

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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**
102 **METHAMPHETAMINE.**

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.*

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, 25-18.5-101, amend
3 the introductory portion and (8) as follows:

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

6 (8) "Illegal drug laboratory" means the areas where controlled
7 substances, as defined by section 18-18-102, C.R.S., have
8 METHAMPHETAMINE HAS been ILLEGALLY manufactured, processed,
9 cooked, disposed of, used, or stored and all proximate areas that are likely
10 to be contaminated as a result of the manufacturing, processing, cooking,
11 disposal, use, or storage.

12 **SECTION 2.** In Colorado Revised Statutes, 25-18.5-102, amend
13 (1) introductory portion, (1)(a), and (2)(b) as follows:

14 **25-18.5-102. Illegal drug laboratories - rules.** (1) The board
15 shall promulgate rules in accordance with section 24-4-103 C.R.S., as
16 necessary to implement this article ARTICLE 18.5, including:

17 (a) Procedures for testing contamination, evaluating
18 contamination, and establishing the acceptable standards for cleanup of
19 illegal drug laboratories; involving methamphetamine;

20 (2) The board shall establish fees for the following:

21 (b) (I) Monitoring of persons involved in the assessment,
22 decontamination, and sampling of illegal drug laboratories, if necessary

1 to ensure compliance with this ~~article~~ ARTICLE 18.5;

2 (II) PERFORMING THE INSPECTIONS REQUIRED BY SECTION
3 25-18.5-106 (2); and

4 SECTION 3. In Colorado Revised Statutes, 25-18.5-103, amend
5 (2) introductory portion and (2)(a)(I) as follows:

6 25-18.5-103. Discovery of illegal drug laboratory - property
7 owner - cleanup - liability. (2) (a) Except as specified in paragraph (b)
8 of this subsection (2) SUBSECTION (2)(b) OF THIS SECTION, once a property
9 owner has received certificates of compliance from a contractor and a
10 consultant in accordance with section 25-18.5-102 (1)(e), or has
11 demolished the property, or has met the clean-up standards and
12 documentation requirements of this section as it existed before August 7,
13 2013, the property owner:

14 (I) Shall furnish copies of the certificates of compliance to the
15 governing body AND THE DEPARTMENT; and

16 SECTION 4. In Colorado Revised Statutes, 25-18.5-106, add (2)
17 and (3) as follows:

18 25-18.5-106. Powers and duties of department. (2) (a) FOR
19 EACH PERSON CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE
20 PROPERTY THAT CONTAINED AN ILLEGAL DRUG LABORATORY, THE
21 DEPARTMENT SHALL INSPECT AT LEAST ONCE EVERY THREE YEARS AT
22 LEAST ONE PROPERTY THAT HAD AN ILLEGAL DRUG LABORATORY AND WAS
23 ASSESSED, DECONTAMINATED, OR SAMPLED BY THE PERSON.

24 (b) THE PURPOSE OF THE INSPECTION REQUIRED BY THIS
25 SUBSECTION (2) IS TO ASSESS THE COMPETENCY OF EACH PERSON
26 CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE ILLEGAL DRUG
27 LABORATORIES. ___

1 (3) ON AND AFTER JANUARY 1, 2024, THE DEPARTMENT SHALL
2 CREATE AND MAKE AVAILABLE TO THE PUBLIC AN ONLINE DATABASE OF
3 RESIDENTIAL REAL PROPERTY AS DEFINED IN 38-35.7-103 THAT HAVE BEEN
4 USED AS AN ILLEGAL DRUG LABORATORY. THE DEPARTMENT SHALL
5 REMOVE A RESIDENTIAL REAL PROPERTY AS DEFINED IN 38-35.7-103 FROM
6 THE DATABASE FIVE YEARS AFTER THE DATE ON THE CERTIFICATE OF
7 COMPLIANCE.

8 **SECTION 5.** In Colorado Revised Statutes, 25-18.5-107, **amend**
9 (3)(a) as follows:

10 **25-18.5-107. Enforcement.** (3) If the department determines that
11 a person has been grossly noncompliant with the rules promulgated by the
12 board under section 25-18.5-102, the department may:

13 (a) Suspend or revoke the person's certification for the assessment,
14 decontamination, or sampling of illegal drug laboratories OR REQUIRE THE
15 PERSON TO UNDERGO REMEDIAL TRAINING AT THE PERSON'S EXPENSE; or

16 **SECTION 6.** In Colorado Revised Statutes, **add** 25-18.5-110 as
17 follows:

18 **25-18.5-110. Reporting - rules.** A LAW ENFORCEMENT AGENCY
19 AND A CERTIFIED INDUSTRIAL HYGIENIST SHALL, UPON DISCOVERING AN
20 ILLEGAL DRUG LABORATORY IN RESIDENTIAL PROPERTY, NOTIFY THE
21 DEPARTMENT OF THE FACT. THE NOTICE MUST INCLUDE THE PROPERTY'S
22 ADDRESS, THE NAME OF THE PROPERTY OWNER, AND ANY OTHER
23 INFORMATION REQUIRED BY RULE.

24 **SECTION 7.** In Colorado Revised Statutes, 38-12-505, **amend**
25 (1)(b)(XI) and (1)(b)(XII); and add (1)(b)(XIII) as follows:

26 **38-12-505. Uninhabitable residential premises.** (1) A
27 residential premises is deemed uninhabitable if:

- 1 (b) It substantially lacks any of the following characteristics:
2 (XI) Locks on all exterior doors and locks or security devices on
3 windows designed to be opened that are maintained in good working
4 order; or
5 (XII) Compliance with all applicable building, housing, and health
6 codes, the violation of which would constitute a condition that materially
7 interferes with the life, health, or safety of the tenant; OR
8 (XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE
9 25 IF THE PROPERTY WAS USED AS AN ILLEGAL DRUG LABORATORY, AS
10 DEFINED IN SECTION 25-18.5-101 (8).

11 **SECTION 8.** In Colorado Revised Statutes, 38-35.7-103, **amend**
12 **(4) and (5)** as follows:

13 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If
14 the seller becomes aware that the property was an illegal drug laboratory,
15 **and** remediates the property in accordance with the standards established
16 by section 25-18.5-102, C.R.S., and receives certificates of compliance
17 under section 25-18.5-102 (1)(e), C.R.S., then:

18 (a) The seller ~~shall not be~~ IS NOT required to disclose that the
19 property was used as a ~~methamphetamine~~ AN ILLEGAL DRUG laboratory to
20 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 (5) For purposes of this section, "residential real property" OR
27 "PROPERTY" includes a manufactured home; mobile home; condominium;

1 townhome; home sold by the owner, a financial institution, or the federal
2 department of housing and urban development; rental property, including
3 an apartment; and short-term residence such as a motel or hotel.

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

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