

Legislative Analysis



DRUG MANUFACTURING SITE: DCH

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Senate Bill 1112 (Substitute H-1)
Sponsor: Sen. Patricia L. Birkholz
House Committee: Health Policy
Senate Committee: Health Policy

First Analysis (5-15-06)

BRIEF SUMMARY: The bill would transfer responsibility for determining if an illegal drug manufacturing site is contaminated from the DEQ to the DCH.

FISCAL IMPACT: Senate Bill 1112 has fiscal implications for the Department of Community Health. An analysis of the fiscal impact is detailed below.

THE APPARENT PROBLEM:

The illegal manufacture of the drug known as "meth" or "crystal meth" continues to be problematic. Just 10 years ago, only six meth labs were found in the state; last year, the number rose to over 260. Several new laws have been enacted recently to make it more difficult to obtain a key pharmaceutical ingredient, and the legislature is currently considering several more pieces of legislation to address other problems associated with meth manufacture and use.

One of the problems associated with meth production is the toxic mess that is left behind. Production of meth releases toxic fumes and contaminates the area where leftover chemicals are disposed. Reportedly, for every pound of meth produced, six to seven pounds of toxic waste are also produced. Since meth can be made almost anywhere – the beach, a motel room, a rented storage unit, or the house next door – innocent people can suffer health effects from the chemicals left behind that linger on walls, floors, bedding, sand, etc. Hazmat teams must be called out to detoxify abandoned labs and surrounding areas.

Currently, though the Department of Community Health regulates the manufacture, possession, and sale of drugs in the state, and provides oversight in many areas regarding the public health and safety of residents, the Department of Environment Quality is charged under the Housing Code to determine whether an illegal drug manufacturing site is contaminated and whether that contamination constitutes a hazard to the health and safety of occupants of that site. Some believe that it would be more fitting for the Department of Community Health to be making that determination.

THE CONTENT OF THE BILL:

Senate Bill 1112 would amend the Housing Law of Michigan (MCL 125.485a) to require state and local law enforcement agencies, within 48 hours of discovering an illegal drug manufacturing site, to notify the Department of Community Health — rather than the Department of Environmental Quality — and the local health department (if the enforcing agency is not the local health department), about the potential contamination of property

where illegal drug manufacturing has occurred. (The appropriate housing law enforcing agency also must be notified.) Subsequent duties that now fall to the DEQ in the statute would be imposed on the DCH.

The bill is identical to House Bill 5797 as passed by the House.

HOUSE COMMITTEE ACTION:

A 48-hour timeline within which a law enforcement agency must make the required notifications after discovering an illegal drug manufacturing site was added to the bill.

FISCAL INFORMATION:

The responsibilities transferred to the Department of Community Health (DCH) from the Department of Environmental Quality by Senate Bill 1112 will require staff time. Annual expenses for one additional state level program specialist staff person would be approximately \$90,000-\$100,000. Hundreds of methamphetamine laboratories are seized annually. The Department of State Police indicates that in 2005, 261 methamphetamine laboratories were seized.

The Department of Environmental Quality will continue to receive and assess notifications of other types of environmental contamination; therefore, a reduction of costs is not anticipated for DEQ as a consequence of SB 1112.

ARGUMENTS:

For:

The bill would merely transfer the responsibility for determining whether an illegal drug manufacturing site was likely to contain contamination and whether that contamination posed a health and safety threat to nearby residents from the DEQ to the DCH. It would also fall to the DCH under the bill to promulgate rules and procedures necessary to implement that portion of law. Since the department already regulates the sale, possession, and manufacture of drugs, and oversees over threats to the public health and safety, it is more fitting that DCH, rather than the DEQ, take over responsibility regarding possible contamination at drug manufacturing sites.

POSITIONS:

The Michigan Department of Community Health earlier supported a virtually identical bill, House Bill 5797. (3-29-06)

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