

SENATE BILL REPORT

HB 1757

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, March 28, 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: Passed House: 3/01/17, 98-0.

Committee Activity: Energy, Environment & Telecommunications: 3/14/17, 3/28/17 [DP].

Brief Summary of Bill

- Expands the definition of property to include any real or personal property involved in or affected by the unauthorized use of certain hazardous chemicals.
- Adds transient accommodations to the list of properties subject to inspection, condemnation, and decontamination when contaminated by certain hazardous chemicals.
- Adds methamphetamine in transient accommodations to the list of hazardous chemicals that may contaminate properties.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Ranker, Short and Wellman.

Staff: Kimberly Cushing (786-7421)

Background: Contaminated Property. The State Board of Health and the Department of Health (DOH) establish standards, procedures, and responsibilities for regulating the occupancy and use of property contaminated by hazardous chemicals used in unsafe or illegal ways in the manufacture of illegal drugs.

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.

Local health officers (LHOs) assess properties to determine the degree and extent of contamination due to hazardous chemicals. LHOs are also responsible for providing notice to the property occupants and owners; reporting contaminated property to DOH; issuing an order declaring a property unfit and prohibiting use if the property is contaminated; determining whether a contractor is required for decontamination; and verifying that decontamination has occurred.

An owner of contaminated property must use an authorized contractor, unless otherwise authorized by an LHO, to decontaminate, demolish, or dispose of the property. DOH certifies contractors to decontaminate properties. DOH may deny, suspend, revoke, or place restrictions on a certificate for failure to comply with state law.

Decontamination Standards for Methamphetamine. State rules provide that the decontamination standard for methamphetamine is less than or equal to 1.5 micro grams per 100 square centimeters.

Transient Accommodations. Transient accommodations are licensed by the DOH to promote the protection of the health and safety of individuals using such accommodations in this state. The term transient accommodation means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to travelers and transient guests.

Summary of Bill: The Legislature finds that some transient accommodations are being contaminated by hazardous drugs.

Definition of Property. The definition of property is expanded to include the unauthorized use—in addition to the unauthorized manufacture, distribution, or storage—of hazardous chemicals that involves or affects real or personal property. Real or personal property includes transient accommodations, in addition to single-family residences, condominiums, and apartment buildings.

Definition of Hazardous Chemicals. The definition of hazardous chemicals is expanded to include methamphetamine in amounts exceeding DOH's decontamination standards when found in transient accommodations. Transient accommodations include hotels, motels, bed and breakfasts, resorts, inns, crisis shelter, hostels, and retreats regulated by DOH.

Contractor Training. DOH must train and test contractors, supervisors, and workers on the essential elements in assessing contaminated transient accommodations used as a site for manufacturing or storing illegal controlled substances.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The city of Burlington entered into a purchase and sale agreement with a hotel containing a transient population using drugs. Many children lived in the hotel. Law enforcement and fire fighters responded to calls regarding the hotel multiple times a day. The methamphetamine levels were terribly high. However, current state law did not support the clean up and decontamination of the hotel without the manufacture of drugs taking place. The law relating to transient accommodations needs to be changed so that the presence of high levels of methamphetamine from use allows the county and health department to take action.

Persons Testifying: PRO: Representative Dave Hayes, Prime Sponsor; Rich Weyrich, Skagit County Prosecuting Attorney.

Persons Signed In To Testify But Not Testifying: No one.