

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0496.02 Jery Payne x2157

**SENATE BILL 23-148**

---

**SENATE SPONSORSHIP**

**Cutter,**

**HOUSE SPONSORSHIP**

**(None),**

---

**Senate Committees**

Local Government & Housing  
Finance

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING PROPERTY USED TO ILLEGALLY MANUFACTURE**  
102 **METHAMPHETAMINE.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, the department of public health and environment (department) certifies people who assess, decontaminate, or sample property that contained illegal drug laboratories. The bill adds a requirement that the department inspect the work of each certified person at least once every 3 years. If the department determines that a certified person failed to perform an assessment, decontamination, or sampling

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

correctly, the department is directed to require the person to participate in remedial education or, if the failure was willful and is likely to be repeated, the department shall decertify the person.

The bill requires the department to create a public database of buildings that have been used as illegal drug laboratories. A building must be removed from the database 5 years after the property has been decontaminated.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

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 **SECTION 2.** In Colorado Revised Statutes, 25-18.5-102, **amend**  
13 **(2)(b)** as follows:

14 **25-18.5-102. Illegal drug laboratories - rules.** (2) The board  
15 shall establish fees for the following:

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

19 **(II) PERFORMING THE INSPECTIONS** REQUIRED BY SECTION  
20 25-18.5-106 (2); and

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

1           **25-18.5-103. Discovery of illegal drug laboratory - property**  
2           **owner - cleanup - liability.** (2) (a) Except as specified in paragraph (b)  
3           of this subsection (2) SUBSECTION (2)(b) OF THIS SECTION, once a property  
4           owner has received certificates of compliance from a contractor and a  
5           consultant in accordance with section 25-18.5-102 (1)(e), or has  
6           demolished the property, or has met the clean-up standards and  
7           documentation requirements of this section as it existed before August 7,  
8           2013, the property owner:

9           (I) Shall furnish copies of the certificates of compliance to the  
10          governing body AND THE DEPARTMENT; and

11          **SECTION 4.** In Colorado Revised Statutes, 25-18.5-106, **add** (2)  
12          and (3) as follows:

13          **25-18.5-106. Powers and duties of department.** (2) (a) FOR  
14          EACH PERSON CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE  
15          PROPERTY THAT CONTAINED AN ILLEGAL DRUG LABORATORY, THE  
16          DEPARTMENT SHALL INSPECT AT LEAST ONCE EVERY THREE YEARS AT  
17          LEAST ONE PROPERTY THAT HAD AN ILLEGAL DRUG LABORATORY AND WAS  
18          ASSESSED, DECONTAMINATED, OR SAMPLED BY THE PERSON.

19          (b) THE PURPOSE OF THE INSPECTION REQUIRED BY THIS  
20          SUBSECTION (2) IS TO ASSESS THE COMPETENCY OF EACH PERSON  
21          CERTIFIED TO ASSESS, DECONTAMINATE, OR SAMPLE ILLEGAL DRUG  
22          LABORATORIES.

23          (3) THE DEPARTMENT SHALL CREATE AND MAKE AVAILABLE TO  
24          THE PUBLIC AN ONLINE DATABASE OF RESIDENTIAL REAL PROPERTY AS  
25          DEFINED IN 38-35.7-103 THAT HAVE BEEN USED AS AN ILLEGAL  
26          METHAMPHETAMINE DRUG LABORATORY. THE DEPARTMENT SHALL  
27          REMOVE A RESIDENTIAL REAL PROPERTY AS DEFINED IN 38-35.7-103 FROM

1 THE DATABASE FIVE YEARS AFTER THE PROPERTY WAS DECONTAMINATED  
2 IN ACCORDANCE WITH THIS ARTICLE 18.5.

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

5 **25-18.5-107. Enforcement. (3) If the department determines that**  
6 **a person has been grossly noncompliant with the rules promulgated by the**  
7 **board under section 25-18.5-102, the department may:**

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

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

13 **25-18.5-110. Reporting - rules. A LAW ENFORCEMENT AGENCY**  
14 **AND A CERTIFIED INDUSTRIAL HYGIENIST SHALL, UPON DISCOVERING AN**  
15 **ILLEGAL DRUG LABORATORY IN RESIDENTIAL PROPERTY, NOTIFY THE**  
16 **DEPARTMENT OF THE FACT. THE NOTICE MUST INCLUDE THE PROPERTY'S**  
17 **ADDRESS, THE NAME OF THE PROPERTY OWNER, AND ANY OTHER**  
18 **INFORMATION REQUIRED BY RULE.**

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

21 **38-12-505. Uninhabitable residential premises. (1) A**  
22 **residential premises is deemed uninhabitable if:**

23 **(b) It substantially lacks any of the following characteristics:**

24 **(XI) Locks on all exterior doors and locks or security devices on**  
25 **windows designed to be opened that are maintained in good working**  
26 **order; or**

27 **(XII) Compliance with all applicable building, housing, and health**

1 codes, the violation of which would constitute a condition that materially  
2 interferes with the life, health, or safety of the tenant; OR

3 (XIII) REMEDIATION IN COMPLIANCE WITH ARTICLE 18.5 OF TITLE  
4 25 IF THE PROPERTY WAS USED AS AN ILLEGAL DRUG LABORATORY, AS  
5 DEFINED IN SECTION 25-18.5-101 (8).

6 **SECTION 8.** In Colorado Revised Statutes, 38-35.7-103, **amend**  
7 **(4) and (5)** as follows:

8 **38-35.7-103. Disclosure - methamphetamine laboratory.** (4) If  
9 the seller becomes aware that the property was an illegal drug laboratory,  
10 **and** remediates the property in accordance with the standards established  
11 by section 25-18.5-102, ~~C.R.S.~~, and receives certificates of compliance  
12 under section 25-18.5-102 (1)(e), ~~C.R.S.~~, then:

13 (a) The seller ~~shall not be~~ IS NOT required to disclose that the  
14 property was used as a methamphetamine laboratory to a buyer; and

15 (b) FIVE YEARS AFTER RECEIVING THE CERTIFICATES OF  
16 COMPLIANCE, the property is no longer ~~eligible for inclusion in any~~  
17 ~~government-sponsored informational service~~ INCLUDED IN THE DATABASE  
18 listing properties that have been used for the production of  
19 methamphetamine IN ACCORDANCE WITH SECTION 25-18.5-106 (3).

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

25 **SECTION 9.** **Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant  
2 to section 1 (3) of article V of the state constitution against this act or an  
3 item, section, or part of this act within such period, then the act, item,  
4 section, or part will not take effect unless approved by the people at the  
5 general election to be held in November 2024 and, in such case, will take  
6 effect on the date of the official declaration of the vote thereon by the  
7 governor.

8 (2) This act applies to properties decontaminated on or after the  
9 applicable effective date of this act.