

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

# FENTANYL CLEANUP: SUMMARY OF STATE LAWS

APRIL 2021



This project was supported by Grant No. G19990NDCP03A awarded by the Office of National Drug Control Policy, Executive Office of the President. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Office of National Drug Control Policy or the United States Government.

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## SUMMARY

In 2013, the United States Drug Enforcement Administration first noted an unusually high number of overdose deaths caused by the opioid fentanyl.<sup>1</sup> By 2019, the number of annual deaths was an astonishing twelve times higher: over 36,000 people.<sup>2</sup> Fentanyl and its analogues are demonstrably lethal to those who would abuse them, but they pose a separate and unique danger to bystanders. The risk of accidental overdose is enormous, for multiple reasons. First, potency: a lethal dose of fentanyl is only about 2-3 milligrams, no greater in size than 5-7 grains of table salt.<sup>3</sup> Second, the ease of absorption by the body: crushing fentanyl into pill form produces dust, which floats in the air and covers surfaces,<sup>4</sup> and because fentanyl can be “ingested orally, inhaled through the nose or mouth, or absorbed through the skin or eyes,” there are then multiple avenues for accidental exposure.<sup>5</sup> The onset of overdose symptoms takes mere minutes.

These risks make thorough decontamination of fentanyl-tainted sites especially important, but at the same time they make the task considerably more difficult for those who perform the decontamination. The increased danger comes with an increased price tag: private cleanup companies charge between \$5,000 and \$50,000 per job, even for a site no larger than a car trunk.<sup>6</sup> Unfortunately, the scientific and policy response has not kept pace with the scale of the crisis, and there is not yet comprehensive federal guidance on fentanyl cleanup. The elevated risk, cost, and uncertainty make for a particularly treacherous combination. Hesitancy in taking on a dangerous and expensive job is understandable in the absence of detailed procedures, but the risk of an accidental lethal exposure is even greater.

The federal guidance currently available focuses primarily on safety and personal protective equipment (PPE) for first responders and those conducting cleanup of fentanyl sites. For areas of particularly heavy contamination, the DEA advises teams to wear as much as “Level A” full-body protective suits equipped with self-contained breathing apparatus, though nitrile gloves, shoe covers, and N95 protective masks can be effective in better-contained settings.<sup>7</sup> There is less guidance for actual decontamination procedures. At the moment, private companies are filling the void, deploying new chemical agents to neutralize fentanyl and establishing best practices in the field through their own experiences. To remove tiny particles from the environment, these firms rely upon high-efficiency vacuums that, once contaminated, must be incinerated after use.<sup>8</sup> Then specialized chemicals are used to disinfect the space, some of which

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<sup>1</sup> *Fentanyl: A Briefing Guide for First Responders*. U.S. Department of Justice, Drug Enforcement Administration. 2017. [https://www.iaclea.org/assets/uploads/pdfs/Fentanyl\\_BriefingGuide\\_June2017.pdf](https://www.iaclea.org/assets/uploads/pdfs/Fentanyl_BriefingGuide_June2017.pdf).

<sup>2</sup> *Fentanyl*. CDC Injury Center. February 16, 2021. <https://www.cdc.gov/drugoverdose/opioids/fentanyl.html>.

<sup>3</sup> *Fentanyl: A Briefing Guide for First Responders*, *supra*.

<sup>4</sup> Michelle Blevins. “Fentanyl Lab Cleanup & the Growing Need for Educated Remediators.” *Restoration & Remediation*. March 7, 2017. <https://www.randrmagonline.com/articles/87303-fentanyl-lab-cleanup-the-growing-need-for-educated-remediators>.

<sup>5</sup> *Fentanyl: A Briefing Guide for First Responders*, *supra*.

<sup>6</sup> Will Yankowics. “Drug Labs, Hoarding, and Murder: The Crime Scene Cleanup Industry Is Booming.” *Inc*. February 18, 2018. <https://www.inc.com/will-yakowicz/fentanyl-cleanup-is-the-next-hot-new-industry-in-america.html>.

