

Senate Bill 391

Sponsored by Senator BENTZ (at the request of Marty Justus) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires contractor licensed to conduct illegal drug manufacturing decontamination work to report property that contractor knows or has reasonable grounds to believe was used for illegal drug manufacturing and that has not been evaluated for fitness of use.

Prohibits person from performing work to decontaminate property that person knows or has reasonable grounds to believe was used as illegal drug manufacturing site unless person is licensed to perform decontamination work by Oregon Health Authority.

Authorizes authority to deny, suspend or revoke decontamination contractor license for failure to comply with reporting and licensing requirements. Authorizes authority to, in addition to denial, suspension or revocation, impose civil penalty not to exceed \$500.

A BILL FOR AN ACT

1 Relating to illegal drug manufacturing sites; creating new provisions; and amending ORS 453.888.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS 453.855**
4 **to 453.912.**

5 **SECTION 2. (1) A contractor licensed under ORS 453.888 shall make a report to the Di-**
6 **rector of the Oregon Health Authority or a designee thereof, the State Fire Marshal or a**
7 **designee thereof or any law enforcement agency if the contractor is contacted to perform**
8 **any manner of work on a property that the contractor knows or has reasonable grounds to**
9 **believe:**

10 **(a) Has been used as an illegal drug manufacturing site; and**

11 **(b) Has not been evaluated pursuant to ORS 453.876 for a determination that the property**
12 **is or is not fit for use.**

13 **(2) A contractor that makes a report regarding a property under subsection (1) of this**
14 **section may not perform work on the property until the property has been evaluated for a**
15 **determination under ORS 453.876.**

16 **SECTION 3. Except as provided in ORS 453.885, a person may not perform work to de-**
17 **contaminate a property that the person knows or has reasonable grounds to believe was used**
18 **as an illegal drug manufacturing site unless the person is licensed to perform decontam-**
19 **ination work by the Oregon Health Authority under ORS 453.888.**

20 **SECTION 4. ORS 453.888 is amended to read:**

21 **453.888. (1) The Oregon Health Authority by rule shall establish performance standards for**
22 **contractors under ORS [105.555, 431.175 and] 453.855 to 453.912.**

23 **(2) The authority shall train and test, or may approve courses to train and test, contractors'**
24 **personnel on the essential elements in assessing premises used as an illegal drug manufacturing site**
25 **to determine hazard reduction measures needed, techniques for adequately reducing contaminants,**
26 **use of personal protective equipment and relevant federal regulations and state rules.**
27

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) Upon the contractor’s supervisory personnel’s successful completion of the training and
2 testing and the contractor having complied with the rules of the authority and having paid the re-
3 quired fee, the contractor shall be licensed. Licenses are renewable biennially, as determined by rule
4 of the authority, upon supervisory personnel’s successful completion of any required refresher
5 course.

6 (4) The authority may deny, suspend or revoke the license of any contractor pursuant to ORS
7 chapter 183 for:

8 (a) Failing to:

9 (A) Perform decontamination work under the supervision of trained personnel;

10 (B) File a work plan;

11 (C) Perform work pursuant to the plan;

12 (D) Pay a civil penalty imposed under ORS 105.555, 431.175 and 453.855 to 453.912; [or]

13 (E) Perform work that meets the requirements of ORS 453.903; **or**

14 **(F) Comply with section 2 or 3 of this 2019 Act.**

15 (b) Committing fraud or misrepresentation in:

16 (A) Applying for a license;

17 (B) Seeking approval of a work plan; or

18 (C) Documenting completion of the work to the authority.

19 (5) The authority may impose a civil penalty not to exceed \$500, in addition to or in lieu of li-
20 cense denial, suspension or revocation, pursuant to ORS chapter 183.

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