

CHAPTER 326

HEALTH AND ENVIRONMENT

SENATE BILL 23-148

BY SENATOR(S) Cutter, Buckner, Coleman, Exum, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Priola;
also REPRESENTATIVE(S) Lindsay, Amabile, Bird, Brown, Dickson, Jodeh, Marshall, McCormick, Michaelson Jenet, Snyder.

AN ACT

CONCERNING PROPERTY USED TO ILLEGALLY MANUFACTURE DRUGS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25-18.5-103, **amend** (2)(a) introductory portion and (2)(a)(I) as follows:

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

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

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

25-18.5-106. Powers and duties of department. (2) ON AND AFTER JANUARY 1, 2024, THE DEPARTMENT SHALL CREATE AND MAKE AVAILABLE TO THE PUBLIC AN ONLINE DATABASE OF ANY RESIDENTIAL REAL PROPERTY, AS DEFINED IN SECTION 38-35.7-103 (5), THAT HAS BEEN USED AS AN ILLEGAL DRUG LABORATORY INVOLVING METHAMPHETAMINE. THE DEPARTMENT SHALL REMOVE A RESIDENTIAL REAL PROPERTY FROM THE DATABASE FIVE YEARS AFTER THE LATER DATE ON THE CERTIFICATES OF COMPLIANCE ISSUED BY A CONTRACTOR AND A CONSULTANT IN ACCORDANCE WITH SECTION 25-18.5-102 (1)(e). EACH RESIDENTIAL REAL PROPERTY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ON THE DATABASE MUST CONTAIN A FIELD THAT IS MADE AVAILABLE TO THE PUBLIC AND THAT RECORDS WHETHER THE PROPERTY HAS A CERTIFICATE OF COMPLIANCE ISSUED PURSUANT TO SECTION 25-18.5-102 (1)(e).

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

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

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

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

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

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

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

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

(XIV) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE 25 IF THE RESIDENTIAL PREMISES WAS USED AS AN ILLEGAL DRUG LABORATORY, AS DEFINED IN SECTION 25-18.5-101 (8), INVOLVING METHAMPHETAMINE.

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

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

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

(b) FIVE YEARS AFTER THE LATER DATE ON THE CERTIFICATES OF COMPLIANCE

ISSUED PURSUANT TO SECTION 25-18.5-102 (1)(e), the property is no longer ~~eligible for inclusion in any government-sponsored informational service~~ INCLUDED IN THE DATABASE listing properties that have been used ~~for the production of~~ AS AN ILLEGAL methamphetamine DRUG LABORATORY IN ACCORDANCE WITH SECTION 25-18.5-106 (2).

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

SECTION 6. Appropriation. For the 2023-24 state fiscal year, \$74,516 is appropriated to the department of public health and environment for use by the hazardous materials and waste management division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.0 FTE. To implement this act, the division may use this appropriation for program costs.

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

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

Approved: June 2, 2023