## 2012R2276

| 1      | H. B. 4596   |
|--------|--|
| 2      |  |
| 3<br>4 | (By Delegates Howell, J. Miller, Storch and Savilla)                 |
| 5      | [Introduced February 17, 2012; referred to the                       |
| 6      | Committee on the Judiciary.]   |
| 7      |  |
| 8      |  |
| 9      |  |
| 10     | A BILL to amend and reenact $60A-11-3$ of the Code of West Virginia, |
| 11     | 1931, as amended, relating to the remediation of clandestine         |
| 12     | drug laboratories and disclosure of the existence of the same.       |
| 13     | Be it enacted by the Legislature of West Virginia:                   |
| 14     | That §60A-11-3 of the Code of West Virginia, 1931, as amended,       |
| 15     | be amended and reenacted to read as follows:                         |
| 16     | ARTICLE 11. CLANDESTINE DRUG LABORATORY REMEDIATION ACT.             |
| 17     | <pre>§60A-11-3. Remediation of clandestine drug laboratories;</pre>  |
| 18     | promulgation of legislative rules.                                   |
| 19     | (a) The Department of Health and Human Resources shall propose       |
| 20     | rules for legislative approval in accordance with the provisions of  |
| 21     | article three, chapter twenty-nine-a of this code to address, at a   |
| 22     | minimum, the following issues:                                       |
| 23     | (1) Establishment of scientific guidelines and numeric               |
| 24     | decontamination levels for the remediation of clandestine drug       |

1

1 laboratories;

2 (2) Establishment of a certification program for persons or
3 contractors who engage in the business of clandestine drug lab
4 remediation;

5 (3) Establishment of a licensure procedure whereby individuals 6 and businesses certified to do remediation of clandestine drug 7 laboratories obtain a license from the Department of Health and 8 Human Resources to do such work;

9 (4) Requiring licensed contractors to notify the Department of 10 Health and Human Resources prior to beginning any remediation 11 project;

12 (5) Setting forth certification procedures for the department 13 to certify that the completed remediation of the residential 14 property fully meets the scientific guidelines and numeric 15 decontamination levels set forth in the legislative rule; and

16 (6) Establishing requirements for property owners, sellers and 17 landlords to disclose the existence of any former clandestine 18 laboratory site or activity to any potential occupant of the 19 residential property: <u>Provided</u>, That when the clandestine drug 20 <u>laboratory has been confined to an outbuilding or to a mobile home</u> 21 <u>or trailer or other temporary structure upon a tract of real</u> 22 <u>property, the removal of such outbuilding, mobile home or trailer</u> 23 <u>or other temporary structure shall relieve the owner or vendor of</u> 24 such property of the requirement to disclose the prior existence of

2

1 such clandestine drug laboratory.

2 (b) Fees may be set by the legislative rule to be charged to 3 persons or contractors engaged in the business of clandestine drug 4 laboratory remediation for certification, licensing and 5 notification as required in this article.

NOTE: The purpose of this bill is to provide that removal of the structure in which a clandestine drug laboratory was situated relieves an owner of the responsibility to disclosure of the existence of the same.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.