

Health and Human Services Committee

LB 711

January 23, 2014

**Dr. Joseph Acierno, Chief Medical Officer
Division of Public Health
Department of Health and Human Services**

Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Dr. Joseph Acierno (J-O-S-E-P-H - A-C-I-E-R-N-O). I am Chief Medical Officer and Director of the Division of Public Health for the Nebraska Department of Health and Human Services.

I am here today to testify in support of LB 711 which updates the clandestine drug lab statute to address a point of due process. The current statute provides that a methamphetamine contaminated site may not be used for human habitation until the site has been cleaned up. A property owner who allows a contaminated site to be inhabited before the site is cleaned up can be subject to a \$1000 fine.

The current statute has no provision for the owner to dispute a determination. The hearing before the department will decide if an error was made. For instance, if the police department said the property was owned by Jim Smith and in fact he did not own the property, Jim Smith could ask for a hearing before the department and prove that he is not the owner of the property.

LB 711 will provide an owner the opportunity to have a hearing before the Department of Health and Human Services to contest 3 possible errors:

1. An error as to the ownership of the property
2. An error that the property was the site of a clandestine drug lab
3. An error in the determination that the property needs rehabilitation

Methamphetamine labs covered by this statute are first discovered by law enforcement. The discovery of the lab and the accompanying chemicals,

equipment and paraphernalia is what determines a site to be contaminated.

LB 711 will clarify that when a methamphetamine lab has been reported by law enforcement or a property owner to the Nebraska State Patrol, the site of that lab is considered contaminated.

The contamination from the lab chemicals is sticky and adheres to all surfaces; walls carpets, soft furnishings, ventilation systems and more. Inhabiting a contaminated site before it has been cleaned up exposes people to the effects of these chemicals and the methamphetamine that has been left behind. In many cases these are tenants who are not aware of the contamination

Health effects caused by exposure to methamphetamine lab chemicals which enter the body by being breathed, eaten or absorbed through the skin will depend on the lab process, the kinds of chemicals used, the amount and length of exposure, and the age and health of the person exposed. Children are especially vulnerable to detrimental health effects due to their contact with contaminated surfaces and hand-to-mouth behavior.

I believe this legislation provides property owners the opportunity to dispute a finding of fact and at the same time protects them and possible tenants from exposure to methamphetamine and related chemicals.

I would be happy to answer any questions.