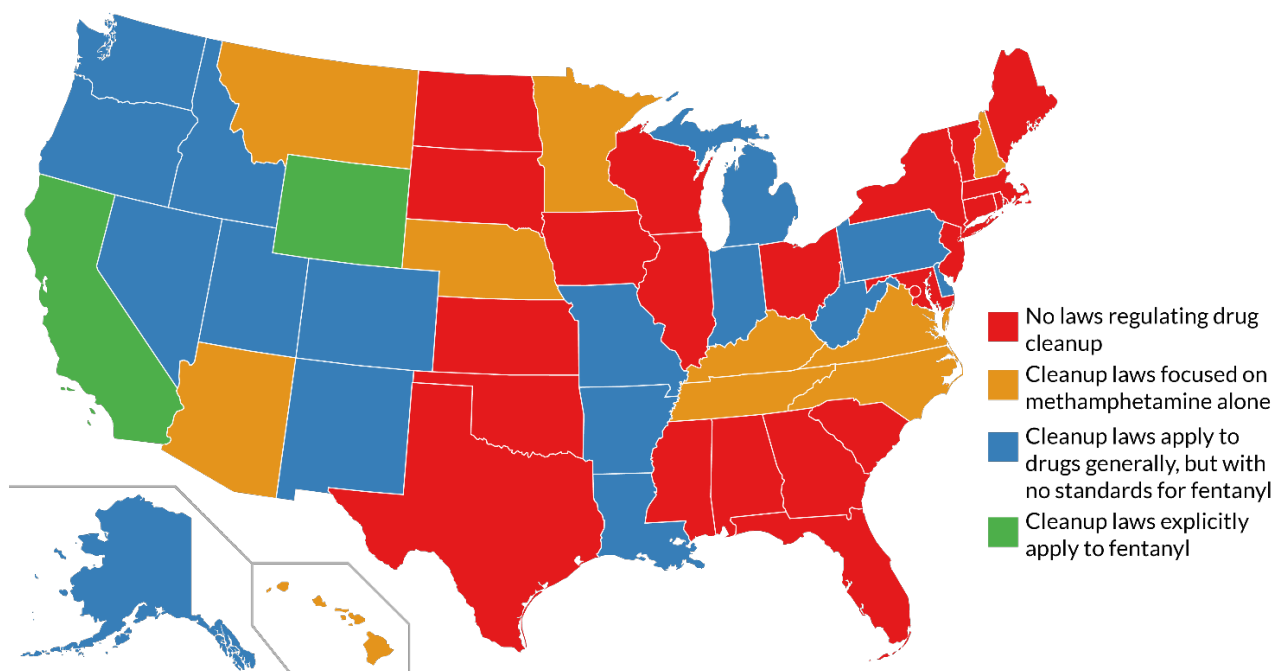
<sup>7</sup> *Fentanyl: A Briefing Guide for First Responders*, *supra*.

<sup>8</sup> Jeff Mordock. “Fentanyl leaves a lethal mess that's costly and complicated to clean up.” *The Washington Times*. December 27, 2018. <https://www.washingtontimes.com/news/2018/dec/27/fentanyl-secondary-exposure-can-kill-small-amounts/>.

promise to “neutralize fentanyl in five minutes.”<sup>9</sup> Several such products exist, with their manufacturers competing to become the go-to, EPA-approved method for fentanyl decontamination. As of now, the EPA will only go as far as to say these peracetic acid-based products “may be effective,” but none is endorsed for neutralizing fentanyl on surfaces.<sup>10</sup>

For biohazards like blood or other illicit drugs like methamphetamine, ample guidance exists at the federal or state levels. Twenty-three U.S. states have laws requiring disclosure that properties are the sites of former meth labs.<sup>11</sup> Although fentanyl is considerably more dangerous to public health, no similar policy or cleanup guidelines have been established. In this survey, the Legislative Analysis and Public Policy Association (LAPPA) examines the legislative and regulatory response at the state level to the issue of fentanyl cleanup. As at the federal level, there is little policy at all in this area, and the only exceptions to that rule are very recent. In Section I, we present the state of existing laws on decontamination of fentanyl production sites or areas contaminated by fentanyl in the fifty states and the District of Columbia. Findings are presented jurisdiction by jurisdiction for easy comparison among the states.

Section II highlights a selection of additional resources for policymakers on fentanyl cleanup research and best practices in the United States. These resources include the latest guidance from federal authorities and promising methods being tested by private cleanup firms. Together they explain in more granular detail exactly what steps can be taken to protect first responders who encounter fentanyl and the chemicals and methods that can most effectively remove fentanyl from contaminated properties.



<sup>9</sup> Yankowics, *supra*.

<sup>10</sup> “Fact Sheet for OSCs: Fentanyl and Fentanyl Analogs.” Environmental Protection Agency. May 22, 2018. [https://www.epa.gov/sites/production/files/2018-07/documents/fentanyl\\_fact\\_sheet\\_ver\\_7-26-18.pdf](https://www.epa.gov/sites/production/files/2018-07/documents/fentanyl_fact_sheet_ver_7-26-18.pdf).

<sup>11</sup> Mordock, *supra*.

Current state-level policy on fentanyl cleanup is largely a vacuum. Over half of U.S. states would require new legislation to begin to address the issue. Twenty-two states and the District of Columbia have no laws on the books governing the cleanup of sites contaminated by controlled substances. Another ten have enacted statutes designed to clean up methamphetamine laboratories, but as written, they explicitly authorize cleanup standards, property use restrictions, or cleanup liability for meth labs alone. Sixteen states have statutes that were written for cleaning up meth labs (or occasionally a handful of other drugs such as GHB, LSD, or MDMA), but they are phrased to target “clandestine laboratories” or “controlled substance manufacturing sites” in general. Though these laws would seemingly apply to fentanyl contamination, none of these states has adopted regulations specifically tailored for it.

Only two states, California and Wyoming, have targeted fentanyl by name in statute or regulation. But even here, there is room for additional clarity: California has established a maximum detection level for fentanyl, but no special cleanup procedures, and Wyoming has only named fentanyl as a drug that requires cleanup and protection standards but has not established those standards. For a quick visual overview of the state of the states, see Figure 1 above, and for more details, see the tables below for each state.

<b><u>ALABAMA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.



<b><u>ALASKA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>12</sup></p> <p>Alaska statutes regulate the “Cleanup of Illegal Drug Sites,” in which an “illegal drug manufacturing site” is defined as “property on which there is reasonable cause to suspect contamination with chemicals associated with the manufacturing of a controlled substance.”</p> <p>These statutes create a mechanism by which sites of former drug labs can be deemed “fit for use” by placing restrictions on contaminated property until cleanup is conducted following guidelines established by the Alaska Department of Environmental Conservation (DEC).</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.</p> <p>Although the relevant statutes make no reference to specific controlled substances, the DEC has only established cleanup guidelines and fit-for-use standards for methamphetamine.<sup>13</sup> Nothing prohibits it from establishing similar standards for fentanyl.</p>

<sup>12</sup> Alaska Stat. Ann. § 46.03.500-599 (West).

<sup>13</sup> “Guidance and Standards for Cleanup of Illegal Drug-Manufacturing Sites.” Alaska Department of Environmental Conservation. April 19, 2007. <https://dec.alaska.gov/spar/csp/meth-lab/>.

<b><u>ARIZONA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>14</sup>  Arizona’s clandestine drug laboratories statute only regulates properties containing “chemicals or equipment used in manufacturing methamphetamine, ecstasy or LSD or a derivative of methamphetamine, ecstasy or LSD.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>14</sup> AZ Rev Stat § 12-1000(A).

<b><u>ARKANSAS</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>15</sup>  Arkansas's Controlled Substances Contaminated Property Cleanup Act requires that the Arkansas Department of Environmental Quality (ADEQ) shall "establish standards for the remediation of properties contaminated through the manufacture of controlled substances," and that the Arkansas Pollution Control and Ecology Commission shall promulgate rules certifying contractors for inspection and cleanup of drug manufacturing sites. The language does not specify any subset of controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No. <sup>16</sup>  ADEQ's Required Cleanup Standards as promulgated "apply only to meth labs." Those seeking to clean up properties affected by drugs other than methamphetamine are "encouraged to contact ADEQ for advice regarding sampling and cleaning of those sites." Nothing prohibits the Department from establishing similar standards for fentanyl.

<sup>15</sup> Ark. Code Ann. § 8-7-1401-1407 (West).

<sup>16</sup> "Clandestine Laboratory Remediation Cleanup Standards." Arkansas Department of Environmental Quality. May 2008. <https://www.adeq.state.ar.us/poa/cscpc/pdfs/clandestine-lab-cleanup-standards.pdf>.

<b><u>CALIFORNIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>17</sup></p> <p>Many states' drug cleanup laws are phrased such that fentanyl could be included only because it is not expressly excluded. California, however, is one of only two states that expressly mentions fentanyl among its list of drugs requiring remediation. Following new legislation that went into effect in 2020, California regulates fentanyl decontamination under the "Methamphetamine or Fentanyl Contaminated Property Cleanup Act."</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>Yes.<sup>18</sup></p> <p>Cleanup of fentanyl laboratories generally follows the procedures required for meth labs, with differing requirements where appropriate. Former fentanyl labs have access restricted while testing and cleanup is performed until such time as the site is deemed safe for occupancy. A local health officer inspects the property to make a determination of contamination, after which the property owner "shall utilize the services of an authorized contractor to remediate the contamination."</p> <p>For now, certain fentanyl-specific standards are set by statute that might in the future be handled by administrative rulemaking. For instance, former fentanyl labs will be deemed safe for human occupancy only if fentanyl levels on indoor surfaces are "below the detection level" for testing equipment. This statutory standard will become inoperative, however, when a health-based remediation target is set for fentanyl by any state or federal agency.</p> <p>This statute has primarily amended the earlier meth lab statute such that instances of "methamphetamine" are replaced by "methamphetamine or fentanyl." The "below detection level" requirement is the only unique standard applied to fentanyl. No California rulemaking authorities have established additional regulations for fentanyl cleanup at this point, such as particular decontamination methods.</p>

<sup>17</sup> Cal. Health & Safety Code § 25400 (West).

<sup>18</sup> Cal. Health & Safety Code § 25400.16 (West).

<b><u>COLORADO</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>19</sup>  Colorado’s statute on illegal drug laboratories regulates “areas where controlled substances... have been manufactured, processed, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use, or storage.” The language does not specify any subset of controlled substances. It further empowers the State Board of Health to promulgate rules necessary for implementation, including “Procedures for testing contamination, evaluating contamination, and establishing the acceptable standards for cleanup of illegal drug laboratories involving methamphetamine.” Although the language specifically requires standards for methamphetamine, it does not prohibit similar guidelines for other controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.  Colorado has only promulgated cleanup standards for methamphetamine. Nothing prohibits the State Board of Health from establishing similar standards for fentanyl.

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<sup>19</sup> Colo. Rev. Stat. Ann. § 25-18.5-101-109 (West).

<b><u>CONNECTICUT</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>DELAWARE</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>20</sup>  Under Delaware statute, any person convicted of operating a clandestine laboratory “shall be responsible for all reasonable costs, if any, associated with remediation of the site of the clandestine laboratory and any costs associated with the cleanup of any substances or materials or hazardous waste, and for the cleanup of any other site resulting from the operation or disposal of substances or materials from a clandestine laboratory.” The definition of “clandestine laboratory” encompasses manufacture of any controlled substance and does not specify any subset of controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.  Delaware has produced no specific guidelines for the cleanup of any controlled substances from clandestine laboratories.

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<sup>20</sup> Del. Code Ann. tit. 16, § 4760A (West).

<b><u>DISTRICT OF COLUMBIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.



<b><u>FLORIDA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>GEORGIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>HAWAII</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>21</sup>  Hawaii's Act 170 has the specific purpose of establishing procedures and guidelines for decontamination and cleanup of illegal methamphetamine manufacturing sites. Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>21</sup> Methamphetamine Laboratory Cleanup. State of Hawaii, Department of Health.  
<https://health.hawaii.gov/heer/guidance/specific-topics/meth-lab-cleanup/>.

<b><u>IDAHO</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>22</sup>  Idaho's Clandestine Drug Laboratory Cleanup Act instructs the Idaho Department of Health and Welfare to promulgate "rules establishing the acceptable process and standards for the cleanup of clandestine drug laboratories." Clandestine drug laboratories include "the areas where controlled substances or their immediate precursors... have been, or were attempted to be, manufactured, processed, cooked, disposed of or stored." The language does not specify any subset of controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No. <sup>23</sup>  The Department of Health and Welfare has established cleanup standards for methamphetamine only: Standards for other drugs "may be established...on a case by case basis, based on an inventory of chemicals found, and after consultation with the Department, the property owner, law enforcement, and a qualified industrial hygienist." No standards for fentanyl have yet been promulgated.

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<sup>22</sup> Idaho Code Ann. § 6-2601 to 2608. (West).

<sup>23</sup> Idaho Admin. Code r. 16.02.24.500.

