation requirements established by the board, as evidenced~~
23 ~~by a copy of the results provided to the governing body,~~ RECEIVED
24 CERTIFICATES OF COMPLIANCE FROM A CONTRACTOR AND A CONSULTANT
25 IN ACCORDANCE WITH SECTION 25-18.5-102 (1) (e) or has demolished the
26 property, OR MET THE CLEAN-UP STANDARDS AND DOCUMENTATION
27 REQUIREMENTS OF THIS SECTION AS IT EXISTED BEFORE THE EFFECTIVE

1 DATE OF THIS SUBSECTION (2), AS AMENDED, THE PROPERTY OWNER:

2 (I) ~~compliance with subsection (1) of this section shall establish~~
3 ~~immunity for the property owner~~ SHALL FURNISH COPIES OF THE
4 CERTIFICATES OF COMPLIANCE TO THE GOVERNING BODY; AND

5 (II) IS IMMUNE FROM A SUIT BROUGHT BY A CURRENT OR FUTURE
6 OWNER, RENTER, OCCUPANT, OR NEIGHBOR OF THE PROPERTY FOR ~~alleged~~
7 ~~health-based civil actions brought by any future owner, renter, or other~~
8 ~~person who occupies such property, or a neighbor of such property, in~~
9 ~~which the alleged cause of the injury or loss is the existence of the illegal~~
10 ~~drug laboratory used to manufacture methamphetamine; except that~~
11 ~~immunity from a civil suit is not established for the~~ THAT ALLEGE INJURY
12 OR LOSS ARISING FROM THE ILLEGAL DRUG LABORATORY.

13 (b) A person convicted for the ~~production~~ MANUFACTURE OF
14 methamphetamine OR FOR POSSESSION OF CHEMICALS, SUPPLIES, OR
15 EQUIPMENT WITH INTENT TO MANUFACTURE METHAMPHETAMINE IS NOT
16 IMMUNE FROM SUIT.

17 (3) A person who removes personal property or debris from a drug
18 laboratory shall secure the property and debris to prevent theft or
19 exposing another person to any toxic or hazardous chemicals until the
20 property and debris is appropriately disposed of or cleaned according to
21 board rules.

22 **25-18.5-104. Entry into illegal drug laboratories.** (1) If a
23 structure or vehicle has been determined to be contaminated or if a
24 governing body or law enforcement agency issues a notice of probable
25 contamination, the owner of the structure or vehicle shall not permit any
26 person to have access to the structure or vehicle unless:

27 (a) The person is trained or certified to handle contaminated

1 property pursuant to UNDER board rules or federal law; OR
2 (b) THE OWNER HAS RECEIVED CERTIFICATES OF COMPLIANCE
3 UNDER SECTION 25-18.5-102 (1) (e).

4 **25-18.5-105. Drug laboratories - governing body - authority.**

5 (1) GOVERNING BODIES MAY DECLARE an illegal drug laboratory that has
6 not met the clean-up standards set by the board in section 25-18.5-102
7 ~~shall be deemed~~ a public health nuisance.

8 (2) Governing bodies may enact ordinances or resolutions to
9 enforce this article, including ~~but not limited to~~, preventing unauthorized
10 entry into contaminated property; requiring contaminated property to meet
11 clean-up standards before it is occupied; notifying the public of
12 contaminated property; coordinating services and sharing information
13 between law enforcement, building, public health, and social services
14 agencies and officials; and charging reasonable inspection and testing
15 fees.

16 **25-18.5-106. Powers and duties of department.** (1) THE
17 DEPARTMENT SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE RULES
18 PROMULGATED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE,
19 INCLUDING:

20 (a) THE CERTIFICATION OF PERSONS INVOLVED IN THE
21 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
22 LABORATORIES.

23 (b) THE APPROVAL OF PERSONS TO TRAIN CONSULTANTS AND
24 CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF
25 ILLEGAL DRUG LABORATORIES.

26 **25-18.5-107. Enforcement.** (1) A PERSON THAT VIOLATES ANY
27 RULE PROMULGATED BY THE BOARD UNDER SECTION 25-18.5-102 IS

1 SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED FIFTEEN
2 THOUSAND DOLLARS PER DAY PER VIOLATION UNTIL THE VIOLATION IS
3 CORRECTED.

4 (2) (a) WHENEVER THE DEPARTMENT HAS REASON TO BELIEVE
5 THAT A PERSON HAS VIOLATED ANY RULE PROMULGATED BY THE BOARD
6 UNDER SECTION 25-18.5-102, THE DEPARTMENT SHALL NOTIFY THE
7 PERSON, SPECIFYING THE RULE ALLEGED TO HAVE BEEN VIOLATED AND
8 THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION.

