

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 04-1182

BY REPRESENTATIVE(S) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens, Borodkin, Butcher, Hodge, Merrifield, Paccione, Weddig, and Williams S.;

also SENATOR(S) Hillman, Sandoval, Arnold, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Phillips, Tapia, Taylor, Tupa, and Windels.

CONCERNING STANDARDS FOR THE CLEANUP OF ILLEGAL DRUG LABORATORIES.

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

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

ARTICLE 18.5
Illegal Drug Laboratories

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1) "BOARD" MEANS THE STATE BOARD OF HEALTH IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

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

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

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

25-18.5-102. Illegal drug laboratories - rules. THE BOARD SHALL PROMULGATE RULES THAT ESTABLISH THE ACCEPTABLE STANDARDS FOR THE CLEANUP OF ILLEGAL LABORATORIES USED TO MANUFACTURE METHAMPHETAMINE. THE RULES SHALL CONSIDER THE FINDINGS OF THE HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN THE JULY 2003 REPORT TITLED "CLEANUP OF CLANDESTINE METHAMPHETAMINE LABS GUIDANCE DOCUMENT" OR A SUCCESSOR DOCUMENT OUTLINING BEST PRACTICE STANDARDS FOR METHAMPHETAMINE LABORATORY CLEAN-UP.

25-18.5-103. Discovery of illegal drug laboratory - property owner - cleanup - liability. (1) UPON NOTIFICATION FROM A PEACE OFFICER THAT CHEMICALS, EQUIPMENT, OR SUPPLIES INDICATIVE OF AN ILLEGAL DRUG LABORATORY ARE LOCATED ON A PROPERTY, OR WHEN AN ILLEGAL DRUG LABORATORY USED TO MANUFACTURE METHAMPHETAMINE IS OTHERWISE DISCOVERED AND THE PROPERTY OWNER HAS RECEIVED NOTICE, THE OWNER OF SUCH PROPERTY SHALL MEET THE CLEANUP STANDARDS FOR PROPERTY ESTABLISHED BY THE BOARD IN SECTION 25-18.5-102; EXCEPT THAT A PROPERTY OWNER MAY, AT HIS OR HER OPTION, ELECT INSTEAD TO DEMOLISH THE CONTAMINATED PROPERTY. IF THE OWNER ELECTS TO DEMOLISH THE CONTAMINATED PROPERTY, THE GOVERNING BODY WITH JURISDICTION OVER THE AREA WHERE THE PROPERTY IS LOCATED MAY

REQUIRE THE OWNER TO FENCE OFF THE PROPERTY OR OTHERWISE MAKE IT INACCESSIBLE TO PERSONS FOR OCCUPANCY OR INTRUSION.

(2) ONCE A PROPERTY OWNER HAS MET THE CLEANUP STANDARDS ESTABLISHED BY THE BOARD, AS EVIDENCED BY A TEST PERFORMED BY A CERTIFIED INDUSTRIAL HYGIENIST OR AN INDUSTRIAL HYGIENIST AS DEFINED BY SECTION 24-30-1402, C.R.S., AND AS EVIDENCED BY A COPY OF THE RESULTS PROVIDED TO THE GOVERNING BODY, OR HAS DEMOLISHED THE PROPERTY, COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION SHALL ESTABLISH IMMUNITY FOR THE PROPERTY OWNER FROM A SUIT FOR ALLEGED HEALTH-BASED CIVIL ACTIONS BROUGHT BY ANY FUTURE OWNER, RENTER, OR OTHER PERSON WHO OCCUPIES SUCH PROPERTY, OR A NEIGHBOR OF SUCH PROPERTY, IN WHICH THE ALLEGED CAUSE OF THE INJURY OR LOSS IS THE EXISTENCE OF THE ILLEGAL DRUG LABORATORY USED TO MANUFACTURE METHAMPHETAMINE; EXCEPT THAT IMMUNITY FROM A CIVIL SUIT IS NOT ESTABLISHED FOR THE PERSON CONVICTED FOR THE PRODUCTION OF METHAMPHETAMINE.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John Andrews
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO