

19-6-903 Law enforcement reporting and records -- Removal from list.

- (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.
 - (b)
 - (i) The law enforcement officer shall make the report under Subsection (1)(a) at the location where the observation occurred, if making the report at that time will not compromise an ongoing investigation.
 - (ii) If the report cannot be made at the location, the report shall be made as soon afterward as is practical.
 - (c) The report under Subsection (1)(a) shall include:
 - (i) the date of the observation;
 - (ii) the name of the reporting agency and the case number of the case that involves the location of the observation;
 - (iii) the contact information of the officer involved, including name and telephone number;
 - (iv) the address of the location and descriptions of the property that may be contaminated; and
 - (v) a brief description of the evidence at the location that led to the belief the property at the location may be contaminated.
- (2) The law enforcement agency shall forward to the local health department copies of the reports made under Subsection (1).
- (3)
 - (a) Upon receipt of a complaint or a report from law enforcement regarding possibly contaminated property, the local health officer or his designee shall determine if reasonable evidence exists that the property is contaminated.
 - (b) The local health department shall place property considered to be contaminated on a contamination list.
- (4) The local health departments shall maintain searchable records of the properties on their contamination lists and shall:
 - (a) make the records reasonably available to the public;
 - (b) provide written notification to persons requesting access to the records that the records are only advisory in determining if specific property has been contaminated by clandestine drug lab activity; and
 - (c) 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 department's records; or
 - (ii) a certified decontamination specialist submits a report to the local health department stating that the property is decontaminated.

Enacted by Chapter 249, 2004 General Session