

CHAPTER 140

HEALTH AND ENVIRONMENT

SENATE BILL 09-060

BY SENATOR(S) Tochtrop, Bacon, Boyd, Gibbs, Groff, Heath, Hodge, Hudak, Newell, Schwartz, Shaffer B., Tapia, Williams; also REPRESENTATIVE(S) Soper, Apuan, Casso, Frangas, Kefalas, King S., Priola, Schafer S., Stephens, Summers, Todd.

AN ACT

CONCERNING CLARIFICATIONS TO THE LAW REGARDING TESTING ILLEGAL DRUG LABORATORIES FOR METHAMPHETAMINE.

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

SECTION 1. 25-18.5-101 (2), Colorado Revised Statutes, is amended, and the said 25-18.5-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(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.~~

(2.7) "ILLEGAL 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, USED, OR STORED AND ALL PROXIMATE AREAS THAT ARE LIKELY TO BE CONTAMINATED AS A RESULT OF SUCH MANUFACTURING, PROCESSING, COOKING, DISPOSAL, USE, OR STORING.

SECTION 2. 25-18.5-102, Colorado Revised Statutes, is amended to read:

25-18.5-102. Illegal drug laboratories - rules. The board shall promulgate HEALTH-PROTECTIVE rules that establish PROCEDURES FOR TESTING AND EVALUATION OF CONTAMINATION AND the acceptable standards for the cleanup of illegal DRUG laboratories ~~used to manufacture~~ INVOLVING methamphetamine. ~~The~~

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

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 cleanup.

SECTION 3. 38-35.7-103 (2) (a), Colorado Revised Statutes, is amended to read:

38-35.7-103. Disclosure - methamphetamine laboratory. (2) (a) Tests conducted pursuant to this section shall be performed by a certified industrial hygienist or industrial hygienist, as those terms are defined in section 24-30-1402, C.R.S., AND IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED BY RULES OF THE STATE BOARD OF HEALTH PROMULGATED PURSUANT TO SECTION 25-18.5-102, C.R.S. If the buyer's test results indicate that the property has been ~~used as a~~ CONTAMINATED WITH methamphetamine ~~laboratory but~~ OR OTHER CONTAMINANTS FOR WHICH STANDARDS HAVE BEEN ESTABLISHED PURSUANT TO SECTION 25-18.5-102, C.R.S., AND has not been remediated to meet the standards established by rules of the state board of health promulgated pursuant to section 25-18.5-102, C.R.S., the buyer shall promptly give written notice to the seller of the results of the test, and the buyer may terminate the contract. THE CONTRACT SHALL NOT LIMIT THE RIGHTS TO TEST THE PROPERTY OR TO CANCEL THE CONTRACT BASED UPON THE RESULT OF THE TESTS.

SECTION 4. 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.

Approved: April 20, 2009