

SENATE BILL No. 1112

March 2, 2006, Introduced by Senators BIRKHOLZ, GEORGE, HARDIMAN, CROPSEY, JELINEK, STAMAS, KUIPERS, HAMMERSTROM, GOSCHKA, GARCIA, CASSIS, BROWN, PATTERSON, VAN WOERKOM, ALLEN and GILBERT and referred to the Committee on Health Policy.

A bill to amend 1917 PA 167, entitled
 "Housing law of Michigan,"
 by amending section 85a (MCL 125.485a), as added by 2003 PA 307.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 85a. (1) A state or local law enforcement agency shall
 2 notify the enforcing agency and the department of ~~environmental~~
 3 ~~quality~~ **COMMUNITY HEALTH** regarding the potential contamination of
 4 any property or dwelling that is or has been the site of illegal
 5 drug manufacturing. The state or local law enforcement agency shall
 6 post a written warning on the premises stating that potential
 7 contamination exists and may constitute a hazard to the health or
 8 safety of those who may occupy the premises.

1 (2) Within 14 days after receipt of the notification under
2 subsection (1) or as soon thereafter as practically possible, the
3 department of ~~environmental quality~~ **COMMUNITY HEALTH**, in
4 cooperation with the enforcing agency, shall review the information
5 received from the state or local law enforcement agency, emergency
6 first responders, or hazardous materials team that was called to
7 the site and make a determination regarding whether the premises
8 are likely to be contaminated and whether that contamination may
9 constitute a hazard to the health or safety of those who may occupy
10 the premises. The fact that property or a dwelling has been used as
11 a site for illegal drug manufacturing shall be treated by the
12 department of ~~environmental quality~~ **COMMUNITY HEALTH** as prima
13 facie evidence of likely contamination that may constitute a hazard
14 to the health or safety of those who may occupy those premises.

15 (3) If the property or dwelling, or both, is determined likely
16 to be contaminated under subsection (2), the enforcing agency shall
17 issue an order requiring the property or dwelling to be vacated
18 until the property owner establishes that the property is
19 decontaminated or the risk of likely contamination ceases to exist.

20 (4) The department of ~~environmental quality~~ **COMMUNITY HEALTH**
21 shall promulgate rules and procedures necessary to implement this
22 section.

23 (5) Nothing in this section precludes a local health
24 department from exercising its powers or duties under this act or
25 the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
26 However, if there is a determination under subsection (2) that is
27 contrary to an order made by a local health department, then the

1 determination made under subsection (2) takes precedence.