

**ILLEGAL DRUG SITES CONTAMINATION**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Litvack**

Senate Sponsor: Gene Davis

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**LONG TITLE**

**General Description:**

This bill modifies the Illegal Drug Site Reporting and Decontamination Act regarding reporting of contaminated sites and the disclosure of contamination in property transactions.

**Highlighted Provisions:**

This bill:

▶ provides that if a report of contamination is made to a local health department by any party other than a law enforcement agency, the party must provide confirmation of the contamination by a certified decontamination specialist ~~H~~→ and must cover the costs of the contamination testing and report ←~~H~~ ; and

▶ requires law enforcement agencies to report evidence of contamination, in addition to the current requirement to report paraphernalia of clandestine drug labs.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-6-903**, as enacted by Chapter 249, Laws of Utah 2004

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

29 Section 1. Section **19-6-903** is amended to read:

30 **19-6-903. Contaminated sites -- Reporting and records -- Removal from list.**

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

36 (b) (i) The law enforcement officer shall make the report under Subsection (1)(a) at the  
37 location where the observation occurred, if making the report at that time will not compromise  
38 an ongoing investigation.

39 (ii) If the report cannot be made at the location, the report shall be made as soon  
40 afterward as is practical.

41 (c) The report under Subsection (1)(a) shall include:

42 (i) the date of the observation;

43 (ii) the name of the reporting agency and the case number of the case that involves the  
44 location of the observation;

45 (iii) the contact information of the officer involved, including name and telephone  
46 number;

47 (iv) the address of the location and descriptions of the property that may be  
48 contaminated; and

49 (v) a brief description of the evidence at the location that led to the belief the property  
50 at the location may be contaminated.

51 (2) The law enforcement agency shall forward to the local health department copies of  
52 the reports made under Subsection (1).

53 (3) When the local health department receives a complaint or report of contamination  
54 from a source other than a law enforcement agency, the local health department shall require  
55 that the complaint or report be confirmed by a written chemical analysis of the site conducted  
56 by a certified decontamination specialist. ~~H~~→ **The chemical analysis and report shall be paid for**  
56a **by the person submitting the complaint or report under this Subsection (3).** ←~~H~~

57 [~~3~~] (4) (a) Upon receipt of a complaint or a report from law enforcement regarding  
58 possibly contaminated property, the local health officer or his designee shall determine if

59 reasonable evidence exists that the property is contaminated.

60 (b) ~~[The]~~ If the local health department [shall place] determines that the property  
61 [considered to be] is contaminated, the local health department shall place the property on a  
62 contamination list.

63 ~~[(4)]~~ (5) The local health departments shall maintain searchable records of the  
64 properties on their contamination lists and shall:

65 (a) make the records reasonably available to the public;

66 (b) provide written notification to persons requesting access to the records that the  
67 records are only advisory in determining if specific property has been contaminated by  
68 clandestine drug lab activity; and

69 (c) remove the contaminated property from the list when the following conditions have  
70 been met:

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

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

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**Legislative Review Note**

**as of 1-31-07 8:30 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 162 - Illegal Drug Sites Contamination Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. However, it is unclear who will pay for testing. Individuals and businesses may be required to pay the cost of testing for suspected contamination on their property, if a complaint is filed with the local health department from a source other than a law enforcement agency.

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