9 (b) THE DEPARTMENT SHALL EITHER:

10 (I) SEND THE NOTICE BY CERTIFIED OR REGISTERED MAIL, RETURN
11 RECEIPT REQUESTED, TO THE ALLEGED VIOLATOR'S LAST-KNOWN
12 ADDRESS; OR

13 (II) PERSONALLY SERVE THE NOTICE UPON THE ALLEGED VIOLATOR
14 OR THE ALLEGED VIOLATOR'S AGENT.

15 (c) THE ALLEGED VIOLATOR HAS THIRTY DAYS FOLLOWING
16 RECEIPT OF THE NOTICE TO SUBMIT A WRITTEN RESPONSE CONTAINING
17 DATA, VIEWS, AND ARGUMENTS CONCERNING THE ALLEGED VIOLATION
18 AND POTENTIAL CORRECTIVE ACTIONS.

19 (d) WITHIN FIFTEEN DAYS AFTER RECEIVING NOTICE OF AN
20 ALLEGED VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST AN
21 INFORMAL CONFERENCE WITH DEPARTMENT PERSONNEL TO DISCUSS THE
22 ALLEGED VIOLATION. THE DEPARTMENT SHALL HOLD THE INFORMAL
23 CONFERENCE WITHIN THE THIRTY DAYS ALLOWED FOR A WRITTEN
24 RESPONSE.

25 (e) AFTER CONSIDERATION OF ANY WRITTEN RESPONSE AND
26 INFORMAL CONFERENCE, THE DEPARTMENT SHALL ISSUE A LETTER, WITHIN
27 THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR

1 WRITTEN RESPONSE, WHICHEVER IS LATER, AFFIRMING OR DISMISSING THE
2 VIOLATION. IF THE DEPARTMENT AFFIRMS THE VIOLATION, THE
3 DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE ORDER WITHIN ONE
4 HUNDRED EIGHTY DAYS AFTER THE TIME FOR A WRITTEN RESPONSE HAS
5 EXPIRED. THE ADMINISTRATIVE ORDER MUST INCLUDE ANY REMAINING
6 CORRECTIVE ACTIONS THAT THE VIOLATOR SHALL TAKE AND ANY
7 ADMINISTRATIVE PENALTY THAT THE DEPARTMENT DETERMINES IS
8 APPROPRIATE.

9 (f) THE DEPARTMENT SHALL SERVE AN ADMINISTRATIVE ORDER
10 UNDER THIS ARTICLE ON THE PERSON SUBJECT TO THE ORDER BY
11 PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED,
12 AT THE PERSON'S LAST-KNOWN ADDRESS. AN ORDER MAY BE PROHIBITORY
13 OR MANDATORY IN EFFECT. THE ORDER IS EFFECTIVE IMMEDIATELY UPON
14 ISSUANCE UNLESS OTHERWISE PROVIDED IN THE ORDER.

15 (g) IN DETERMINING THE AMOUNT OF AN ADMINISTRATIVE
16 PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

17 (I) THE SERIOUSNESS OF THE VIOLATION;

18 (II) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR
19 NEGLIGENT;

20 (III) ANY IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR
21 ENVIRONMENT AS A RESULT OF THE VIOLATION;

22 (IV) THE VIOLATOR'S DEGREE OF RECALCITRANCE;

23 (V) WHETHER THE VIOLATOR HAS HAD A PRIOR VIOLATION AND,
24 IF SO, THE NATURE AND SEVERITY OF THE PRIOR VIOLATION;

25 (VI) THE ECONOMIC BENEFIT THE VIOLATOR RECEIVED AS A
26 RESULT OF THE VIOLATION;

27 (VII) WHETHER THE VIOLATOR VOLUNTARILY, TIMELY, AND

1 COMPLETELY DISCLOSED THE VIOLATION BEFORE THE DEPARTMENT
2 DISCOVERED IT;

3 (VIII) WHETHER THE VIOLATOR FULLY AND PROMPTLY
4 COOPERATED WITH THE DEPARTMENT FOLLOWING DISCLOSURE OR
5 DISCOVERY OF THE VIOLATION; AND

6 (IX) ANY OTHER RELEVANT AGGRAVATING OR MITIGATING
7 CIRCUMSTANCES.

8 (3) IF THE DEPARTMENT DETERMINES THAT A PERSON HAS BEEN
9 GROSSLY NONCOMPLIANT WITH THE RULES PROMULGATED BY THE BOARD
10 UNDER SECTION 25-18.5-102, THE DEPARTMENT MAY:

11 (a) SUSPEND OR REVOKE THE PERSON'S CERTIFICATION FOR THE
12 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
13 LABORATORIES; OR

14 (b) SUSPEND OR REVOKE THE APPROVAL OF A PERSON TO PROVIDE
15 TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING
16 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
17 LABORATORIES.

