

HOUSE BILL 917

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By: **Delegates M. Washington, Anderson, Conaway, Cullison, Donoghue,
A. Miller, B. Robinson, and Rudolph**

Introduced and read first time: February 7, 2013

Assigned to: Health and Government Operations and Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Property Used for Methamphetamine Production –**
3 **Disclosure and Quarantine**

4 FOR the purpose of requiring a certain residential property disclosure statement to
5 include certain information relating to whether the property has been used for
6 certain illegal drug production; requiring the Secretary of Health and Mental
7 Hygiene to maintain a certain list of certified industrial hygienists; authorizing
8 a local law enforcement agency to quarantine a certain property if the property
9 has been used for the production of methamphetamine; requiring a local law
10 enforcement agency that quarantines a property under this Act to post certain
11 signs, publish certain notice in a certain newspaper of general circulation, and
12 record certain notice in the land records; authorizing a certain person with a
13 right, a title, or an interest in quarantined property to file a certain petition to
14 request the quarantine be lifted; authorizing the circuit court to grant or deny a
15 certain petition; authorizing a certain person to contract with a certified
16 industrial hygienist to test or clean certain property; requiring certain property
17 to remain quarantined during certain testing or cleaning; authorizing a certified
18 industrial hygienist to certify that certain property is safe for human use and
19 habitation; authorizing a certain person to record a certain certification that a
20 property is safe for human use and habitation in the land records; prohibiting a
21 person from knowingly entering quarantined property, offering quarantined
22 property for habitation, or removing certain quarantine signs except under
23 certain circumstances; establishing certain penalties for certain violations;
24 authorizing the Secretary to adopt regulations necessary to carry out the
25 provisions of this Act; defining certain terms; and generally relating to property
26 used for methamphetamine production.

27 BY repealing and reenacting, with amendments,
28 Article – Real Property
29 Section 10–702(e)(2)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2012 Supplement)

3 BY adding to
4 Article – Real Property
5 Section 14–601 through 14–605 to be under the new subtitle “Subtitle 6.
6 Property Used for Methamphetamine Production”
7 Annotated Code of Maryland
8 (2010 Replacement Volume and 2012 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Real Property**

12 10–702.

13 (e) (2) The disclosure form shall include a list of defects, including latent
14 defects, or information of which the vendor has actual knowledge in relation to the
15 following:

16 (i) Water and sewer systems, including the source of household
17 water, water treatment systems, and sprinkler systems;

18 (ii) Insulation;

19 (iii) Structural systems, including the roof, walls, floors,
20 foundation, and any basement;

21 (iv) Plumbing, electrical, heating, and air conditioning systems;

22 (v) Infestation of wood–destroying insects;

23 (vi) Land use matters;

24 (vii) Hazardous or regulated materials, including asbestos,
25 lead–based paint, radon, underground storage tanks, and licensed landfills;

26 (viii) Any other material defects of which the vendor has actual
27 knowledge;

28 (ix) Whether the smoke detectors will provide an alarm in the
29 event of a power outage; **[and]**

30 (x) If the property relies on the combustion of a fossil fuel for
31 heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide
32 alarm is installed on the property; **AND**

1 (XI) WHETHER THE PROPERTY HAS BEEN USED FOR THE
2 PRODUCTION OF METHAMPHETAMINE, AS DEFINED IN § 14-601 OF THIS
3 ARTICLE, OR FOR ANY OTHER ILLEGAL DRUG PRODUCTION.

4 **SUBTITLE 6. PROPERTY USED FOR METHAMPHETAMINE PRODUCTION.**

5 **14-601.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “CERTIFIED INDUSTRIAL HYGIENIST” MEANS:

9 (1) A CERTIFIED INDUSTRIAL HYGIENIST, AS DEFINED BY THE
10 AMERICAN INDUSTRIAL HYGIENE ASSOCIATION; OR

11 (2) ANY OTHER PERSON CERTIFIED BY THE SECRETARY AS
12 QUALIFIED TO PERFORM THE SERVICES OF A CERTIFIED INDUSTRIAL
13 HYGIENIST.

14 (C) “METHAMPHETAMINE” MEANS METHAMPHETAMINE, ITS SALTS,
15 ISOMERS, AND SALTS OF ITS ISOMERS.

16 (D) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL
17 HYGIENE.

18 **14-602.**

19 (A) THE SECRETARY SHALL MAINTAIN A LIST OF CERTIFIED
20 INDUSTRIAL HYGIENISTS WHO:

21 (1) TEST PROPERTY THAT HAS BEEN USED FOR
22 METHAMPHETAMINE PRODUCTION TO DETERMINE WHETHER THE PROPERTY IS
23 SAFE FOR HUMAN USE AND HABITATION; OR

24 (2) CONDUCT CLEANING AND REMOVAL OF HAZARDOUS
25 MATERIALS FROM PROPERTY THAT HAS BEEN USED FOR METHAMPHETAMINE
26 PRODUCTION.

27 (B) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO CARRY
28 OUT THIS SUBTITLE.

1 **14-603.**

2 (A) A LOCAL LAW ENFORCEMENT AGENCY MAY QUARANTINE A
3 PROPERTY LOCATED IN THE COUNTY OR MUNICIPAL CORPORATION SERVED BY
4 THE LOCAL LAW ENFORCEMENT AGENCY IF THE PROPERTY HAS BEEN USED FOR
5 THE PRODUCTION OF METHAMPHETAMINE.

6 (B) IF A LOCAL LAW ENFORCEMENT AGENCY QUARANTINES A
7 PROPERTY UNDER THIS SECTION, THE LOCAL LAW ENFORCEMENT AGENCY
8 SHALL:

9 (1) POST CONSPICUOUS SIGNS ON THE PROPERTY INDICATING
10 THAT THE PROPERTY HAS BEEN QUARANTINED;

11 (2) PUBLISH NOTICE OF THE QUARANTINE IN A NEWSPAPER OF
12 GENERAL CIRCULATION IN EACH COUNTY IN WHICH ANY PART OF THE
13 PROPERTY IS LOCATED; AND

14 (3) RECORD NOTICE OF THE QUARANTINE IN THE LAND RECORDS
15 OF EACH COUNTY IN WHICH ANY PART OF THE PROPERTY IS LOCATED.

16 (C) (1) A PERSON WITH ANY RIGHT, TITLE, OR INTEREST IN
17 PROPERTY QUARANTINED UNDER THIS SECTION MAY FILE A PETITION IN THE
18 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED TO
19 REQUEST THE QUARANTINE BE LIFTED ON THE GROUNDS THAT:

20 (I) THE PROPERTY WAS WRONGFULLY QUARANTINED; OR

21 (II) THE PROPERTY HAS BEEN PROPERLY CLEANED, ALL
22 HAZARDOUS MATERIALS HAVE BEEN REMOVED FROM THE PROPERTY, AND THE
23 PROPERTY HAS BEEN CERTIFIED SAFE FOR HUMAN USE AND HABITATION BY A
24 CERTIFIED INDUSTRIAL HYGIENIST UNDER § 14-604(C) OF THIS SUBTITLE, BUT
25 THAT THE LOCAL LAW ENFORCEMENT AGENCY THAT QUARANTINED THE
26 PROPERTY REFUSES TO LIFT THE QUARANTINE.

27 (2) AFTER CONSIDERING EVIDENCE ON THE PETITION, THE
28 COURT MAY:

29 (I) GRANT THE PETITION TO LIFT THE QUARANTINE; OR

30 (II) DENY THE PETITION AND ORDER THE QUARANTINE TO
31 CONTINUE.

1 **14-604.**

2 (A) IF A PROPERTY HAS BEEN QUARANTINED UNDER § 14-603 OF THIS
3 SUBTITLE, A PERSON WITH ANY RIGHT, TITLE, OR INTEREST IN THE PROPERTY
4 MAY CONTRACT WITH A CERTIFIED INDUSTRIAL HYGIENIST TO:

5 (1) TEST THE PROPERTY TO DETERMINE WHETHER HAZARDOUS
6 MATERIAL IS PRESENT ON THE PROPERTY; OR

7 (2) CONDUCT CLEANING AND REMOVAL OF HAZARDOUS
8 MATERIAL FROM THE PROPERTY.

9 (B) A PROPERTY THAT HAS BEEN QUARANTINED UNDER § 14-603 OF
10 THIS SUBTITLE SHALL REMAIN QUARANTINED DURING ANY TESTING OR
11 CLEANING CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.

12 (C) AFTER APPROPRIATE TESTING OR CLEANING UNDER SUBSECTION
13 (A) OF THIS SECTION, A CERTIFIED INDUSTRIAL HYGIENIST MAY CERTIFY A
14 PROPERTY THAT HAS BEEN QUARANTINED UNDER § 14-603 OF THIS SUBTITLE
15 AS SAFE FOR HUMAN USE AND HABITATION.

16 (D) A PERSON WITH ANY RIGHT, TITLE, OR INTEREST IN THE PROPERTY
17 MAY RECORD, IN THE LAND RECORDS OF EACH COUNTY IN WHICH ANY PART OF
18 THE PROPERTY IS LOCATED, A CERTIFICATION ISSUED UNDER SUBSECTION (C)
19 OF THIS SECTION THAT STATES THAT THE PROPERTY IS SAFE FOR HUMAN USE
20 AND HABITATION.

21 **14-605.**

22 (A) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS:

23 (1) CARRYING OUT THE PURPOSES OF THIS SUBTITLE; OR

24 (2) AUTHORIZED BY A LOCAL LAW ENFORCEMENT AGENCY OR BY
25 THE FEDERAL, STATE, COUNTY, OR MUNICIPAL GOVERNMENT TO ENTER
26 QUARANTINED PROPERTY.

27 (B) A PERSON MAY NOT:

28 (1) KNOWINGLY ENTER PROPERTY THAT HAS BEEN
29 QUARANTINED UNDER § 14-603 OF THIS SUBTITLE;

1 **(2) OFFER PROPERTY THAT HAS BEEN QUARANTINED UNDER §**
2 **14-603 OF THIS SUBTITLE TO THE PUBLIC FOR TEMPORARY OR INDEFINITE**
3 **HABITATION; OR**

4 **(3) REMOVE QUARANTINE SIGNS POSTED BY A LOCAL LAW**
5 **ENFORCEMENT AGENCY UNDER § 14-603(B)(1) OF THIS SUBTITLE.**

6 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**
7 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
8 **IMPRISONMENT NOT EXCEEDING 6 MONTHS, A FINE NOT EXCEEDING \$500, OR**
9 **BOTH.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.