

SUBSTITUTE FOR  
HOUSE BILL NO. 5797

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  
10 hazard to the health or safety of those who may occupy the

1 premises.

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

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

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

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

- 1 contrary to an order made by a local health department, then the
- 2 determination made under subsection (2) takes precedence.