

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5798**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 12103 (MCL 333.12103), as amended by 1985 PA
17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12103. (1) The department **OF ENVIRONMENTAL QUALITY** shall
2 serve as the environmental health agency for this state to
3 facilitate a uniform approach to environmental health by the
4 various public and private entities involved in that field and
5 shall:
6 (a) Advise the governor, boards, commissions, and state
7 agencies on matters of the environment as those matters affect the
8 health of the people of this state.

1 (b) Cooperate with and provide environmental health resource
2 support to state and local health planning agencies and other
3 state, district, and local agencies mandated by law or otherwise
4 designated to develop, maintain, or administer state and local
5 health programs and plans, and other public and private entities
6 involved in environmental health activities.

7 (c) Develop and maintain the capability to monitor and
8 evaluate conditions which represent potential and actual
9 environmental health hazards, reporting its findings to appropriate
10 state departments and local jurisdictions, and to the public as
11 necessary.

12 (d) Provide an environmental health policy for the state and
13 an environmental health services plan to include environmental
14 health activities of local health jurisdictions.

15 (e) Serve as the central repository and clearinghouse for the
16 collection, evaluation, and dissemination of data and information
17 on environmental health hazards, programs, and practices.

18 **(2) WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY**
19 **ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT OF COMMUNITY HEALTH,**
20 **IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY, SHALL**
21 **DEVELOP A CLEANUP OF CLANDESTINE DRUG LABS GUIDANCE DOCUMENT THAT**
22 **INCLUDES, BUT IS NOT LIMITED TO, DETAILED PROTOCOLS FOR THE**
23 **PRELIMINARY SITE ASSESSMENT, REMEDIATION, AND POST-CLEANUP**
24 **ASSESSMENT OF INDOOR ENVIRONMENTS AND STRUCTURES AND CLEANUP**
25 **CRITERIA BASED ON HUMAN HEALTH RISK THAT IS SIMILAR TO THE CLEANUP**
26 **CRITERIA DERIVED UNDER SECTION 20120A OF THE NATURAL RESOURCES AND**
27 **ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20120A, AND**

1 SHALL PROMULGATE RULES AND PROCEDURES NECESSARY TO IMPLEMENT
2 SUBSECTION (3). THE DEPARTMENT OF COMMUNITY HEALTH SHALL MAKE THE
3 GUIDANCE DOCUMENT AVAILABLE TO THE PUBLIC ON ITS WEBSITE AND, UPON
4 REQUEST FROM A LOCAL HEALTH DEPARTMENT, SHALL PROVIDE THAT LOCAL
5 HEALTH DEPARTMENT WITH A PHYSICAL COPY OF THE GUIDANCE DOCUMENT.

6 (3) WITHIN 48 HOURS OF DISCOVERING AN ILLEGAL DRUG
7 MANUFACTURING SITE, A STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL
8 NOTIFY THE LOCAL HEALTH DEPARTMENT AND THE DEPARTMENT OF COMMUNITY
9 HEALTH REGARDING THE POTENTIAL CONTAMINATION OF ANY PROPERTY OR
10 DWELLING THAT IS OR HAS BEEN THE SITE OF ILLEGAL DRUG
11 MANUFACTURING. THE STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL POST
12 A WRITTEN WARNING ON THE PREMISES STATING THAT POTENTIAL
13 CONTAMINATION EXISTS AND MAY CONSTITUTE A HAZARD TO THE HEALTH OR
14 SAFETY OF THOSE WHO MAY OCCUPY THE PREMISES. WITHIN 14 DAYS AFTER
15 RECEIPT OF THE NOTIFICATION UNDER THIS SUBSECTION OR AS SOON
16 THEREAFTER AS PRACTICALLY POSSIBLE, THE DEPARTMENT OF COMMUNITY
17 HEALTH, IN COOPERATION WITH THE LOCAL HEALTH DEPARTMENT, SHALL
18 REVIEW THE INFORMATION RECEIVED FROM THE STATE OR LOCAL LAW
19 ENFORCEMENT AGENCY, EMERGENCY FIRST RESPONDERS, OR HAZARDOUS
20 MATERIALS TEAM THAT WAS CALLED TO THE SITE AND MAKE A DETERMINATION
21 REGARDING WHETHER THE PREMISES ARE LIKELY TO BE CONTAMINATED AND
22 WHETHER THAT CONTAMINATION MAY CONSTITUTE A HAZARD TO THE HEALTH OR
23 SAFETY OF THOSE WHO MAY OCCUPY THE PREMISES. THE FACT THAT PROPERTY
24 OR A DWELLING HAS BEEN USED AS A SITE FOR ILLEGAL DRUG
25 MANUFACTURING SHALL BE TREATED BY THE DEPARTMENT OF COMMUNITY
26 HEALTH AS PRIMA FACIE EVIDENCE OF LIKELY CONTAMINATION THAT MAY
27 CONSTITUTE A HAZARD TO THE HEALTH OR SAFETY OF THOSE WHO MAY OCCUPY

House Bill No. 5798 as amended June 1, 2006

1 THOSE PREMISES. IF THE PROPERTY OR DWELLING, OR BOTH, IS DETERMINED
2 LIKELY TO BE CONTAMINATED UNDER THIS SUBSECTION, THE LOCAL HEALTH
3 DEPARTMENT OR THE DEPARTMENT OF COMMUNITY HEALTH SHALL ISSUE AN
4 ORDER REQUIRING THE PROPERTY OR DWELLING TO BE VACATED UNTIL THE
5 PROPERTY OWNER ESTABLISHES THAT THE PROPERTY IS DECONTAMINATED OR
6 THE RISK OF LIKELY CONTAMINATION CEASES TO EXIST. <<THE PROPERTY OWNER
MAY ESTABLISH THAT THE PROPERTY IS DECONTAMINATED BY SUBMITTING A WRITTEN
ASSESSMENT OF THE PROPERTY BEFORE DECONTAMINATION AND A WRITTEN
ASSESSMENT OF THE PROPERTY AFTER DECONTAMINATION, ENUMERATING THE STEPS
TAKEN TO RENDER THE PROPERTY DECONTAMINATED, AND A CERTIFICATION THAT THE
PROPERTY HAS BEEN DECONTAMINATED AND THAT THE RISK OF LIKELY
CONTAMINATION NO LONGER EXISTS TO THE ENFORCING AGENCY. THE PROPERTY OR
DWELLING SHALL REMAIN VACATED UNTIL THE ENFORCING AGENCY HAS REVIEWED AND
CONCURRED IN THE CERTIFICATION.>> AS USED IN THIS
7 SUBSECTION, "DWELLING" MEANS ANY HOUSE, BUILDING, STRUCTURE, TENT,
8 SHELTER, TRAILER OR VEHICLE, OR PORTION THEREOF, EXCEPT RAILROAD
9 CARS ON TRACKS OR RIGHTS-OF-WAY, WHICH IS OCCUPIED IN WHOLE OR IN
10 PART AS THE HOME, RESIDENCE, LIVING, OR SLEEPING PLACE OF 1 OR MORE
11 HUMAN BEINGS, EITHER PERMANENTLY OR TRANSIENTLY.