

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:

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

19-6-902 . Definitions.

As used in this part:

- (1) "Board" means the Waste Management and Radiation Control Board, as defined in Section 19-1-106, within the Department of Environmental Quality.
- (2) "Certified decontamination specialist" means an individual who has met the standards for certification as a decontamination specialist and has been certified by the board under Subsection 19-6-906(2).
- (3) "Contaminated" or "contamination" means:
 - (a) polluted by hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards; or
 - (b) that a property is polluted by hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards adopted by the Department of Health and Human Services under Section 26B-7-409.
- (4) "Contaminating drug" means methamphetamine or fentanyl.
- ~~[(4)]~~ (5) "Contamination list" means a list maintained by the local health department of properties:
 - (a) reported to the local health department under Section 19-6-903; and
 - (b) determined by the local health department to be contaminated.
- ~~[(5)]~~ (6)(a) "Decontaminated" means property that at one time was contaminated, but the contaminants have been removed.
- (b) "Decontaminated" for a property that was contaminated by the use, production, or presence of methamphetamine means that the property satisfies decontamination standards adopted by the Department of Health and Human Services under Section 26B-7-409.
- ~~[(6)]~~ (7) "Hazardous materials":
 - (a) has the same meaning as "hazardous or dangerous material" as defined in Section 58-37d-3; and
 - (b) includes any illegally manufactured controlled substances.
- ~~[(7)]~~ (8) ~~["Health department" means a local health department under Title 26A, Local Health Authorities.]~~ "Local health department" means a local health department created under Title 26A, Local Health Authorities.
- (9) "Lodging establishment" means the same as that term is defined in Section 29-2-102.
- ~~[(8)]~~ (10) "Owner of record":

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

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

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

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

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

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

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

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

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

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

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

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

~~(ii)(A) observed a contaminating drug or paraphernalia related to the use of a contaminating drug in the potentially contaminated portion of the property; or~~

~~(B) obtained, from an individual with connections to the property, an admission regarding the use of a contaminating drug in the potentially contaminated portion of the property; and~~

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

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

~~(2)(a) The law enforcement officer shall make the report under Subsection ~~[(1)(a)]~~ (1) at 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.]~~

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

19-6-903.1 . Local health department duties.

- (1)(a) A local health department shall determine if reasonable evidence exists that a property described in Subsection 19-6-903(1)(a) or (b) is contaminated upon receiving a report from law enforcement under Section 19-6-903.
- (b) A local health department shall place the property described in Subsection 19-6-903(1)(a) or (b) that is considered to be contaminated on a contamination list if a local health department determines the property or a portion of the property is contaminated.
- (2) A local health department shall:
- (a) maintain searchable records of the properties on the local health department's contamination list;
- (b) make the records reasonably available to the public;
- (c) provide written notification to persons requesting access to the records that the records are only advisory in determining if specific property has been contaminated;
- (d) remove the contaminated property from the list when the following conditions have been met:
- (i) the local health department has monitored the decontamination process and, after documenting that the test results meet decontamination standards, has authorized the removal of or purging of the contamination information from the local health department's records; or
- (ii) a certified decontamination specialist submits a report to the local health department stating that the property is decontaminated.

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

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

- (1)(a) A certified decontamination specialist is required to report to the local health department the location of any property that is the subject of decontamination work by that decontamination specialist.
- (b) The report shall be submitted prior to commencement of the decontamination work.
- (2) The report under Subsection (1) shall include:
- (a) sufficient information to allow the local health department to investigate and verify the location of the property, including the address and description of the property; and
- (b) a proposed work plan for decontaminating the property.
- (3) Upon completion of the decontamination process, a report certifying that the property is

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

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

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

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

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

(ii) provide to the owner information regarding:

(A) remediation options; and

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

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

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

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

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

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

19-6-906 . Decontamination standards -- Specialist certification standards -- Rulemaking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

235 (d) when testing for contamination may be required.
236 [(2)] (3) A local health department, as defined in Title 26A, Local Health Authorities, shall
237 follow rules made by the department under Subsection [(1)] (2) in administering Title 19,
238 Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.
239 [(3)] (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.