TITLE 68 - HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION: CHAPTER 212 - HAZARDOUS WASTE MANAGEMENT: PART 5 - PROPERTY WHERE METHAMPHETAMINE MANUFACTURED

68-212-501. "Commissioner" defined.

As used in this part, the "commissioner" means the commissioner of environment and conservation

68-212-502. List of certified industrial hygienists - Testing of properties.

The commissioner shall compile and maintain a list of certified industrial hygienists and such other persons or entities the commissioner certifies as qualified to perform the services of industrial hygienists. Such persons will test properties in which a process intended to result in the manufacture of methamphetamine has occurred, as defined by § 39-17-435, to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. The commissioner shall also compile and maintain a list of persons authorized to perform clean-up of property where such a process has occurred. Such lists may be posted on the website maintained by the commissioner.

68-212-503. Quarantine of property.

- (a) The purpose of the quarantine provided for in this section is to prevent exposure of any person to the hazards associated with methamphetamine and the chemicals associated with the manufacture of methamphetamine.
- (b) Any property, or any structure or room in any structure on any property wherein the manufacture of a controlled substance listed in § 39-17-408(d)(2) is occurring or has occurred, may be quarantined by the local law enforcement agency where such property is located. The law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined and, to the extent they can be reasonably identified, for notifying all parties having any right, title or interest in the quarantined property, including any lienholders.
- (c) (1) Any person who has an interest in property quarantined pursuant to this section may file a petition in the general sessions, criminal, circuit or chancery court of the county in which the property is located. Such a petition shall be for the purpose of requesting that the court order the quarantine of such property be lifted for one (1) of the following reasons:
- (A) That the property was wrongfully quarantined; or
- (B) That the property has been properly cleaned, all hazardous materials removed and that it is now safe for human use but the law enforcement agency who imposed the quarantine refuses to lift it.
- (2) The court shall take such proof as it deems necessary to rule upon a petition filed pursuant to this section and, after hearing such proof, may grant the petition and lift the quarantine or deny the petition and keep the quarantine in place.
- (d) It is prohibited for any person to inhabit quarantined property, to offer such property to the public for temporary or indefinite habitation, or to remove any signs or notices of the quarantine. Any person who willfully violates this subsection (d) commits a Class B misdemeanor.

68-212-504. Rules and regulations.

The commissioner is authorized to promulgate rules concerning the inspection, testing and quarantine of property affected by this part.

68-212-505. Testing of property - Certification that property safe.

Once the property has been quarantined, any party having a right, title or interest in the quarantined property, including any lienholders, may contact either a certified industrial hygienist or other person or entity certified as qualified from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list compiled pursuant to § 68-212-502 certifies to the quarantining agency that the property is safe for human use.

68-212-506. Calculation of restitution.

Any inspection, testing or quarantine conducted pursuant to this part shall be considered when calculating the appropriate restitution under $\S 39-17-417(c)(2)(B)$.

68-212-507. Recording of notice of methamphetamine lab quarantine in the office of county register - Form.

- (a) Whenever any real property, or any structure or room in any structure on any real property, is quarantined by a local law enforcement agency, pursuant to § 68-212-503, due to the manufacture of methamphetamine, the local law enforcement agency quarantining the property shall file, for recording, a notice of methamphetamine lab quarantine in the office of county register in the county in which the real property or any portion of the real property lies. In lieu of acknowledgment, the signature of the local law enforcement agent shall be accepted. The register shall record such notice in the record series containing the title deeds and shall index the notice with the owner or owners of the real property as the grantor and with the agency giving the notice as the grantee. No fee shall be collected for this filing.
- (b) A notice in a form substantially as follows is sufficient to comply with subsection (a):

Notice of Methamphetamine Lab Quarantine Notice is hereby given that an illegal laboratory for the manufacture of methamphetamine was seized at

the location described below on _(date)_. This real property has been quarantined by _ (name of local law

enforcement agency)_ pursuant to Tennessee	, 0	1 1 2				
quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list pursuant to § 68-212-502 certifies that the property is safe for human use. Name of Property Owner or Owners:						
				Apartment or Unit Number (if applicable):		
				Description of Property Sufficient to Identify:		
Name of Person and Agency Giving Notice: _						
Signature of Person Giving Notice	Title/Position	Date				

68-212-508. Certificate of fitness by certified industrial hygienist - Recording - Form.

- (a) Whenever a certified industrial hygienist or other person or entity named on the commissioner's list, pursuant to § 68-212-502, determines that the property, quarantined pursuant to § 68-212-503, is safe for human use, based upon the standards prescribed pursuant to this part, such person or entity shall issue a certificate of fitness.
- (b) The owner or any person having any right, title or interest in the real property, including any lien holders, may file for recording the certificate of fitness in the office of county register in the county in which the real property or any portion of the property lies. The certificate shall be acknowledged or proved as provided in title 66, chapter 22. The register shall record such certificate with the record series containing the title deeds, and shall index the certificate with the owner or owners of the real property as the grantee, and the local law enforcement agency that issued the quarantine as grantor. The fee for such filing shall be in accordance with § 8-21-1001.
- (c) A form substantially as follows is sufficient to comply with subsection (a):

Certificate of Fitness

Notice is hereby given that the real property, quarantined by (name of local law enforcement agency), pursuant to Tennessee Code Annotated, § 68-212-503, at the location described below, has been tested by a certified industrial hygienist or other person or entity named on the commissioner's list, compiled pursuant to Tennessee Code Annotated, § 68-212-502 and has been remediated by a person or entity authorized by the commissioner pursuant to Tennessee Code Annotated, § 68-212-502 to perform cleanup of property used to manufacture methamphetamine. I, the undersigned, hereby certify that the real property at the location is safe for human use, pursuant to Tennessee Code Annotated, § 68-212-505, and in accordance with the Department of Environment and Conservation's Standards for Testing and Cleaning Clandestine Drug Manufacturing Sites and Cleanup Response and Documentation Guidelines for Properties Quarantined due to Clandestine Drug Laboratory Activities, as currently are in effect.

Name of Property Owner or Owners:

Property Address:

Apartment or Unit Number (if applicable):

Description of Property Sufficient to Identify:

Description of Property Sufficient to Identify:

Name of Certified Industrial Hygienist or Other Authorized I	Person and Company
Signature of Certified Industrial Hygienist or Other Authorized Person	Date

Notary Acknowledgement or Two Subscribing Witnesses as provided in Tennessee Code Annotated, title 66, chapter 22.

68-212-509. Submission of information regarding quarantined site - Registry of quarantined sites.

- (a) Within seven (7) days of issuing an order of quarantine, the law enforcement agency that issued the order shall transmit to the commissioner at least the following information regarding the site:
- (1) The date of the quarantine order;
- (2) The county;
- (3) The address;
- (4) The name of the owner of the site; and
- (5) A brief description of the site, such as single family home, apartment, motel, wooded area, etc.
- (b) The department of environment and conservation shall maintain a registry of all properties reported by a law enforcement agency that have been under order of quarantine for at least sixty (60) days. The registry shall be available for public inspection at the department and shall be posted on its website. Listed properties shall be removed from the registry when a law enforcement agency reports that the quarantine has been lifted in accordance with this part.