18 **25-18.5-108. Illegal drug laboratory fund.** THE ILLEGAL DRUG
19 LABORATORY FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY. THE
20 DEPARTMENT SHALL TRANSFER THE FEES COLLECTED UNDER 25-18.5-102
21 (2) TO THE STATE TREASURER WHO SHALL CREDIT THESE FEES TO THE
22 FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE THE MONEYS IN THE
23 FUND FOR THE IMPLEMENTATION OF THIS ARTICLE. THE TREASURER SHALL
24 CREDIT TO THE FUND ALL INTEREST DERIVED FROM THE DEPOSIT AND
25 INVESTMENT OF MONEYS IN THE FUND. THE MONEYS IN THE FUND STAY IN
26 THE FUND AT THE END OF THE FISCAL YEAR AND DO NOT REVERT TO THE
27 GENERAL FUND OR ANY OTHER FUND.

1 **25-18.5-109. Judicial review.** ~~THE DEPARTMENT'S DECISIONS ARE~~
2 SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 24-4-106,
3 C.R.S.

4 **SECTION 2.** In Colorado Revised Statutes, 38-35.7-103, **amend**
5 (2) (c) and (4) as follows:

6 **38-35.7-103. Disclosure - methamphetamine laboratory.**

7 (2) (c) If the seller receives ~~the~~ A notice ~~referred to in paragraph (b) of~~
8 UNDER this subsection (2) ~~or if the seller receives the notice referred to in~~
9 ~~paragraph (a) of this subsection (2)~~ and does not elect to have the
10 property retested ~~pursuant to paragraph (b) of~~ UNDER this subsection (2),
11 then an illegal drug laboratory used to manufacture methamphetamine
12 ~~shall be deemed to have~~ HAS been discovered. ~~and the owner shall be~~
13 ~~deemed to have received notice pursuant to section 25-18.5-103 (1) (a);~~
14 ~~C.R.S.~~ Nothing in this section ~~shall prohibit~~ PROHIBITS a buyer from
15 purchasing the property and assuming liability ~~pursuant to~~ UNDER section
16 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice
17 to the department of public health and environment AND GOVERNING
18 BODY of the purchase and assumption of liability and if the remediation
19 required by section 25-18.5-103, C.R.S., is completed within ninety days
20 after the date of closing.

21 (4) If the seller ~~became~~ BECOMES aware that the property was
22 ~~once used for the production of methamphetamine~~ AN ILLEGAL DRUG
23 LABORATORY and REMEDIATES the property ~~was remediated~~ in accordance
24 with the standards established ~~pursuant to~~ BY section 25-18.5-102, C.R.S.,
25 and ~~evidence of such remediation was received by the applicable~~
26 ~~governing body in~~ RECEIVES CERTIFICATES OF compliance ~~with the~~
27 ~~documentation requirements established pursuant to~~ UNDER section

1 25-18.5-102 (1) (e), C.R.S., then:

2 (a) The seller shall not be required to disclose that the property
3 was used as a methamphetamine laboratory to a buyer; and

4 (b) The property ~~shall be removed from~~ IS NO LONGER ELIGIBLE
5 FOR INCLUSION IN any government-sponsored informational service listing
6 properties that have been used for the production of methamphetamine.

7 **SECTION 3. Appropriation.** (1) In addition to any other
8 appropriation, there is hereby appropriated, out of any moneys in the
9 illegal drug laboratory fund created in section 25-18.5-108, Colorado
10 Revised Statutes, not otherwise appropriated, to the department of public
11 health and environment, for the fiscal year beginning July 1, 2013, the
12 sum of \$61,491 and 0.5 FTE, or so much thereof as may be necessary, to
13 be allocated to hazardous materials and waste management division for
14 the implementation of this act as follows:

15 (a) \$39,363 and 0.5 FTE for the hazardous waste control program
16 for personal services;

17 (b) \$6,678 for the hazardous waste control program for operating
18 expenses; and

19 (c) \$15,450 for the purchase of legal services.

20 (2) In addition to any other appropriation, there is hereby
21 appropriated to the department of law, for the fiscal year beginning July
22 1, 2013, the sum of \$15,450 and 0.1 FTE, or so much thereof as may be
23 necessary, for the provision of legal services for the department of public
24 health and environment related to the implementation of this act. Said
25 sum is from reappropriated funds received from the department of public
26 health and environment out of the appropriation made in paragraph (c) of
27 subsection (1) of this section.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2014 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.