

SENATE No. 2378

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring professional cleanup following a suspected fentanyl-related incident.

PETITION OF:

NAME:

Richard J. Ross

DISTRICT/ADDRESS:

Norfolk, Bristol and Middlesex

SENATE No. 2378

By Mr. Ross, a petition (accompanied by bill) (subject to Joint Rule 12) of Richard J. Ross for legislation to require professional cleanup following a suspected fentanyl-related incident. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act requiring professional cleanup following a suspected fentanyl-related incident.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting the following new section:-

3 Section 50. (a) When used in this section, the term “property” shall include:

4 (1) a hotel, motel, lodging house, bed and breakfast establishment, and bed and breakfast
5 home, as defined section 1 of chapter 64G;

6 (2) a transient accommodation, defined as a vacation, leisure or short-term rental
7 accommodation offering occupancy in exchange for rent including, but not limited to an
8 apartment, single or multiple family housing, cottage, condominium, time-share unit or any
9 furnished residential accommodation within any area zoned for residential or commercial use
10 that is not a hotel, motel, lodging house or bed and breakfast establishment;

11 (3) a public housing development and subsidized housing development, as defined in
12 section 32B of chapter 121B; and

13 (4) any motor vehicle obtained through a rental company, as defined in Section 32E ½ of
14 Chapter 90.

15 (b) A state, county or municipal health department, police chief, fire chief, or designee
16 thereof shall order the remediation of any property or portion of a property within its jurisdiction
17 that has been found to be used in the manufacture, distribution, trafficking or processing of
18 fentanyl, any synthetic analog, or unidentifiable powder substance or where an opioid related
19 overdose or death has occurred. The property may not be occupied or used until it has been
20 assessed, remediated and certified as occupiable and clean by the remediating hazardous
21 materials contractor. The remediation shall be accomplished by a contractor who will make the
22 verification required under subsection (e).

23 (c) A property that has been declared a fentanyl or synthetic site by a governmental
24 agency, pursuant to subsection (b) of this section, must be remediated before it may be occupied.
25 The municipal health department, police chief or fire chief shall oversee the remediation and
26 establish the schedule for completion. The remediation shall be performed by a qualified
27 biological hazard contractor who is certified in Level A Personal Protective Equipment Cleanup,
28 as defined by the Occupational Safety and Health Administration. The contractor will ensure that
29 a Site Safety Officer is on site at all times. All employees of the contractor shall have completed
30 a state and national fingerprint-based criminal background check. If an employee's background
31 check reveals a drug-related conviction in the preceding ten years, the contractor may not
32 perform remediation services pursuant to this section.

33 (d) The qualified contractor shall be responsible for documenting the location and areas
34 to be cleaned prior to remediation through the use of videotape or photography. All suspected
35 areas to be cleaned shall be checked utilizing trace detection technology taking multiple trace
36 samples of the known contaminated area and surroundings. All powder drugs suspected to be
37 fentanyl or a synthetic analog collected by the contractor must be photo-documented and
38 weighed upon collection and secured in a sealed container. All photographs and certified weights
39 must be provided to the local police agency within the jurisdiction of the location being
40 remediated within twenty-four hours of collection. The qualified contractor who conducted the
41 remediation is responsible for the final destruction of the collected fentanyl or synthetic analog
42 utilizing a licensed and certified medical waste company. The medical waste company shall
43 certify that the collected fentanyl or synthetic analog was incinerated under the non-hazardous
44 medical waste guidelines, pursuant to 105 CMR 480, utilizing a non-hazardous medical waste
45 manifest. A copy of the destruction manifest must be provided to the local police agency within
46 the jurisdiction of the location where the fentanyl or synthetic analog was removed within
47 twenty-four hours of destruction. The contractor shall retain a record of the manifest and
48 documentation of collection for a period of five years.

49 (e) The contractor shall be required to provide verification to the state, county or
50 municipal health department, police chief, fire chief, or designee thereof and the individual or
51 entity having control of the property that the site is safe for human occupancy. Verification shall
52 be performed with trace detection technology by taking multiple trace samples of the known
53 contaminated area and surroundings and comparing them to the samples taken prior to the
54 remediation. The contractor shall provide a written certification that the location is safe for
55 occupancy and copies of the trace tests to the state, county or municipal health department,

56 police chief, fire chief, or designee thereof and the individual or entity having control of the
57 property. The state, county or municipal health department shall sign off on the occupancy prior
58 to the property becoming occupied.

59 (f) A person or entity who violates this section shall be punished by a fine of up to
60 \$25,000.