<b><u>ILLINOIS</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>INDIANA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>24</sup>  By statute, the Indiana Department of Health shall “establish a program to certify individuals as qualified inspectors to perform decontamination of a site that has been contaminated by the illegal manufacture of controlled substances.” This includes adopting rules on certifying inspectors as well as the actual “inspection and remediation of sites used in the illegal manufacturing of a controlled substance.” The language does not specify any subset of controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No. <sup>25</sup>  The Department of Health has issued rules on decontamination for several drugs, including methamphetamine, GHB, LSD, MDMA, and PCP, but not for fentanyl or related opioids. Nothing prohibits the creation of similar standards for fentanyl.

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<sup>24</sup> Ind. Code Ann. § 16-19-3.1-1 (West).

<sup>25</sup> 410 Ind. Admin. Code 38-5-2.

<b><u>IOWA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>KANSAS</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No. <sup>26</sup>  Until its funding expired in 2009, the Kansas Chemical Control Act established a program for education and chemical cleanup of methamphetamine. Now, the Kansas Department of Health and Environment only provides technical advice and cleanup guidance.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

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<sup>26</sup> Kansas Clandestine Drug Lab Information. Kansas Department of Health and Environment.  
<https://www.kdheks.gov/methlabs/>.



<b><u>KENTUCKY</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>27</sup>  By statute, Kentucky requires standards and procedures for the decontamination of “properties contaminated with hazardous chemical residues created by the manufacture of methamphetamine.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>27</sup> Ky. Rev. Stat. Ann. § 224.1-410 (West).

<b><u>LOUISIANA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>28</sup></p> <p>In Louisiana, anyone convicted of the crime of creating or operating a clandestine laboratory—defined as the use of “any material, compound, mixture, preparation, supplies, equipment, or structure with the intent that it be used for the unlawful manufacture of a controlled dangerous substance”—may be responsible for the costs incurred by the state government in the “cleanup of any hazardous waste” resulting from the laboratory’s operations. No subset of controlled substances is specified by the statute.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.</p> <p>Louisiana’s statute imposing liability for cleanup of clandestine laboratories does not establish any cleanup standards or procedures for cleanup of any controlled substances.</p>

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<sup>28</sup> La. Stat. Ann. § 40:983.

<b><u>MAINE</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>MARYLAND</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>MASSACHUSETTS</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>MICHIGAN</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>29</sup></p> <p>By statute, Michigan’s Department of Community Health, consulting the Department of Environmental Quality, shall develop a guidance document on “cleanup of clandestine drug labs” focused on site assessment, remediation, and risk to human health post-cleanup. The language covers a “site of illegal drug manufacturing” and does not specify any subset of illegal drugs.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>30</sup></p> <p>The Department of Community Health’s guidance document acknowledges that methamphetamine is not the only illegal drug manufactured in clandestine labs, but nevertheless it is the sole focus of the document. It adds that “This guidance will be updated to address...any additional illicit drugs as needed,” but it has not been updated since 2008 and there are currently no standards for fentanyl or related opioids.</p>

<sup>29</sup> Mich. Comp. Laws Ann. § 333.12103(2) (West).

<sup>30</sup> “Cleanup of Clandestine Drug Laboratory Guidance.” Michigan Department of Community Health. June 5, 2007. [https://www.michigan.gov/documents/mdch/MI\\_Guidelines\\_459934\\_7.pdf](https://www.michigan.gov/documents/mdch/MI_Guidelines_459934_7.pdf).

<b><u>MINNESOTA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>31</sup>  Minnesota has established guidelines and procedures for cleanup of clandestine lab sites, defined as “any structure or conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>31</sup> Minn. Stat. Ann. § 152.0275(1) (West).

<b><u>MISSISSIPPI</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.



<b><u>MISSOURI</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>32</sup></p> <p>Missouri’s statute on cleanup of controlled substances laboratories empowers the Department of Natural Resources (DNR) to provide resources and personnel to “assist in the cleanup and disposal of the hazardous substances including, but not limited to chemicals intended for use in or resulting from the manufacture or production of controlled substances,” recover the costs of such cleanup from responsible parties and adopt rules necessary to implement the statute. It further creates a “Controlled Substances Cleanup Fund.” The language does not restrict cleanup to a subset of controlled substances.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>33</sup></p> <p>The DNR has researched the creation of testing and cleanup standards for former methamphetamine laboratories, but “[has] not established a need for them at this time.” There is no discussion of establishing comparable standards for fentanyl.</p>

<sup>32</sup> Mo. Ann. Stat. § 640.040 (West)

<sup>33</sup> “Methamphetamine Cleanup Guidance.” Missouri Department of Natural Resources.  
<https://dnr.mo.gov/env/hwp/meth.htm>.

