

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Health Policy Committee

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BILL: SB 270

INTRODUCER: Senator Lynn

SUBJECT: Remediation of Health Risks for Buildings Where Contraband Has Been Manufactured Illegally

DATE: February 12, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HP</u>	<u>Favorable</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill creates a thirteen-member Task Force for the Remediation of Illicit Drug Labs in the Executive Office of the Governor for the purpose of recommending strategies and actions for reducing or eliminating health risks from buildings in Florida where methamphetamine or other contraband has been illegally manufactured. The bill specifies the membership and duties of the task force.

The task force must submit a preliminary draft report of its findings and recommendations at least 90 days before the first day of the 2008 Regular Session of the Legislature. The task force's final report must be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2008 Regular Session. The final report must include a draft of any proposed rules and proposed legislation, which are relevant for any recommendations of the task force.

This bill creates one undesignated section of Florida law.

## II. Present Situation:

### Controlled Substances

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act. The chapter classifies controlled substances into five schedules in order to regulate the manufacture, distribution, preparation, and dispensing of the substances. Substances in Schedule I have a high potential for abuse and have no currently accepted medical use in the United States. Schedule II drugs have a high potential for abuse and a severely restricted medical use. Cocaine

and morphine are examples of Schedule II drugs. Schedule III controlled substances have less potential for abuse than Schedule I or Schedule II substances and have some accepted medical use. Substances listed in Schedule III include anabolic steroids, codeine, and derivatives of barbituric acid. Schedule IV and Schedule V substances have a low potential for abuse, compared to substances in Schedules I, II, and III, and currently have accepted medical use. Substances in Schedule IV include phenobarbital, librium, and valium. Substances in Schedule V include certain stimulants and narcotic compounds.

Methamphetamine is a Schedule II controlled substance under Florida law, s. 893.03(2)(c)4., F.S., and federal law, s. 21 U.S.C. § 812. Methamphetamine is a highly addictive nerve stimulant found in virtually every metropolitan area of the country, according to the U.S. Drug Enforcement Agency (DEA). Commonly called “speed,” “crank,” “crystal,” or “zip,” methamphetamine can be smoked, injected, snorted, or taken orally. It produces an initial “high,” lasting between 15 and 30 minutes, which is difficult if not impossible for the user to repeat, leading the user to ingest more and more of the drug and go on longer binges. Methamphetamine’s psychological side effects include paranoia, hallucinations, and delusions of insects or parasites crawling under the skin. Long-time use results in a decline in physical health, as well. In the United States, methamphetamines are either imported by drug traffickers or manufactured in small “clandestine” laboratories (usually household kitchens) using recipes involving commonly available chemicals derived from cold medicines, drain cleaners, over-the-counter diet pills, battery acid, and matches.

According to a December 15, 2003, news release posted on the Florida Department of Law Enforcement website, Florida ranked sixth nationwide for methamphetamine seizures. In 2002, law enforcement officers seized 127 clandestine methamphetamine labs, compared to 229 seizures in 2003. The rapidity of the spread of clandestine labs in Florida is reflected in the DEA statistics that prior to 1999, only seven labs had been seized in Florida.

Anhydrous ammonia and ephedrine are listed as precursor chemicals under Florida law. It is unlawful under federal law to steal anhydrous ammonia or transport stolen anhydrous ammonia across state lines, if the person committing the theft or transport knows, intends, or has reasonable cause to believe that the anhydrous ammonia will be used to manufacture a controlled substance. (21 U.S.C. § 864)

Section 893.033(1), F.S., defines “listed precursor chemical” as a chemical that may be used in manufacturing a controlled substance in violation of ch. 893, F.S., and is critical to the creation of the controlled substance. Section 893.033(2), F.S., defines “listed essential chemical” as a chemical that may be used as a solvent, reagent, or catalyst in manufacturing a controlled substance in violation of ch. 893, F.S.

Anhydrous ammonia is a necessary component to the “reactant metal” method or “Nazi” method of methamphetamine production. Currently, there are 26 chemicals or substances listed or designated in s. 893.033(1), F.S., as listed precursor chemicals, some of which are used or found in the manufacture of methamphetamines, such as ephedrine, pseudoephedrine, benzyl chloride, benzyl cyanide, chloroephedrine, chloropseudoephedrine, methylamine, and phenylacetic acid. There are scores of chemicals used in the production of methamphetamine; their appearance depends upon the production method used. Some listed precursor chemicals have legitimate uses.

