

Date: 1/28/26 | Policy Analyst: Seth Anderson | Prepared For: Representative Shepherd

HB 388: Public Health Hazard Amendments

HB 388, Public Health Hazard Amendments, addresses processes related to certain properties that have been contaminated by methamphetamine or fentanyl. Utah Code currently contains processes for establishing that a property is contaminated by a hazardous material or the presence of methamphetamine, with a focus on the regulation of clandestine drug laboratory operations. This bill adds a requirement that law enforcement report to Local Health Departments (LHDs) when there is reason to believe that a lodging establishment, or a portion of the lodging establishment, is contaminated with methamphetamine or fentanyl.

This bill:

- requires law enforcement to report lodging establishment properties to LHDs that may be contaminated with methamphetamine or fentanyl;
- defines the conditions that must exist for a law enforcement agency to report a lodging establishment as contaminated with methamphetamine or fentanyl; and
- makes technical changes to responsibilities of the Department of Health and Human Services (DHHS), Department of Environmental Quality (DEQ), and LHDs related to rulemaking for contamination and decontamination standards, and listing contaminated properties on a publicly available database.

Background

[Utah Code 19-6-903](#) currently requires law enforcement to report suspected clandestine drug laboratories to the LHD. This could include observing paraphernalia of a clandestine drug laboratory operation, including chemicals or equipment used in the manufacture of unlawful drugs. Statute requires that the report include:

- the date of the observation;
- the name of the reporting agency and the case number of the case that involves the location of the observation;
- the contact information of the officer involved, including name and telephone number;
- the address of the location and descriptions of the property that may be contaminated; and
- a brief description of the evidence at the location that led to the belief the property at the location may be contaminated.

Once this report is received by the LHD, statute requires the LHD to determine whether the property is contaminated, and if it is, to place the property considered to be contaminated on a contamination list that

is reasonably available to the public.

Administrative Rules [R392-600 Illegal Drug Operations Decontamination Standards](#) and [R311-500 Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program](#) govern decontamination and sampling standards, best management practices for the inspection and decontamination of property contaminated by illegal drug operations, and parameters for the Decontamination Specialist Certification Program.

Among other things, the rules contain decontamination standards for certain compounds, as shown in Table 1.

Table 1: Decontamination Standards in R392-600-6

Compound	Decontamination Standard
Red Phosphorous	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue
Iodine Crystals	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue
Methamphetamine	Less than or equal to 1.0 microgram Methamphetamine per 100 square centimeters
VOCs in Air	Less than or equal to 1 ppm
Corrosives	Surface pH between 6 and 8
Ecstasy	Less than or equal to 0.1 microgram Ecstasy per 100 square centimeters

Policy Analysis

HB 388 contains two main components that will be expanded on in this section – (1) expanding reporting duties for law enforcement related to contaminated property to include lodging establishments; and (2) making technical changes to the responsibilities of DHHS, DEQ, and LHDs relating to contaminated properties.

(1) Law enforcement contaminated property reporting duties

In addition to the current requirement for state and local law enforcement agencies to report clandestine drug laboratory operations, this bill adds “Lodging establishments” to the reporting duties to local health departments. Lodging establishments are defined as:

“a place providing temporary sleeping accommodations to the public, including any of the following:

- a bed and breakfast establishment;
- a boarding house;
- a hotel;
- an inn;
- a lodging house;
- a motel;
- a resort; or
- a rooming house.”

The bill instructs law enforcement to report a lodging establishment if the following conditions exist:

- there is reason to believe that a portion of the property is contaminated; **AND**
- a contaminating drug (defined as methamphetamine or fentanyl) or paraphernalia of a contaminating drug has been observed in the potentially contaminated portion of the property **OR** there is an admission of use of a contaminating drug in the potentially contaminated portion of the property from an individual with connections to the property; **AND**
- a test result for a contaminating drug taken from the surface of the property indicating the portion of the property is potentially contaminated has been obtained.

Once the conditions listed above exist, law enforcement is required to make a report to the LHD, and then the LHD is responsible for determining if the property, or a portion of the property, will be considered to be contaminated.

(2) Technical changes to DHHS, DEQ, and LHD responsibilities relating to contaminated properties

The bill largely maintains the current rulemaking authority but moves the authority from Title 19 (Environmental Quality Code) to Title 26B (Utah Health and Human Services Code). The only substantive change to the rulemaking processes in the bill is adding 'fentanyl' as a contaminant that the DHHS/DEQ need to set standards for.

The bill also moves LHD responsibilities related to contaminated properties to its own code section but maintains the current statutory requirements.