

HOUSE BILL REPORT

HB 1757

As Passed House:
March 1, 2017

Title: An act relating to transient accommodations contaminated by methamphetamine.

Brief Description: Addressing transient accommodations contaminated by methamphetamine.

Sponsors: Representatives Hayes and Pellicciotti.

Brief History:

Committee Activity:

Environment: 2/7/17, 2/16/17 [DP].

Floor Activity:

Passed House: 3/1/17, 98-0.

Brief Summary of Bill

- Adds transient accommodations to the list of properties subject to inspection, condemnation, and decontamination when contaminated by certain hazardous chemicals.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys, Dye, Fey, Kagi and McBride.

Staff: Robert Hatfield (786-7117).

Background:

Contaminated Property—Introduction.

State law describes how properties that have been contaminated by the manufacture or use of illegal drugs must be handled. The provisions involve reporting of the contaminated property, notice of the property being unfit for use, decontamination requirements, and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

contractor certification.

Reporting and Notice of a Contaminated Property.

A law enforcement officer who discovers a property that has been contaminated to the point where it is unfit for human habitation must notify the local health officer. The local health officer must then post a written notice on the property and conduct an inspection of the property within 14 days. Notice of contamination may also be submitted by the property's owner, or be discovered by the local health officer directly. If the local health officer suspects a property is contaminated, the officer may enter and inspect the property. Local health officers must report all cases of contaminated property to the Department of Health (DOH).

Determining a Property Unfit for Use.

The local health officer may determine if a property is unfit for use due to chemical contamination. If this determination is made, the local health officer must prohibit use of the property. Notice of this prohibition must be delivered to the property's owner and posted on the actual property itself. The property owner may request a hearing to dispute the finding that the property is unfit. In the hearing, the property owner has the burden of showing that the property is not contaminated or has already been cleaned to an acceptable level.

Actions Upon Finding of Contamination.

Cities and counties have the option of condemning or demolishing contaminated properties. The local government must wait until all hearings have been exhausted before a demolition may occur. Alternatively, the owner of the property may pay to have the property decontaminated. If the owner chooses this course, then he or she must hire a contractor certified by the DOH. The contractor must present a decontamination plan to the local health officer, and upon its successful execution, the unfit-for-use determination may be lifted. The local health officer may charge the property owner fees for reviewing the plan and re-inspecting the property.

Contractor Certification.

A property owner may hire a contractor for decontamination work only if the contractor has been approved by the DOH. The DOH maintains performance standards and standards for training and testing contractors to ensure that they are capable of dealing with the contamination left behind from illegal drug manufacturing. Contractors may lose their certification if they violate certain standards set by the DOH.

Summary of Bill:

The legislative finding regarding the contamination of certain properties by certain hazardous chemicals is expanded to include certain transient accommodations regulated by the Department of Health (DOH).

The definition of hazardous chemicals is expanded to include methamphetamine in amounts exceeding decontamination standards set by the DOH, when found in transient accommodations.

The definition of property is expanded to include transient accommodations used in the manufacture, distribution, storage, or use of hazardous chemicals.

The DOH is directed to test and train, or to approve courses to test and train, certain personnel on the essential elements in assessing contaminated transient accommodations used as a site for the manufacture or storage of illegal controlled substances.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A motel in Burlington presented a law enforcement challenge. There had been approximately 600 calls in one year to the motel. Of 42 rooms in the motel, 40 were severely contaminated by methamphetamine, which is defined as 1500 times what is considered tolerable to the Department of Health. The City of Burlington wanted to get people moved out, but realized they could not do it based on the current definition of hazardous chemicals because that definition requires manufacture, not just presence. This bill would provide the necessary tools in case a similar situation occurs again.

(Opposed) None.

Persons Testifying: Representative Hayes, prime sponsor; and Rich Weyrich, Skagit County.

Persons Signed In To Testify But Not Testifying: None.