

**SUBSTITUTE FOR
SENATE BILL NO. 1113**

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 shall serve as the
2 environmental health agency for this state to facilitate a uniform
3 approach to environmental health by the various public and private
4 entities involved in that field and shall:

5 (a) Advise the governor, boards, commissions, and state
6 agencies on matters of the environment as those matters affect the
7 health of the people of this state.

8 (b) Cooperate with and provide environmental health resource
9 support to state and local health planning agencies and other

1 state, district, and local agencies mandated by law or otherwise
2 designated to develop, maintain, or administer state and local
3 health programs and plans, and other public and private entities
4 involved in environmental health activities.

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

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

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

16 (F) WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
17 ACT THAT ADDED THIS SUBDIVISION AND IN CONSULTATION WITH THE
18 DEPARTMENT OF ENVIRONMENTAL QUALITY, DEVELOP A CLEANUP OF
19 CLANDESTINE DRUG LABS GUIDANCE DOCUMENT THAT INCLUDES, BUT IS NOT
20 LIMITED TO, DETAILED PROTOCOLS FOR THE PRELIMINARY SITE ASSESSMENT,
21 REMEDIATION, AND POST-CLEANUP ASSESSMENT OF INDOOR ENVIRONMENTS AND
22 STRUCTURES AND PROMULGATE RULES AND PROCEDURES NECESSARY TO
23 IMPLEMENT SUBSECTION (2). THE DEPARTMENT SHALL MAKE THE GUIDANCE
24 DOCUMENT AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE AND,
25 UPON REQUEST FROM A LOCAL HEALTH DEPARTMENT, SHALL PROVIDE THAT
26 LOCAL HEALTH DEPARTMENT WITH A PHYSICAL COPY OF THE GUIDANCE
27 DOCUMENT.

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