

At a Glance: Common Themes Addressed Regarding Properties Where Controlled Substance Laboratories are Found

Theme	AK	AZ	AR	CA	CO	HI	ID	IL	IN	IA	MD	MI	MN	MO	MT	NE	NV	NH	NY	NC	ND	OH	OK	OR	PA	SC	SD	TN	TX	UT	VA	WA	WV			
* Notice	✓	✓		✓	✓		✓					✓	✓						✓	✓	✓			✓				✓			✓		✓			
◆ Posting	✓	✓		✓			✓					✓	✓							✓				✓				✓				✓				
Registry/Database Accessible to Public ☹	✓	✓	✓	✓			✓			✓		✓	✓		✓									✓				✓			✓		✓			
Removal from Registry/Database	✓		✓	✓			✓			✓					✓									✓				✓		✓						
Disclosure Required by Seller, Lessor or Transferor	✓	✓		✓	✓								✓	✓	✓	✓	✓	✓						✓	✓			✓					✓			
Restrictions on Property	✓	✓		✓	✓		✓					✓	✓			✓				✓				✓				✓					✓			
Exceptions to Restrictions	✓	✓			✓																			✓										✓		
Affirmative Defenses	✓																																			
Cleanup Contractor Requirements	✓	✓	✓	✓									✓		✓									✓				✓		✓			✓			
Feasibility-Based Standard	✓	✓	✓	✓	✓		✓						✓		✓	✓?		✓?		✓				✓				✓		✓			✓			
Demolition in Lieu of Cleanup		✓		✓	✓		✓						✓											✓										✓		
Property Owner Liability		✓		✓									✓		✓					✓				✓										✓		
Property Owner Immunity					✓		✓								✓		✓							✓												
Fitness for Use/No Further Action Determination	✓	✓		✓	✓								✓			✓								✓				✓		✓			✓			
Restitution by Defendant		✓		✓	✓	✓		✓	✓	✓	✓		✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cleanup Funding (Other)		✓		✓				✓					✓	✓		✓								✓			✓							✓		

KEY:

* As used here, “Notice” generally refers to members of law enforcement, the state department of health, the state environmental quality department or other such first responders as required by law to notify the property owner and others of the discovery of property/vehicles contaminated by controlled substances (clandestine drug laboratories, meth labs, etc...).

◆ As used here, “Posting” generally refers to the requirement that members of law enforcement, the state department of health, the state environmental quality department or other such first responders cause the posting of a sign stating that a property has been identified as a clandestine drug laboratory, meth lab, contaminated by controlled substances, etc... on the property/vehicle.

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⌘ For purposes of this chart, liens are included in the “Registry/Database Accessible to the Public” category since a title search of public records can reveal said defect (in most instances). This category has been separated out in the manner listed below because liens have legal and financial consequences that general registries/databases do not have under state law. The symbols used in this category should be read with the following in mind:

- A (✓) indicates that the state requires that a general registry/database of contaminated properties/vehicles be made available to the public.
- The use of the (✓ +L) indicates that the state **also** places a lien against the property/vehicle in addition to having a general registry/database of contaminated properties available to the public.
- The use of ✓(L) indicates that the state’s registry/database **is in the form of a lien** against the property/vehicle only; there is no general registry/database of contaminated areas.
- ✓? The state of Nebraska must establish a standard no later than July 15, 2007. Per L.B. 915, 99th Leg., 2nd Reg. Sess., Sec. 3(2) (Ne. 2006)(enacted), “The local public health department serving the municipality or county where a clandestine drug lab has been discovered shall monitor the rehabilitation of any contaminated property at such location in accordance with standards and procedures established or approved by the department. The department shall adopt and promulgate rules and regulations to establish such standards and procedures no later than July 15, 2007. Such procedures shall include deadlines for completion of the various stages of rehabilitation and proper disposal of the contaminated property.”
- ✓? The state of New Hampshire does not currently have a cleanup standard. However, per N.H. REV. STAT. ANN. § 477:4-g.II (2006), “The department of environmental services or any licensed environmental or hazardous substances removal specialist shall be responsible for determining that any property on which methamphetamine production has occurred, meets remediation cleanup standards established pursuant to rules adopted by the department under RSA 541-A. Prior to the establishment of rules, the determination shall be based on the best scientific methods available. The determination that the property meets remediation cleanup standards shall be public information available upon request from the department.”