

House Bill 802

By: Representatives Coan of the 101st, Neal of the 1st, Everson of the 106th, Collins of the 27th, and Jones of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to provide for quarantining and certified clean up of sites where
3 methamphetamine was unlawfully manufactured; to define certain terms; to provide for
4 notices of quarantine and the filing thereof in the offices of clerks of superior courts; to
5 provide for lists of persons authorized to perform testing, clean up, and certify fitness of
6 previously quarantined property; to provide for filing of certificates of fitness in the offices
7 of clerks of superior courts; to provide for lifting of quarantines; to provide for a registry of
8 quarantined properties and the removal of properties from such list; to provide for continued
9 applicability of other provisions of said chapter; to provide for rules and regulations; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
14 management, is amended by adding a new article to read as follows:

15 "ARTICLE 10

16 12-8-220.

17 As used in this article, the term:

18 (1) 'Board' means the Board of Natural Resources.

19 (2) 'Director' means the director of the division.

20 (3) 'Division' means the Environmental Protection Division of the department.

12-8-221.

(a) The purpose of the quarantine provided for in this Code section is to protect the public health and welfare by preventing the exposure of persons to the hazards associated with methamphetamine and the chemicals associated with the manufacture of methamphetamine.

(b) Any property or any structure or room in any structure on any property wherein the manufacture of methamphetamines in violation of Code Section 16-13-31 occurs or has occurred may be quarantined by the local law enforcement agency having jurisdiction where such property is located. The local law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined and, to the extent they can be reasonably identified, for notifying all parties having any right, title, or interest in the quarantined property, including, but not limited to, any lienholders.

(c)(1) Any person who has an interest in property quarantined pursuant to this Code section may file a petition in the superior court of the county in which the property is located. Such a petition shall be for the purpose of requesting that the court order the quarantine of such property be lifted for one of the following reasons:

(A) The property was wrongfully quarantined; or

(B) The property has been properly cleaned and all hazardous materials removed, and it is now safe for human use, but the local law enforcement agency that imposed the quarantine refuses to lift it.

(2) The court shall take such proof as it deems necessary to rule upon a petition filed pursuant to this section and, after hearing such proof, may grant the petition and lift the quarantine or deny the petition and maintain the quarantine.

(d) Any person who knowingly and willfully inhabits quarantined property, offers such property to the public for temporary or indefinite habitation, or removes any signs or notices of such quarantine shall be guilty of a misdemeanor.

12-8-222.

The director shall compile and maintain a list of persons who are certified industrial hygienists in accordance with Chapter 21A of Title 43 who are qualified by the director for purposes of this article. Such persons shall be authorized to test properties in which a process intended to result in the manufacture of methamphetamines has occurred in violation of Code Section 16-13-31 to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. The director shall also compile and maintain a list of persons authorized to perform clean up of property where

such a process has occurred. Such lists shall be posted on a website maintained by the department.

12-8-223.

Once a property has been quarantined, any party having a right, title, or interest in the quarantined property, including but not limited to any lienholders, may contact a certified industrial hygienist qualified by the director to perform appropriate testing on such property to determine whether hazardous waste is present or a contractor from the list maintained by the director for clean up and removal of all hazardous waste from such property. The property shall remain quarantined until a certified industrial hygienist named on the director's list compiled pursuant to Code Section 12-8-222 certifies to the quarantining law enforcement agency that the property is safe for human use.

12-8-224.

(a) Whenever any real property or any structure or room in any structure on any real property is quarantined by a local law enforcement agency pursuant to Code Section 12-8-221 due to the manufacture of methamphetamine, an officer of the local law enforcement agency quarantining the property shall file a signed and notarized notice of methamphetamine lab quarantine in the office of the clerk of superior court in the county in which the real property or any portion of the real property lies. The clerk of court shall record such notice in the record series containing the title deeds and shall index the notice with the owner or owners of the real property as the grantor and with the local law enforcement agency giving the notice as the grantee. No fee shall be collected for this filing.