For example, methylamine is used in tanning and the manufacture of dyestuffs; benzyl chloride is used in the manufacture of perfumes, pharmaceuticals, dyes, tannins, and artificial resins; ephedrine is used as an anti-asthmatic drug; and pseudoephedrine is used as a decongestant.

### **Health Hazards from Clandestine Laboratories**

All of the processes that produce methamphetamine use a variety of chemicals, including explosives, solvents, metals, salts, and corrosives. During the drug manufacturing process additional compounds and by-products are produced. Exposure to these chemicals can have various health effects on producers and others that are unintentionally exposed. The potential health effects from long-term exposure to low levels of the chemicals used and produced in the clandestine laboratories remains under study.

Typically, after a laboratory is discovered by law enforcement officials, the bulk of lab-related materials including chemicals and containers are removed. However, small amounts of contaminants can remain on floors, walls, counters, carpets, furniture, sinks, drains and ventilation systems. Exposure to even small amounts of some of these chemicals can pose serious health risks. In addition to concerns for peace officer safety and health, there is increasing concern about potential health impacts on the public and on unknowing inhabitants, including children and the elderly, who subsequently occupy dwellings where illegal drug labs have been located.

Every pound of methamphetamine produced generates five or more pounds of hazardous waste. Much of this waste is dumped down drains and toilets or on the ground, creating many additional contaminated sites. Such dumping has created septic tanks full of dangerous waste and chemically contaminated drain fields, soils, and surface waters.

### **III. Effect of Proposed Changes:**

The bill creates the thirteen-member Task Force for the Remediation of Illicit Drug Labs in the Executive Office of the Governor for the purpose of recommending strategies and actions for reducing or eliminating health risks from buildings in Florida where methamphetamine or other contraband has been illegally manufactured. The task force membership includes: the director of the Office of Drug Control within the Executive Office of the Governor, who will serve as chairperson of the task force; the executive director of the Department of Law Enforcement or his or her designee; the Secretary of Health or his or her designee; the Secretary of Environmental Protection or his or her designee; the Secretary of Community Affairs or his or her designee; a member of the Florida Senate, appointed by the President of the Senate; and a member of the House of Representatives, appointed by the Speaker of the House of Representatives. In addition, the Governor must appoint the following task force members by July 1, 2007: a state attorney or his or her designee; a representative of the Florida League of Cities; a representative of the Florida Association of Counties; a sheriff or his or her designee; a police chief or his or her designee; and a representative of the Florida Association of Realtors.

The Governor's appointees must be representative of the geographic regions and ethnic and gender diversity of Florida. The task force must hold its first meeting by August 1, 2007. All recommendations of the task force must be by majority vote and seven members constitute a

quorum. The task force must meet at the call of the chairperson and must conduct at least three public meetings in Florida. Members of the task force must serve without compensation and are entitled to reimbursement for per diem and travel expenses. Staff support for the task force must be provided within existing appropriations from the Office of Drug Control, the Department of Law Enforcement, the Department of Health, the Department of Community Affairs, and the Department of Environmental Affairs.

The task force must study, take testimony, and develop findings and recommendations regarding the remediation of health risks from buildings in Florida where contraband drugs are illegally manufactured, including: the nature and extent of such remediation; the standards, training and funding that are relevant to such remediation; the responsibility for such remediation; current state or local laws governing remediation; current federal laws or the laws of other states which are relevant to remediation; and any other subject that is relevant to reducing or eliminating the health risks from buildings in Florida where methamphetamine or other contraband has been manufactured.

The task force must submit a preliminary draft report of its findings and recommendations at least 90 days before the first day of the 2008 Regular Session of the Legislature. The task force's final report must be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2008 Regular Session. The final report must include a draft of any proposed rules and proposed legislation, which are relevant for any recommendations of the task force.

The bill provides an effective date upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Health reports that there is a potential for the bill to impose a small fiscal impact depending on travel requirements associated with participation on the task force. The department additionally notes that the commitment of staff time to serve on and support the task force will result in an indeterminable fiscal impact. The department indicates that all state agencies required to provide staff support to the task force will have a similar fiscal impact to that of the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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