<b><u>MONTANA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>34</sup>  Montana's statute is targeted specifically at remediation of "properties are being contaminated with hazardous chemical residues created by the manufacture of methamphetamine" and sets decontamination standards for methamphetamine alone. Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>34</sup> Mont. Code Ann. § 75-10-1301 to 1306 (West).

<b><u>NEBRASKA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>35</sup>  Nebraska's Clandestine Drug Labs statute uses a narrow definition of drug lab: "any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine." The state Department of Health's guidance is accordingly tailored to methamphetamine laboratories alone. Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>35</sup> Neb. Rev. Stat. Ann. § 71-2432 to 2435 (West).

<b><u>NEVADA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>36</sup>  By statute, Nevada requires its State Environmental Commission to adopt regulations concerning the removal or remediation of controlled substances and standards by which former controlled substance manufacturing sites may be deemed safe for habitation. The language does not specify a subset of controlled substances.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.  Despite the statutory mandate, the State Environmental Commission has adopted no regulations governing cleanup of any controlled substance manufacturing sites. No legal obstacles exist to prevent it doing so for fentanyl or any other controlled substance.

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<sup>36</sup> Nev. Rev. Stat. Ann. § 439.4797 (West).

<b><u>NEW HAMPSHIRE</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>37</sup>  New Hampshire requires the Department of Environmental Services to determine if remediation cleanup standards are met for “any property on which methamphetamine production has occurred.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>37</sup> N.H. Rev. Stat. Ann. § 477:4-g.

<b><u>NEW JERSEY</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>NEW MEXICO</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>38</sup></p> <p>New Mexico’s Environmental Improvement Board, under its statutory authority to protect the community from hazardous waste generally, has issued regulations for declaring a site a “clandestine drug laboratory,” providing notice to the property owner, restricting some use and transfer of the property, remediation procedures for the property, maximum levels for contaminating substances, and approval of remediation.</p> <p>There is no restriction to non-fentanyl drugs: “clandestine drug laboratory” is defined as “property on which any controlled substance is being unlawfully manufactured or on which there is an attempt to unlawfully manufacture, or where a person is arrested for having on any property any chemicals or equipment used in manufacturing any controlled substance.”</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>39</sup></p> <p>In the absence of any reference to other specific controlled substances, these standards would presumably apply to fentanyl contamination and remediation.</p> <p>Property owners of fentanyl-producing sites would thus have to retain a “remediation firm” under the supervision of a certified industrial hygienist or that has been approved and registered by New Mexico or any other state for perform such assessments of contaminated property. The regulations provide no additional qualifications required to perform fentanyl cleanup.</p>

<sup>38</sup> N.M. Admin. Code 20.4.5.

<sup>39</sup> *Id.*

<b><u>NEW YORK</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.



<b><u>NORTH CAROLINA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>40</sup>  North Carolina’s statute is targeted at “Decontamination of property used for the manufacture of methamphetamine.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>40</sup> N.C. Gen. Stat. Ann. § 130A-284

<b><u>NORTH DAKOTA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>OHIO</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>OKLAHOMA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>OREGON</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>41</sup></p> <p>Oregon’s statutory language applies broadly to “chemical contamination that may result from illegal drug manufacturing,” without restricting to a subset of controlled substances. The Oregon Health Authority is authorized to adopt appropriate rules for licensing remediation contractors to conduct decontamination once the determination has been made that a property is an illegal drug manufacturing site.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>42</sup></p> <p>Oregon’s regulations make no explicit provisions for fentanyl. Methamphetamine is the only drug named in the regulations, but there are fewer exact remediation procedures or measurable standards for contamination compared to those of other states. There is, however, comparatively more attention given to the licensing standards required for remediation contractors. The Oregon Health Authority requires meeting minimum education and experience requirements, special training in hazardous materials and clandestine drug laboratories, and regular recertification. The regulations then require that those licensed contractors rely upon “industry-recognized standards and protocols” and “standard methods and procedures when available.” Given the lack of state or federal standards for fentanyl cleanup, this provides limited guidance to remediation teams for fentanyl-contaminated sites.</p>

<sup>41</sup> Or. Rev. Stat. Ann. § 453.855 to 912 (West).