(b) A notice in a form substantially as follows is sufficient to comply with subsection (a) of this Code section:

Notice of Methamphetamine Lab Quarantine:

Notice is hereby given that an illegal laboratory for the manufacture of methamphetamine was seized at the location described below on (date). This real property has been quarantined by (name of local law enforcement agency) pursuant to O.C.G.A. Section 12-8-221. This property shall remain quarantined until a certified industrial hygienist named on the list of the director of the Environmental Protection Division of the Department of Natural Resources pursuant to O.C.G.A. Section 12-8-222 certifies that the property is safe for human use.

Name of Property Owner or Owners:_____

Property Address:_____

Apartment or Unit Number (if applicable):_____

Description of Property Sufficient to Identify:_____

Name of Person and Agency Giving Notice:_____

Signature of Person Giving Notice Title/Position:_____

Date:_____

Notary Public:_____ (Seal)'

12-8-225.

(a) Whenever a certified industrial hygienist named on the director's list pursuant to Code Section 12-8-222 determines that the property quarantined pursuant to Code Section 12-8-221 is safe for human use, based upon the standards prescribed pursuant to this article, such person or entity shall issue a signed and notarized certificate of fitness.

(b) The owner or any person having any right, title, or interest in the real property, including, but not limited to, any lienholders, may file the certificate of fitness in the office of the clerk of superior court in the county in which the real property or any portion of the property lies. The clerk of court shall record such certificate in the record series containing the title deeds and shall index the certificate with the owner or owners of the real property as the grantee and the local law enforcement agency that issued the quarantine as grantor. The fee for such filing shall be as for notices and certificates pertaining to real estate in accordance Code Section 15-6-77.

(c) A form substantially as follows shall be sufficient to comply with subsection (a) of this Code section:

'Certificate of Fitness:

Notice is hereby given that the real property quarantined by (name of local law enforcement agency) pursuant to O.C.G.A. Section 12-8-221 at the location described below has been tested by a certified industrial hygienist named on the list of the director of the Environmental Protection Division of the Department of Natural Resources compiled pursuant to O.C.G.A. Section 12-8-222 and has been remediated by a person or entity authorized by the director pursuant to O.C.G.A. Section 12-8-222 to perform clean up of property used to manufacture methamphetamine.

I, the undersigned, hereby certify that the real property at this location is safe for human use pursuant to O.C.G.A. Section 12-8-222 in accordance with the rules and regulations of the Department of Natural Resources as currently are in effect.

Name of Property Owner or Owners:_____

Property Address:_____

Apartment or Unit Number (if applicable):_____

1 Description of Property Sufficient to Identify: _____
2 Name of Certified Industrial Hygienist: _____
3 Signature of Certified Industrial Hygienist: _____
4 Date: _____
5 Notary Public: _____ (Seal)'

6 12-8-226.

7 (a) Within seven days of issuing an order of quarantine, the local law enforcement agency
8 that issued the order shall transmit to the director at least the following information
9 regarding the site:

10 (1) The date of the quarantine order;

11 (2) The county in which the site is located;

12 (3) The address of the site;

13 (4) The name of the owner of the site; and

14 (5) A brief description of the site, such as single family home, apartment, motel, wooded
15 area, or other type of structure or use.

16 (b) The director shall maintain a registry of all properties reported by a local law
17 enforcement agency that have been under order of quarantine for at least 60 days. The
18 registry shall be available for public inspection at the division and shall be posted on the
19 department's website. Listed properties shall be removed from the registry when a local
20 law enforcement agency reports that the quarantine has been lifted in accordance with this
21 article.

22 12-8-227.

23 Nothing in this article shall relieve any person who has an interest in property quarantined
24 pursuant to this article from any other applicable obligations imposed under this chapter.

25 12-8-228.

26 The board may promulgate rules and regulations concerning the inspection, testing, and
27 quarantine of property affected by this article."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.