

## Public Health Hazard Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

## **Chief Sponsor: Lisa Shepherd**

**Senate Sponsor:**

## LONG TITLE

### **General Description:**

This bill amends provisions related to public health hazards.

## **Highlighted Provisions:**

This bill:

- ▶ amends provisions related to when law enforcement must inform a local health department of a potentially contaminated property;
- ▶ requires a local health department to determine if a property is contaminated after receiving a report from law enforcement under certain circumstances; and
- ▶ makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

- 19-6-902**, as last amended by Laws of Utah 2023, Chapter 327
- 19-6-903**, as enacted by Laws of Utah 2004, Chapter 249
- 19-6-904**, as enacted by Laws of Utah 2004, Chapter 249
- 19-6-905**, as enacted by Laws of Utah 2004, Chapter 249
- 19-6-906**, as last amended by Laws of Utah 2015, Chapter 451
- 26B-7-409**, as renumbered and amended by Laws of Utah 2023, Chapter 308

## ENACTS:

19-6-903.1, Utah Code Annotated 1953

## REPEALS:

**19-6-901**, as enacted by Laws of Utah 2004, Chapter 249

*Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **19-6-902** is amended to read:

32           **19-6-902 . Definitions.**

33           As used in this part:

34           (1) "Board" means the Waste Management and Radiation Control Board, as defined in  
35           Section 19-1-106, within the Department of Environmental Quality.

36           (2) "Certified decontamination specialist" means an individual who has met the standards  
37           for certification as a decontamination specialist and has been certified by the board  
38           under Subsection 19-6-906(2).

39           (3) "Contaminated" or "contamination" means:

40           (a) polluted by hazardous materials that cause property to be unfit for human habitation  
41           or use due to immediate or long-term health hazards; or  
42           (b) that a property is polluted by hazardous materials as a result of the use, production,  
43           or presence of methamphetamine in excess of decontamination standards adopted by  
44           the Department of Health and Human Services under Section 26B-7-409.

45           (4) "Contaminating drug" means methamphetamine or fentanyl.

46           [~~(4)~~] (5) "Contamination list" means a list maintained by the local health department of  
47           properties:

48           (a) reported to the local health department under Section 19-6-903; and  
49           (b) determined by the local health department to be contaminated.

50           [~~(5)~~] (6)(a) "Decontaminated" means property that at one time was contaminated, but the  
51           contaminants have been removed.

52           (b) "Decontaminated" for a property that was contaminated by the use, production, or  
53           presence of methamphetamine means that the property satisfies decontamination  
54           standards adopted by the Department of Health and Human Services under Section  
55           26B-7-409.

56           [~~(6)~~] (7) "Hazardous materials":

57           (a) has the same meaning as "hazardous or dangerous material" as defined in Section  
58           58-37d-3; and  
59           (b) includes any illegally manufactured controlled substances.

60           [~~(7)~~] (8) "Health department" means a local health department under Title 26A, Local  
61           Health Authorities.] "Local health department" means a local health department created  
62           under Title 26A, Local Health Authorities.

63           (9) "Lodging establishment" means the same as that term is defined in Section 29-2-102.

64           [~~(8)~~] (10) "Owner of record":

65 (a) means the owner of real property as shown on the records of the county recorder in  
66 the county where the property is located; and

67 (b) may include an individual, financial institution, company, corporation, or other entity.

68 [~~(9)~~] (11)(a) "Property":

69 [~~(a)~~] means any real property, site, structure, part of a structure, or the grounds  
70 surrounding a structure[; and] .

71 (b) "Property" includes single-family residences, outbuildings, garages, units of  
72 multiplexes, condominiums, apartment buildings, warehouses, hotels, motels, boats,  
73 motor vehicles, trailers, manufactured housing, shops, or booths.

74 [~~(10)~~] (12) "Reported property" means property that is the subject of a law enforcement  
75 report under Section 19-6-903.

76 Section 2. Section **19-6-903** is amended to read:

77 **19-6-903 . Law enforcement reporting and records.**

78 (1)[~~(a) When any state or local law enforcement agency in the course of its official~~  
79 ~~duties observes any paraphernalia of a clandestine drug laboratory operation;~~  
80 ~~including chemicals or equipment used in the manufacture of unlawful drugs, the~~  
81 ~~agency shall report the location where the items were observed to the local health~~  
82 ~~department.] A state or local law enforcement agency shall report to a local health~~  
83 ~~department:~~

84 (a) the location of a clandestine drug laboratory operation if the agency observes any  
85 paraphernalia of a clandestine drug laboratory operation including chemicals or  
86 equipment used in the manufacture of unlawful drugs; or

87 (b) a lodging establishment not described in Subsection (1)(a) if the agency has:

88 (i) reason to believe that a portion of the property is contaminated;

89 (ii)(A) observed a contaminating drug or paraphernalia related to the use of a  
90 contaminating drug in the potentially contaminated portion of the property; or  
91 (B) obtained, from an individual with connections to the property, an admission  
92 regarding the use of a contaminating drug in the potentially contaminated  
93 portion of the property; and

94 (iii) obtained a test result for a contaminating drug taken from the surface of the  
95 property indicating the portion of the property is potentially contaminated.

