

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 9, 2023
Date

Committee on Local Government & Housing.

After consideration on the merits, the Committee recommends the following:

SB23-148 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 25-18.5-101, amend
3 the introductory portion and (8) as follows:

4 **25-18.5-101. Definitions.** As used in this ~~article~~ ARTICLE 18.5,
5 unless the context otherwise requires:

6 (8) "Illegal drug laboratory" means the areas where ~~controlled~~
7 ~~substances, as defined by section 18-18-102, C.R.S., have~~
8 METHAMPHETAMINE HAS been ILLEGALLY manufactured, processed,
9 cooked, disposed of, used, or stored and all proximate areas that are likely
10 to be contaminated as a result of the manufacturing, processing, cooking,
11 disposal, use, or storage."

12 Renumber succeeding sections accordingly.

13 Page 2, strike lines 6 through 8 and substitute:

14 "(b) (I) Monitoring of persons involved in the assessment,
15 decontamination, and sampling of illegal drug laboratories, if necessary
16 to ensure compliance with this ~~article~~ ARTICLE 18.5;

17 (II) PERFORMING THE INSPECTIONS".

18 Page 2, after line 9 insert:

19 "SECTION 3. In Colorado Revised Statutes, 25-18.5-103, amend
20 (2) introductory portion and (2)(a)(I) as follows:

21 **25-18.5-103. Discovery of illegal drug laboratory - property**
22 **owner - cleanup - liability.** (2) (a) Except as specified in paragraph (b)

1 ~~of this subsection~~(2) SUBSECTION (2)(b) OF THIS SECTION, once a property
2 owner has received certificates of compliance from a contractor and a
3 consultant in accordance with section 25-18.5-102 (1)(e), or has
4 demolished the property, or has met the clean-up standards and
5 documentation requirements of this section as it existed before August 7,
6 2013, the property owner:

7 (I) Shall furnish copies of the certificates of compliance to the
8 governing body AND THE DEPARTMENT; and"

9 Renumber succeeding sections accordingly.

10 Page 2, strike lines 21 through 23 and substitute "LABORATORIES."

11 Page 3, strike lines 1 through 5.

12 Page 3, line 7, strike "BUILDINGS" and substitute "RESIDENTIAL REAL
13 PROPERTY AS DEFINED IN 38-35.7-103".

14 Page 3, line 9, strike "BUILDING" and substitute "RESIDENTIAL REAL
15 PROPERTY AS DEFINED IN 38-35.7-103".

16 Page 3, after line 11 insert:

17 "SECTION 5. In Colorado Revised Statutes, 25-18.5-107, **amend**
18 (3)(a) as follows:

19 **25-18.5-107. Enforcement.** (3) If the department determines that
20 a person has been grossly noncompliant with the rules promulgated by the
21 board under section 25-18.5-102, the department may:

22 (a) Suspend or revoke the person's certification for the assessment,
23 decontamination, or sampling of illegal drug laboratories OR REQUIRE THE
24 PERSON TO UNDERGO REMEDIAL TRAINING AT THE PERSON'S EXPENSE; or

25 **SECTION 6.** In Colorado Revised Statutes, **add** 25-18.5-110 as
26 follows:

27 **25-18.5-110. Reporting - rules.** A LAW ENFORCEMENT AGENCY
28 AND A CERTIFIED INDUSTRIAL HYGIENIST SHALL, UPON DISCOVERING AN
29 ILLEGAL DRUG LABORATORY IN RESIDENTIAL PROPERTY, NOTIFY THE
30 DEPARTMENT OF THE FACT. THE NOTICE MUST INCLUDE THE PROPERTY'S
31 ADDRESS, THE NAME OF THE PROPERTY OWNER, AND ANY OTHER
32 INFORMATION REQUIRED BY RULE.

33 Page 3, after line 11 insert:

34 **SECTION 7.** In Colorado Revised Statutes, 38-12-505, **amend**
35 (1)(b)(XI) and (1)(b)(XII); and **add** (1)(b)(XIII) as follows:

36 **38-12-505. Uninhabitable residential premises.** (1) A

1 residential premises is deemed uninhabitable if:
2 (b) It substantially lacks any of the following characteristics:
3 (XI) Locks on all exterior doors and locks or security devices on
4 windows designed to be opened that are maintained in good working
5 order; or
6 (XII) Compliance with all applicable building, housing, and health
7 codes, the violation of which would constitute a condition that materially
8 interferes with the life, health, or safety of the tenant; OR
9 (XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE
10 25 IF THE PROPERTY WAS USED AS AN ILLEGAL DRUG LABORATORY, AS
11 DEFINED IN SECTION 25-18.5-101 (8)."

12 Renumber succeeding sections accordingly.

13 Page 3, line 13, after "(4)" insert "and (5)".

14 Page 3, after line 25, insert:

15 "(5) For purposes of this section, "residential real property" OR
16 "PROPERTY" includes a manufactured home; mobile home; condominium;
17 townhome; home sold by the owner, a financial institution, or the federal
18 department of housing and urban development; rental property, including
19 an apartment; and short-term residence such as a motel or hotel."

20 Page 1, line 101, strike "DRUGS." and substitute "METHAMPHETAMINE."

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