

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 648

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
(MCL 125.401 to 125.543) by adding section 85a.

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 regarding the potential contamination of any property or
4 dwelling that is or has been the site of illegal drug
5 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.

9 (2) Within 14 days after receipt of the notification under
10 subsection (1) or as soon thereafter as practically possible, the
11 department of environmental quality, in cooperation with the

1 enforcing agency, shall review the information received from the
2 state or local law enforcement agency, emergency first
3 responders, or hazardous materials team that was called to the
4 site and make a determination regarding whether the premises are
5 likely to be contaminated and whether that contamination may
6 constitute a hazard to the health or safety of those who may
7 occupy the premises. The fact that property or a dwelling has
8 been used as a site for illegal drug manufacturing shall be
9 treated by the department of environmental quality as prima facie
10 evidence of likely contamination that may constitute a hazard to
11 the health or safety of those who may occupy those premises.

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

18 (4) The department of environmental quality shall promulgate
19 rules and procedures necessary to implement this section.

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

26 Enacting section 1. This amendatory act takes effect April
27 1, 2004.