<sup>42</sup> Or. Admin. R. 333-040-0010 to 0230.

<b><u>PENNSYLVANIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>43</sup>  Pennsylvania's only statute on drug cleanup sites is a requirement that those convicted under the Controlled Substance, Drug, Device and Cosmetic Act "shall... make restitution for the costs incurred in the cleanup, including labor costs, equipment and supplies, of any clandestine laboratory used by the person to manufacture the controlled substance," with clandestine laboratory defined as applying to the manufacture of any controlled substance.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.  Pennsylvania has not enacted cleanup standards for any illegal drug, including fentanyl.

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<sup>43</sup> 18 Pa. Stat. and Cons. Stat. Ann. § 1110 (West).

<b><u>RHODE ISLAND</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>SOUTH CAROLINA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.



<b><u>SOUTH DAKOTA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>TENNESSEE</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>44</sup>  Tennessee’s statute on drug cleanup is targeted specifically at “properties in which a process intended to result in the manufacture of methamphetamine has occurred.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>44</sup> Tenn. Code Ann. § 68-212-502 (West).

<b><u>TEXAS</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>UTAH</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>45</sup></p> <p>Although Utah’s “Illegal Drug Operations Site Reporting and Decontamination Act” is aimed primarily at methamphetamine—and indeed specifies “hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards”—it also addresses the decontamination of “hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards,” which includes “any illegally manufactured controlled substance.”</p> <p>The Department of Health is required to adopt rules to establish decontamination and sampling standards, testing methods, and when to require contamination testing, and the Department of Environmental Quality Waste Management and Radiation Control Board is similarly required to adopt rules on certification standards for decontamination firms.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.</p> <p>Utah’s regulations impose decontamination standards for methamphetamine (and its precursors), ecstasy, lead, and mercury, but not for fentanyl or related opioids. There is no legal obstacle to the relevant health authorities establishing similar standards for fentanyl.</p>

<sup>45</sup> Utah Code Ann. § 19-6-901 to 906 (West).

<b><u>VERMONT</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>VIRGINIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	Yes. <sup>46</sup>  Virginia’s statute on drug cleanup requires the State Board of Health to “establish guidelines for the cleanup of residential property and other buildings formerly used as sites to manufacture methamphetamine to certify that the methamphetamine level at such property is at or below the post cleanup target.” Similar regulations for fentanyl cleanup would require new legislation.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No.

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<sup>46</sup> Va. Code Ann. § 32.1-11.7 (West).

<b><u>WASHINGTON</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	No. <sup>47</sup>  By statute, Washington’s Department of Health shall adopt rules to “establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds.”
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	No. <sup>48</sup>  Despite the relevant statute’s use of the phrase “including but not limited to,” the Department of Health has only established decontamination standards for the original list of methamphetamine, lead, mercury, and volatile organic compounds. There is no legal obstacle to their establishing similar standards for fentanyl.

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<sup>47</sup> Wash. Rev. Code Ann. § 64.44.070 (West).

<sup>48</sup> Wash. Admin. Code 246-205-541.

<b><u>WEST VIRGINIA</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>49</sup></p> <p>West Virginia’s Clandestine Drug Laboratory Remediation Act defines “clandestine drug laboratory” as “the area or areas where controlled substances, or their immediate precursors, have been, or were attempted to be, manufactured, processed, cooked, disposed of or stored and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing or storing.” The language is not restricted to a subset of controlled substances.</p> <p>The Department of Health and Human Services shall propose rules for legislative approval establishing scientific guidelines and decontamination levels for cleanup and a certification program for remediation contractors.</p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>50</sup></p> <p>The only standards that govern decontamination of a specific drug refer to methamphetamine alone. The Department could adopt similar regulations for fentanyl, but because of the procedures of West Virginia’s State Administrative Procedures Act, the final rule would require a vote by both houses of the Legislature, effectively requiring new legislation.<sup>51</sup></p>

<sup>49</sup> W. Va. Code Ann. § 60A-11-1 to 6 (West).

<sup>50</sup> W. Va. Code R. 64-92-7.

<sup>51</sup> W. Va. Code Ann. § 29A-3-12 (West).



<b><u>WISCONSIN</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	No.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	N/A.
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	N/A.