96 [~~(b)(i)~~]

97 (2)(a) The law enforcement officer shall make the report under Subsection [~~(1)(a)~~] (1) at  
98 the location where the observation occurred, if making the report at that time will not

99 compromise an ongoing investigation.

100 [(ii)] (b) If the report cannot be made at the location, the report shall be made as soon  
101 afterward as is practical.

102 (c) The report under Subsection [(1)(a)] (1) shall include:

- 103 (i) the date of the observation;
- 104 (ii) the name of the reporting agency and the case number of the case that involves  
105 the location of the observation;
- 106 (iii) the contact information of the officer involved, including name and telephone  
107 number;
- 108 (iv) the address of the location and descriptions of the property that may be  
109 contaminated; and
- 110 (v) a brief description of the evidence at the location that led to the belief the property  
111 at the location may be contaminated.

112 [(2)] (3) The law enforcement agency shall forward to the local health department copies of  
113 the reports made under Subsection (1).

114 [~~(3)(a) Upon receipt of a complaint or a report from law enforcement regarding  
115 possibly contaminated property, the local health officer or his designee shall  
116 determine if reasonable evidence exists that the property is contaminated.]~~

117 [~~(b) The local health department shall place property considered to be contaminated on a  
118 contamination list.]~~

119 [~~(4) The local health departments shall maintain searchable records of the properties on  
120 their contamination lists and shall:~~]

121 [~~(a) make the records reasonably available to the public;]~~

122 [~~(b) provide written notification to persons requesting access to the records that the  
123 records are only advisory in determining if specific property has been contaminated  
124 by clandestine drug lab activity; and]~~

125 [~~(e) remove the contaminated property from the list when the following conditions have  
126 been met:~~]

127 [~~(i) the local health department has monitored the decontamination process and, after  
128 documenting that the test results meet decontamination standards, has authorized  
129 the removal of or purging of the contamination information from the department's  
130 records; or]~~

131 [~~(ii) a certified decontamination specialist submits a report to the local health  
132 department stating that the property is decontaminated.]~~

133       Section 3. Section **19-6-903.1** is enacted to read:

134       **19-6-903.1 . Local health department duties.**

135       (1)(a) A local health department shall determine if reasonable evidence exists that a  
136       property described in Subsection 19-6-903(1)(a) or (b) is contaminated upon  
137       receiving a report from law enforcement under Section 19-6-903.

138       (b) A local health department shall place the property described in Subsection  
139       19-6-903(1)(a) or (b) that is considered to be contaminated on a contamination list if  
140       a local health department determines the property or a portion of the property is  
141       contaminated.

142       (2) A local health department shall:

143       (a) maintain searchable records of the properties on the local health department's  
144       contamination list;

145       (b) make the records reasonably available to the public;

146       (c) provide written notification to persons requesting access to the records that the  
147       records are only advisory in determining if specific property has been contaminated;

148       (d) remove the contaminated property from the list when the following conditions have  
149       been met:

150       (i) the local health department has monitored the decontamination process and, after  
151       documenting that the test results meet decontamination standards, has authorized  
152       the removal of or purging of the contamination information from the local health  
153       department's records; or

154       (ii) a certified decontamination specialist submits a report to the local health  
155       department stating that the property is decontaminated.

156       Section 4. Section **19-6-904** is amended to read:

157       **19-6-904 . Decontamination specialist reporting to local health departments.**

158       (1)(a) A certified decontamination specialist is required to report to the local health  
159       department the location of any property that is the subject of decontamination work  
160       by that decontamination specialist.

161       (b) The report shall be submitted prior to commencement of the decontamination work.

162       (2) The report under Subsection (1) shall include:

163       (a) sufficient information to allow the local health department to investigate and verify  
164       the location of the property, including the address and description of the property; and

165       (b) a proposed work plan for decontaminating the property.

166       (3) Upon completion of the decontamination process, a report certifying that the property is

167 decontaminated shall be submitted to the local health department within 30 days.

