

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0496.02 Jery Payne x2157

SENATE BILL 23-148

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROPERTY USED TO ILLEGALLY MANUFACTURE DRUGS.**

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://leg.colorado.gov>.)

Under current law, the department of public health and environment (department) certifies people who assess, decontaminate, or sample property that contained illegal drug laboratories. The bill adds a requirement that the department inspect the work of each certified person at least once every 3 years. If the department determines that a certified person failed to perform an assessment, decontamination, or sampling correctly, the department is directed to require the person to participate in remedial education or, if the failure was willful and is likely to be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

repeated, the department shall decertify the person.

The bill requires the department to create a public database of buildings that have been used as illegal drug laboratories. A building must be removed from the database 5 years after the property has been decontaminated.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-18.5-102, **amend**
3 (2)(b) as follows:

4 **25-18.5-102. Illegal drug laboratories - rules.** (2) The board
5 shall establish fees for the following:

6 (b) ~~Monitoring of persons involved in the assessment,~~
7 ~~decontamination, and sampling of illegal drug laboratories, if necessary~~
8 ~~to ensure compliance with this article~~ PERFORMING THE INSPECTIONS
9 REQUIRED BY SECTION 25-18.5-106 (2); and

10 **SECTION 2.** In Colorado Revised Statutes, 25-18.5-106, **add** (2)
11 and (3) as follows:

12 **25-18.5-106. Powers and duties of department.** (2) (a) FOR
13 EACH PERSON CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE
14 PROPERTY THAT CONTAINED AN ILLEGAL DRUG LABORATORY, THE
15 DEPARTMENT SHALL INSPECT AT LEAST ONCE EVERY THREE YEARS AT
16 LEAST ONE PROPERTY THAT HAD AN ILLEGAL DRUG LABORATORY AND WAS
17 ASSESSED, DECONTAMINATED, OR SAMPLED BY THE PERSON.

18 (b) THE PURPOSE OF THE INSPECTION REQUIRED BY THIS
19 SUBSECTION (2) IS TO ASSESS THE COMPETENCY OF EACH PERSON
20 CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE ILLEGAL DRUG
21 LABORATORIES. IF, AFTER AN INSPECTION, THE DEPARTMENT DETERMINES
22 THAT A CERTIFIED PERSON DID NOT COMPETENTLY PERFORM AN
23 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF A PROPERTY THAT

1 CONTAINED AN ILLEGAL DRUG LABORATORY, THE DEPARTMENT SHALL
2 REQUIRE THE PERSON TO UNDERGO REMEDIAL TRAINING OR, IF THE
3 DEPARTMENT DETERMINES THE LACK OF COMPETENT PERFORMANCE IS
4 WILLFUL AND LIKELY TO BE REPEATED, THE DEPARTMENT SHALL
5 DECERTIFY THE PERSON.

6 (3) THE DEPARTMENT SHALL CREATE AND MAKE AVAILABLE TO
7 THE PUBLIC AN ONLINE DATABASE OF BUILDINGS THAT HAVE BEEN USED
8 AS AN ILLEGAL METHAMPHETAMINE DRUG LABORATORY. THE
9 DEPARTMENT SHALL REMOVE A BUILDING FROM THE DATABASE FIVE
10 YEARS AFTER THE PROPERTY WAS DECONTAMINATED IN ACCORDANCE
11 WITH THIS ARTICLE 18.5.

12 **SECTION 3.** In Colorado Revised Statutes, 38-35.7-103, **amend**
13 (4) as follows:

14 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If
15 the seller becomes aware that the property was an illegal drug laboratory,
16 **and** remediates the property in accordance with the standards established
17 by section 25-18.5-102, ~~C.R.S.~~, and receives certificates of compliance
18 under section 25-18.5-102 (1)(e), ~~C.R.S.~~, then:

19 (a) The seller ~~shall not be~~ IS NOT required to disclose that the
20 property was used as a methamphetamine laboratory to a buyer; and

21 (b) FIVE YEARS AFTER RECEIVING THE CERTIFICATES OF
22 COMPLIANCE, the property is no longer ~~eligible for inclusion in any~~
23 ~~government-sponsored informational service~~ INCLUDED IN THE DATABASE
24 listing properties that have been used for the production of
25 methamphetamine IN ACCORDANCE WITH SECTION 25-18.5-106 (3).

26 **SECTION 4. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2024 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) This act applies to properties decontaminated on or after the
10 applicable effective date of this act.