

SB 786

1 THE STATE SENATE  
2 Monday, February 24, 2003

3 Senate Bill No. 786  
4 As Amended

5 SENATE BILL NO. 786 - By: SHURDEN of the Senate and MILLER (Ray) of  
6 the House.

7 [ controlled dangerous substances - manufacture - property  
8 to be inspected and cleaned - prohibiting occupancy -  
9 emergency ]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-560, is  
12 amended to read as follows:

13 Section 2-560. Any person who engages in manufacturing any  
14 controlled dangerous substance within two thousand (2,000) feet of  
15 the real property comprising a family child care home, a child care  
16 center, a large family child care home or part-day child care  
17 program, as those terms are defined by Section 402 of Title 10 of  
18 the Oklahoma Statutes, shall be liable for treble damages for any  
19 loss or harm caused thereby and for any costs of cleanup and  
20 inspection resulting from any substance or residue found in any  
21 property used to manufacture any controlled dangerous substance.

22 All property used to manufacture methamphetamine shall be  
23 prohibited from being occupied, rented, or sold until such property  
24 is cleaned and inspected for contamination. The State Department of  
25 Health and the Oklahoma State Bureau of Narcotics and Dangerous

1 Drugs Control shall each assess the extent of contamination by  
2 performing independent inspections. The Bureau shall clean the  
3 property and the defendant, if any, shall pay all associated costs  
4 as ordered by the court. The inspection and clean up shall include,  
5 but not be limited to:

6 1. Determining if the property was used for methamphetamine  
7 production, and the list of any chemicals that may have been used;

8 2. Airing out the property before and during cleanup;

9 3. Removing all unnecessary, visibly contaminated or odor  
10 saturated items and disposing of such items, including furnishings,  
11 wall coverings, carpet or floor coverings, and other contaminated  
12 items, unless such items can be appropriately cleaned and  
13 decontaminated;

14 4. Cleaning all surfaces using methods for proper  
15 decontamination and using appropriate personal protection;

16 5. Cleaning ventilation systems;

17 6. Cleaning or checking water, plumbing and waste systems;

18 7. Perform a toxicology inspection and sufficient testing for  
19 air quality and toxic chemical contamination on significant surfaces  
20 that may come in contact with children or other persons;

21 8. Check for contamination of adjacent dwellings, buildings,  
22 soil, and storage areas; and

1        9. Perform hazardous waste decontamination of the entire  
2 structure based upon toxicology testing and chemicals detected.

3        If any mercury or lead substances were used or suspected of  
4 being used in the production of methamphetamine or any controlled  
5 dangerous substance, the property shall be tested for soil and  
6 groundwater contamination in addition to complete structural  
7 decontamination.

8        Upon the proper cleanup and decontamination of any property used  
9 to manufacture a controlled dangerous substance, the State  
10 Department of Health shall issue a certificate of inspection when  
11 the property is suitable for occupancy.

12        SECTION 2. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-19-03 - DO  
17 PASS, As Amended and Coauthored.