168 Section 4. Section **19-6-905** is amended to read:

169 **19-6-905 . Notification of property owner -- Notification of municipality or**  
170 **county.**

171 (1)(a) If the local health department determines a property is contaminated, [it] the local  
172 health department shall:

173 (i) notify the owner of record that the property has been placed on the contamination  
174 list[ and shall] ; and

175 (ii) provide to the owner information regarding:

176 (A) remediation options; and

177 (B) the requirements necessary to clean up the property, obtain certification that  
178 the property is decontaminated, and remove the property from the  
179 contamination list.

180 (b) The notification shall include a deadline for the owner to provide to the local health  
181 department information on how the owner plans to address the contamination.

182 (c) This part does not require that decontamination be conducted by a certified  
183 decontamination specialist.

184 (d) [However, upon completion of the decontamination, the property must be  
185 determined to be decontaminated in accordance with Subsection 19-6-903(4)(e) in  
186 order to be removed from the contamination list] A property previously listed on the  
187 contamination list may not be removed from the list unless the property meets the  
188 conditions described in Subsection 19-6-903.1(3)(d).

189 (2) If the local health department does not receive a response from the owner of record  
190 within the time period specified in the notice, or the owner of record advises the local  
191 health department that the owner does not intend to take action or that the reported  
192 property will be abandoned, the local health department shall notify the municipality in  
193 which the reported property is located, or the county, if the location is in an  
194 unincorporated area, of the owner of record's response or lack of response.

195 Section 6. Section **19-6-906** is amended to read:

196 **19-6-906 . Decontamination standards -- Specialist certification standards --**

197 **Rulemaking.**

198 [(1) ~~The Department of Health shall make rules under Title 63G, Chapter 3, Utah~~  
199 ~~Administrative Rulemaking Act, in consultation with the local health departments and~~  
200 ~~the Department of Environmental Quality, to establish:~~]

201 [a) decontamination and sampling standards and best management practices for the  
202 inspection and decontamination of property and the disposal of contaminated debris  
203 under this part;]

204 [b) appropriate methods for the testing of buildings and interior surfaces, and  
205 furnishings, soil, and septic tanks for contamination; and]

206 [c) when testing for contamination may be required.]

207 [(2)] (1) The [Department of Environmental Quality Waste Management and Radiation  
208 Control Board] board shall make rules under Title 63G, Chapter 3, Utah Administrative  
209 Rulemaking Act, in consultation with the Department of Health and Human Services  
210 and local health departments, to establish within the Department of Environmental  
211 Quality Division of Environmental Response and Remediation:

212 (a) certification standards for any private person, firm, or entity involved in the  
213 decontamination of contaminated property; and

214 (b) a process for revoking the certification of a decontamination specialist who fails to  
215 maintain the certification standards.

216 [(3)] (2) All rules made under this part shall be consistent with other state and federal  
217 requirements.

218 [(4)] (3) The board has authority to enforce the provisions [under Subsection (2)] of this  
219 section.

220 Section 7. Section **26B-7-409** is amended to read:

221 **26B-7-409 . Scientific standards for decontamination -- Public education  
222 concerning methamphetamine contamination.**

223 [(1) The department shall make rules adopting scientifically-based standards for  
224 methamphetamine decontamination.]

225 (1) The definitions of Section 19-6-902 apply to this section.

226 (2) The department shall make rules under Title 63G, Chapter 3, Utah Administrative  
227 Rulemaking Act, in consultation with the local health departments and the Department  
228 of Environmental Quality, to establish:

229 (a) decontamination standards, sampling standards, and best management practices for  
230 the inspection and decontamination of property, including property contaminated by  
231 methamphetamine and fentanyl;

232 (b) standards and practices for the disposal of contaminated debris;

233 (c) appropriate methods for the testing of buildings, interior surfaces, furnishings, soil,  
234 and septic tanks for contamination; and

235 (d) when testing for contamination may be required.

236 [¶] (3) A local health department, as defined in Title 26A, Local Health Authorities, shall  
237 follow rules made by the department under Subsection [¶] (2) in administering Title 19,  
238 Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.

239 [¶] (4) The department shall conduct a public education campaign to inform the public  
240 about potential health risks of methamphetamine contamination.

241 (5) All rules made under this section shall be consistent with other state and federal  
242 requirements.

243 **Section 8. Repealer.**

244 This bill repeals:

245 **Section 19-6-901, Title.**

246 **Section 9. Effective Date.**

247 This bill takes effect on May 6, 2026.