

SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1112

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~~ **WITHIN 48 HOURS OF DISCOVERING AN ILLEGAL**  
2 **DRUG MANUFACTURING SITE, A** state or local law enforcement agency  
3 shall notify the enforcing agency, **THE LOCAL HEALTH DEPARTMENT IF**  
4 **THE ENFORCING AGENCY IS NOT THE LOCAL HEALTH DEPARTMENT,** and the  
5 department of ~~environmental quality~~ **COMMUNITY HEALTH** regarding  
6 the potential contamination of any property or dwelling that is or  
7 has been the site of illegal drug manufacturing. The state or local  
8 law enforcement agency shall post a written warning on the premises  
9 stating that potential contamination exists and may constitute a

1 hazard to the health or safety of those who may occupy the  
2 premises.

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

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

22 **THE PROPERTY OWNER MAY ESTABLISH THAT THE PROPERTY IS**  
23 **DECONTAMINATED BY SUBMITTING A WRITTEN ASSESSMENT OF THE PROPERTY**  
24 **BEFORE DECONTAMINATION AND A WRITTEN ASSESSMENT OF THE PROPERTY**  
25 **AFTER DECONTAMINATION, ENUMERATING THE STEPS TAKEN TO RENDER THE**  
26 **PROPERTY DECONTAMINATED, AND A CERTIFICATION THAT THE PROPERTY HAS**  
27 **BEEN DECONTAMINATED AND THAT THE RISK OF LIKELY CONTAMINATION NO**

1 LONGER EXISTS TO THE ENFORCING AGENCY. THE PROPERTY OR DWELLING  
2 SHALL REMAIN VACATED UNTIL THE ENFORCING AGENCY HAS REVIEWED AND  
3 CONCURRED IN THE CERTIFICATION.

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

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