



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

HEALTH AND SAFETY CODE - HSC

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007] (*Division 20 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 6.9.1. Methamphetamine or Fentanyl Contaminated Property Cleanup Act [25400.10 - 25400.47] (*Heading of Chapter 6.9.1 amended by Stats. 2019, Ch. 691, Sec. 1.*)

ARTICLE 1. General Provisions [25400.10 - 25400.12] (*Heading of Article 1 amended by Stats. 2019, Ch. 691, Sec. 2.*)

25400.10. (a) The Legislature finds and declares all of the following:

- (1) Methamphetamine use and production are growing throughout the state. Properties may be contaminated by hazardous chemicals used or produced in the manufacture of methamphetamine where those chemicals remain and where the contamination has not been remediated.
- (2) Initial cleanup actions may be limited to the removal of bulk hazardous materials and associated glassware that pose an immediate threat to public health and the environment. Where methamphetamine production has occurred, significant levels of contamination may be found throughout residential properties if the contamination is not remediated.
- (3) Once methamphetamine laboratories have been closed, the public may be harmed by the materials and residues that remain.
- (4) There is no statewide standardization of standards for determining when a site of a closed methamphetamine laboratory has been successfully remediated.
- (5) Fentanyl use and production are growing throughout the state. Properties may be contaminated by hazardous chemicals used or produced in the manufacture of fentanyl where those chemicals remain and where the contamination has not been remediated.
- (6) Initial cleanup actions of fentanyl contaminated property may be limited to the removal of bulk hazardous materials and associated glassware that pose an immediate threat to public health and the environment. Where fentanyl production has occurred, significant levels of contamination may be found throughout residential properties if the contamination is not remediated.
- (7) Once fentanyl laboratories have been closed, the public may be harmed by the materials and residues that remain. Skin absorption is a possible route of exposure and elevates the risk to public health.
- (8) There are no statewide standards for determining when the site of a closed fentanyl drug laboratory has been successfully remediated.

(b) This chapter shall be known, and may be cited as, the "Methamphetamine or Fentanyl Contaminated Property Cleanup Act."
(*Amended by Stats. 2019, Ch. 691, Sec. 3. (AB 1596) Effective January 1, 2020.*)

25400.11. For purposes of this chapter, the following definitions shall apply:

- (a) "Authorized contractor" means a person who has been trained or received other qualifications pursuant to Section 25400.40.
- (b) "Contaminated" or "contamination" means property polluted by a hazardous chemical related to methamphetamine or fentanyl laboratory activities.
- (c) "Controlled substance" has the same meaning as defined in Section 11007.
- (d) "Decontamination" means the process of reducing the level of a known contaminant to a level that is deemed safe for human reoccupancy, as established pursuant to Section 25400.16 using currently available methods and processes.

(e) "Department" means the Department of Toxic Substances Control.

(f) "Designated local agency" means either of the following:

(1) A city or county agency designated by the local health officer to carry out all, or any portion of, responsibilities assigned to the local health officer as specified by this chapter. The local health officer may authorize any of the following to serve as a designated local agency:

(A) The Certified Unified Program or CUPA as certified pursuant to Chapter 6.11 (commencing with Section 25404), except in a jurisdiction where the state is acting as the CUPA pursuant to subdivision (f) of Section 25404.3.

(B) The fire department or environmental health department.

(C) The local agency responsible for enforcement of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13).

(2) For property specified in paragraph (2) of subdivision (v), notwithstanding Section 18300, the city or county agency specified in paragraph (1) authorized by the local health officer in that jurisdiction.

(g) "Disposal of contaminated property" means the disposal of property that is a hazardous waste in accordance with Chapter 6.5 (commencing with Section 25100).

(h) "Fentanyl" means fentanyl, an analog of fentanyl that is a fentanyl-related controlled substance, and any chemical structure modification to fentanyl or a fentanyl analog, including, but not limited to, its isomers, esters, ethers, and salts.

(i) "Fentanyl laboratory activity" means the illegal manufacturing or storage of fentanyl. This shall include manufacturing, compounding, converting, producing, deriving, processing, or preparing, either directly or indirectly by chemical extraction, pill pressing, distribution, cutting, diluting, synthesis, or other activity that has the potential to contaminate the property with fentanyl or any of its precursors.

(j) "Hazardous chemical" means a chemical that is determined by the local health officer to be toxic, carcinogenic, explosive, corrosive, or flammable that was used in the manufacture or storage of methamphetamine that is prohibited by Section 11383 or fentanyl.

