

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

ENGROSSED

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

LLS NO. 23-0496.02 Jery Payne x2157

SENATE BILL 23-148

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

(None),

Senate Committees

Local Government & Housing
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROPERTY USED TO ILLEGALLY MANUFACTURE DRUGS,**
102 **AND, IN 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://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

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.*

SENATE
Amended 2nd Reading
April 21, 2023

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 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, 25-18.5-103, amend**
3 **(2)(a) introductory portion and (2)(a)(I) as follows:**

4 **25-18.5-103. Discovery of illegal drug laboratory - property**
5 **owner - cleanup - liability. (2) (a) Except as specified in paragraph (b)**
6 **of this subsection (2) SUBSECTION (2)(b) OF THIS SECTION, once a property**
7 **owner has received certificates of compliance from a contractor and a**
8 **consultant in accordance with section 25-18.5-102 (1)(e), or has**
9 **demolished the property, or has met the clean-up standards and**
10 **documentation requirements of this section as it existed before August 7,**
11 **2013, the property owner:**

12 **(I) Shall furnish copies of the certificates of compliance to the**
13 **governing body AND THE DEPARTMENT; and**

14 **SECTION 2. In Colorado Revised Statutes, 25-18.5-106, add (2)**
15 **as follows:**

16 **25-18.5-106. Powers and duties of department. (2) ON AND**
17 **AFTER JANUARY 1, 2024, THE DEPARTMENT SHALL CREATE AND MAKE**
18 **AVAILABLE TO THE PUBLIC AN ONLINE DATABASE OF ANY RESIDENTIAL**
19 **REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103 (5), THAT HAS BEEN**
20 **USED AS AN ILLEGAL DRUG LABORATORY THAT MANUFACTURED**
21 **METHAMPHETAMINE. THE DEPARTMENT SHALL REMOVE A RESIDENTIAL**
22 **REAL PROPERTY FROM THE DATABASE FIVE YEARS AFTER THE LATER DATE**

1 ON THE CERTIFICATES OF COMPLIANCE ISSUED BY A CONTRACTOR AND A
2 CONSULTANT IN ACCORDANCE WITH SECTION 25-18.5-102 (1)(e).

3 **SECTION 3. In Colorado Revised Statutes, add 25-18.5-110 as**
4 **follows:**

5 **25-18.5-110. Reporting - rules. (1) UPON DISCOVERING AN**
6 **ILLEGAL DRUG LABORATORY THAT MANUFACTURED METHAMPHETAMINE**
7 **ON A RESIDENTIAL REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103**
8 **(5), A LAW ENFORCEMENT AGENCY AND A CERTIFIED INDUSTRIAL**
9 **HYGIENIST SHALL NOTIFY THE DEPARTMENT OF THE FACT. THE NOTICE**
10 **MUST INCLUDE THE PROPERTY'S ADDRESS, THE NAME OF THE PROPERTY**
11 **OWNER, AND ANY OTHER INFORMATION REQUIRED BY RULE ADOPTED**
12 **PURSUANT TO SUBSECTION (2) OF THIS SECTION.**

13 **(2) THE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY ANY**
14 **ADDITIONAL INFORMATION THAT MUST BE INCLUDED IN THE NOTICE**
15 **REQUIRED BY SUBSECTION (1) OF THIS SECTION.**

16 **SECTION 4. In Colorado Revised Statutes, 38-12-505, amend**
17 **(1)(b)(XI) and (1)(b)(XII); and add (1)(b)(XIII) as follows:**

18 **38-12-505. Uninhabitable residential premises. (1) A**
19 **residential premises is deemed uninhabitable if:**

20 **(b) It substantially lacks any of the following characteristics:**

21 **(XI) Locks on all exterior doors and locks or security devices on**
22 **windows designed to be opened that are maintained in good working**
23 **order; or**

24 **(XII) Compliance with all applicable building, housing, and health**
25 **codes, the violation of which would constitute a condition that materially**
26 **interferes with the life, health, or safety of the tenant; OR**

27 **(XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE**

1 25 IF THE RESIDENTIAL PREMISES WAS USED AS AN ILLEGAL DRUG
2 LABORATORY, AS DEFINED IN SECTION 25-18.5-101 (8), THAT
3 MANUFACTURED METHAMPHETAMINE.

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

6 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If
7 the seller becomes aware that the property was an illegal
8 METHAMPHETAMINE drug laboratory, and remediates the property in
9 accordance with the standards established by PURSUANT TO section
10 25-18.5-102, C.R.S., and receives certificates of compliance under
11 section 25-18.5-102 (1)(e), C.R.S., then:

12 (a) The seller shall not be IS NOT required to disclose that the
13 property was used as a ~~methamphetamine~~ AN ILLEGAL
14 METHAMPHETAMINE DRUG laboratory to a buyer; and

15 (b) FIVE YEARS AFTER THE LATER DATE ON THE CERTIFICATES OF
16 COMPLIANCE ISSUED PURSUANT TO SECTION 25-18.5-102 (1)(e), the
17 property is no longer eligible for inclusion in any government-sponsored
18 informational service INCLUDED IN THE DATABASE listing properties that
19 have been used for the production of AS AN ILLEGAL methamphetamine
20 DRUG LABORATORY IN ACCORDANCE WITH SECTION 25-18.5-106 (2).

21 (5) For purposes of this section, "residential real property" OR
22 "PROPERTY" includes a manufactured home; mobile home; condominium;
23 townhome; home sold by the owner, a financial institution, or the federal
24 department of housing and urban development; rental property, including
25 an apartment; and short-term residence such as a motel or hotel.

26 **SECTION 6. Appropriation.** For the 2023-24 state fiscal year,
27 \$106,798 is appropriated to the department of public health and

1 environment for use by the hazardous materials and waste management
2 division. This appropriation is from the general fund and is based on an
3 assumption that the division will require an additional 1.4 FTE. To
4 implement this act, the division may use this appropriation for program
5 costs.

6 **SECTION 7. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly; except that, if a referendum petition is filed pursuant
10 to section 1 (3) of article V of the state constitution against this act or an
11 item, section, or part of this act within such period, then the act, item,
12 section, or part will not take effect unless approved by the people at the
13 general election to be held in November 2024 and, in such case, will take
14 effect on the date of the official declaration of the vote thereon by the
15 governor.

16 (2) This act applies to residential properties on which an illegal
17 methamphetamine drug laboratory has been discovered on or after the
18 applicable effective date of this act.