

FINAL BILL REPORT

HB 1757

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Synopsis as Enacted

Brief Description: Addressing transient accommodations contaminated by methamphetamine.

Sponsors: Representatives Hayes and Pellicciotti.

House Committee on Environment
Senate Committee on Energy, Environment & Telecommunications

Background:

Contaminated Property.

Properties that have been contaminated by the manufacture or use of illegal drugs are subject to reporting of the contaminated property, notice of the property being unfit for use, decontamination requirements, and contractor certification.

Reporting and Notice of a Contaminated Property.

A law enforcement officer who discovers a property that has been contaminated to the point that 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 is 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.

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.

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:

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 must 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.

Votes on Final Passage:

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| House | 98 | 0 |
| Senate | 49 | 0 |

Effective: July 23, 2017