(k) "Illegal methamphetamine or fentanyl manufacturing or storage site" or "site" means property where a person manufactures methamphetamine or fentanyl or stores a hazardous chemical used in connection with the manufacture of methamphetamine or fentanyl.

(l) "Local health officer" means either of the following:

(1) Except as provided in paragraph (2), a county health officer, a city health officer, or an authorized representative of that local health officer.

(2) In the case of property specified in paragraph (2) of subdivision (v), an authorized representative of the designated agency specified in paragraph (2) of subdivision (f).

(m) "Manufactured home" means both of the following:

(1) "Manufactured home," as defined in Section 18007.

(2) "Multiunit manufactured housing," as defined in Section 18008.7.

(n) "Methamphetamine laboratory activity" means the illegal manufacturing or storage of methamphetamine.

(o) "Mobilehome" has the same meaning as defined in Section 18008.

(p) "Mobilehome park" means both of the following:

(1) "Mobilehome park," as defined in Section 18214 or 18214.1.

(2) "Manufactured housing community," as defined in Section 18801.

(q) "Office" means the Office of Environmental Health Hazard Assessment.

(r) "Posting" means attaching a written or printed announcement conspicuously on property that is determined to be contaminated by a methamphetamine or fentanyl laboratory activity or the storage of methamphetamine, fentanyl, or a hazardous chemical.

(s) "Preliminary site assessment work plan" or "PSA work plan" means a plan to conduct activities to determine the extent and level of contamination of an illegal methamphetamine or fentanyl manufacturing or storage site and that is prepared in accordance with the requirements of Section 25400.36.

(t) "Preliminary site assessment" or "PSA" means the activities taken to determine the extent and level of contamination of an illegal methamphetamine or fentanyl manufacturing or storage site that are conducted in accordance with an approved PSA work plan.

(u) "Preliminary site assessment report" or "PSA report" means a determination that the levels of contamination at an illegal methamphetamine or fentanyl manufacturing or storage site require remediation, including a recommendation for the remedial actions required for the site to meet human occupancy standards, and that is prepared in accordance with Section 25400.37.

(v) (1) "Property" means a parcel of land, structure, or part of a structure where the manufacture of methamphetamine or fentanyl or storage of methamphetamine, fentanyl, or a hazardous chemical occurred.

(2) "Property" also includes any of the following where the manufacture of methamphetamine or fentanyl or storage of methamphetamine, fentanyl, or a hazardous chemical occurred:

(A) A mobilehome park.

(B) A mobilehome or manufactured home located in a mobilehome park or special occupancy park, or a recreational vehicle sited in a mobilehome park or special occupancy park, including any accessory building or structure under the ownership or control of the owner of the manufactured home, mobilehome, or recreational vehicle sited in the mobilehome park or special occupancy park.

(C) A special occupancy park.

(3) If a mobilehome or manufactured home is not located in a mobilehome park or special occupancy park, then paragraph (1) is applicable to that mobilehome or manufactured home.

(w) (1) "Property owner" means a person owning property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action, and who is responsible for the remediation of the property pursuant to this chapter.

(2) "Owner," for purposes of a mobilehome park, means the owner of the real property on which the mobilehome park is located.

(3) "Owner," for purposes of a special occupancy park, means the owner of the real property on which the special occupancy park is located.

(x) "Recreational vehicle" has the same meaning as defined in Section 18010, but only if that vehicle is sited in a mobilehome park or special occupancy park.

(y) "Special occupancy park" has the same meaning as defined in Section 18862.43.

(z) "Storage site" means any property used for the storage of a hazardous chemical, methamphetamine, or fentanyl.

(aa) "Vehicle license stop" means the Department of Motor Vehicles is prohibited from renewing the registration of a vehicle, or from allowing the transfer of any title to, or interest in, that vehicle.

(ab) "Warning" means a sign posted by the local health officer conspicuously on property where methamphetamine or fentanyl was manufactured or stored, informing occupants that hazardous chemicals exist on the premises and that entry is unsafe.

(Amended by Stats. 2019, Ch. 691, Sec. 4. (AB 1596) Effective January 1, 2020.)

25400.12. Any term not defined expressly by this article shall have the same meaning as defined in Part 2 (commencing with Section 78000) of Division 45.

(Amended by Stats. 2022, Ch. 258, Sec. 89. (AB 2327) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 130 of Stats. 2022, Ch. 258.)