

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 915**

FINAL READING

Introduced by Aguilar, 35; Bourne, 8; Combs, 32; Erdman, 47; Flood, 19; Friend, 10; Howard, 9; Mines, 18; Pahls, 31; Preister, 5; Stuthman, 22; Thompson, 14; Burling, 33; Smith, 48

Read first time January 5, 2006

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to define terms; to  
2 provide for standards and procedures for rehabilitation  
3 of clandestine drug lab sites; and to provide powers and  
4 duties.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of sections 1 to 4 of this act:

2           (1) Clandestine drug lab means any area where glassware,  
3 heating devices, or other equipment or precursors, solvents, or  
4 related articles or reagents are used to unlawfully manufacture  
5 methamphetamine;

6           (2) Contaminated property means an enclosed area of  
7 any property or portion thereof intended for human habitation or  
8 use which has been contaminated by chemicals, chemical residue,  
9 methamphetamine, methamphetamine residue, or other substances from  
10 a clandestine drug lab;

11           (3) Department means the Department of Health and Human  
12 Services Regulation and Licensure;

13           (4) Law enforcement agency has the meaning found in  
14 section 81-1401;

15           (5) Local public health department has the meaning found  
16 in section 71-1626;

17           (6) Methamphetamine means methamphetamine, its salts,  
18 optical isomers, and salts of its isomers; and

19           (7) Rehabilitate or rehabilitation means all actions  
20 necessary to ensure that contaminated property is safe for human  
21 habitation or use.

22           Sec. 2. A property owner with knowledge of a clandestine  
23 drug lab on his or her property shall report such knowledge and  
24 location as soon as practicable to the local law enforcement  
25 agency or to the Nebraska State Patrol. A law enforcement agency

1 that discovers a clandestine drug lab in the State of Nebraska  
2 shall report the location of such lab to the Nebraska State  
3 Patrol within thirty days after making such discovery. Such report  
4 shall include the date of discovery of such lab, the county  
5 where the property containing such lab is located, and a legal  
6 description of the property or other description or address of such  
7 property sufficient to clearly establish its location. As soon as  
8 practicable after such discovery, the appropriate law enforcement  
9 agency shall provide the Nebraska State Patrol with a complete  
10 list of the chemicals, including methamphetamine, its precursors,  
11 solvents, and related reagents, found at or removed from the  
12 location of such lab. Upon receipt, the Nebraska State Patrol shall  
13 promptly forward a copy of such report and list to the department,  
14 the Department of Environmental Quality, the municipality or county  
15 where the lab is located, the director of the local public health  
16 department serving such municipality or county, and the property  
17 owner or owners.

18           Sec. 3. (1) The local public health department serving  
19 the municipality or county where a clandestine drug lab has been  
20 discovered shall monitor the rehabilitation of any contaminated  
21 property at such location in accordance with standards and  
22 procedures established or approved by the department. The  
23 department shall adopt and promulgate rules and regulations to  
24 establish such standards and procedures no later than July 15,  
25 2007. Such procedures shall include deadlines for completion of

1 the various stages of rehabilitation and proper disposal of the  
2 contaminated property.

3 (2) A local public health department may charge and  
4 collect fees from the owner or owners of contaminated property  
5 to cover the costs directly associated with monitoring the  
6 rehabilitation of such property under this section as provided  
7 in rules and regulations of the department. A local public health  
8 department may contract with other local public health departments  
9 or other appropriate entities to assist in the monitoring of such  
10 rehabilitation. Upon the completion of such rehabilitation, the  
11 local public health department shall release the property for human  
12 habitation and commercial or other use in a timely manner.

13 (3) The owner or owners of contaminated property shall  
14 not permit the human habitation or use of such property until the  
15 rehabilitation of such property has been completed and the property  
16 has been released for such habitation or use under this section.  
17 An owner who knowingly violates this subsection may be subject to  
18 a civil penalty not to exceed one thousand dollars. The department  
19 shall enforce this subsection.

20 Sec. 4. Notwithstanding any other provision of law, if  
21 leased property contains a clandestine drug lab, an owner may  
22 terminate the lease agreement upon three days' written notice  
23 for the purpose of rehabilitating the contaminated property in  
24 accordance with the rules and regulations adopted and promulgated  
25 pursuant to section 3 of this act.