<b><u>WYOMING</u></b>	
Does this jurisdiction have any statutes or regulations governing cleanup of illegal drug sites?	Yes.
Are those laws explicitly restricted to non-fentanyl drugs (methamphetamine, etc.)?	<p>No.<sup>52</sup></p> <p>Under the Wyoming Emergency Response Act, the state emergency response commission shall establish by rule “standards for protection of the safety of responding personnel during clandestine laboratory incident responses, standards for determining a site uninhabitable..., standards for determining the extent of contamination and standards for remediation required to render former clandestine laboratory operation sites safe for re-entry, habitation or use.”</p> <p>In those rules, Wyoming is one of only two states to name fentanyl in discussion of drug lab decontamination: its definition of clandestine laboratory operation, or “Clanlab,” includes laboratories involved in the production of “fentanyl and its analogs.”<sup>53</sup></p>
Do those laws specifically establish cleanup guidance for fentanyl or similar opioids?	<p>No.<sup>54</sup></p> <p>Despite the emergency response commission rule’s reference to fentanyl, no further rules have been promulgated governing its cleanup. Rules and procedures exist applying to clandestine labs generally, but standards for specific drugs have only been established for methamphetamine, LSD, and MDMA.</p>

<sup>52</sup> Wyo. Stat. Ann. § 35-9-153 (West).

<sup>53</sup> Wyo. Admin. Code 041.0004.2 § 1(c).

<sup>54</sup> Wyo. Admin. Code 041.0004.2 § 13.

## RESOURCES

Although there is less proactive policy and comprehensive cleanup guidance for fentanyl than for some other drugs, this is not to say that there is none. Government agencies, nonprofit organizations, and private companies have all contributed valuable research and experience that inform the policy and operational response to fentanyl decontamination. Here is a selection of additional sources with more in-depth guidance that may be useful to policymakers seeking to address these challenges.

### Government Agencies

#### Centers for Disease Control and Prevention (CDC)

- [Preventing Emergency Responders' Exposures to Illicit Drugs](#). In this guide, the CDC provides important safety recommendations for exposure to a variety of illicit drugs, including fentanyl. It covers safe workplace practices for emergency responders, possible avenues of exposure to drugs, a detailed description of PPE to wear depending on level of exposure, topics for training, and some general decontamination steps.
- [Illicit Drug Tool-Kit for First Responders](#). These videos, infographics, and postcards convey the most essential safety and procedural guidance in easily shareable forms.

#### U.S. Department of Justice, Drug Enforcement Administration (DEA)

- [Fentanyl: A Briefing Guide for First Responders](#). In addition to an overview of the common forms of fentanyl and the history of its spread in the United States, this DEA guide includes recommendations on PPE for first responders, information on accidental exposure and treatment, and suggested safety precautions during decontamination.
- [Fentanyl Safety Recommendations for First Responders](#). This one-sheet guide provides a quick reference focused primarily on what to do in the event of an accidental exposure to fentanyl.

#### Environmental Protection Agency (EPA)

- [Fact Sheet for OSCs: Fentanyl and Fentanyl Analogs](#). This guide designed for Federal On-Scene Coordinators includes the best government-issued guidance on the science of fentanyl decontamination. The document describes the physical properties of fentanyl, exposure pathways, advisory levels and occupational exposure limits, potency and lethality of doses, personal safety and PPE, detection and sampling, several methods for site decontamination, personnel decontamination, and waste management. In its discussion of removal of solids and surface decontamination, it addresses some of the chemical decontamination agents that have been introduced by private companies.

#### Interagency Board for Emergency Preparedness and Response (IAB)

- [Recommendations on Selection and Use of Personal Protective Equipment and Decontamination Products for First Responders Against Exposure Hazards to Synthetic Opioids, Including Fentanyl and Fentanyl Analogues](#). This guide gives a detailed description of the proper technologies and level of PPE that are appropriate based on different levels of fentanyl exposure risk. The IAB breaks down its

recommendations based on fentanyl levels that are minimal, moderate, or high, and settings that involve particulates or chemicals.

#### [Fentanyl Safety for First Responders](#)

- This website, created cooperatively by multiple government and law enforcement bodies of British Columbia, is a well-rounded resource on fentanyl, including its common uses, how to handle it safely, how to use naloxone to combat overdoses, and job-specific safety information. The Hazmat section is of particular relevance to this specific topic.

#### **Private Companies**

- The [Meth Lab Cleanup Company](#) and [Apple Environmental](#) are two examples of companies that are adapting from their original purpose of meth lab decontamination to address the new industry of fentanyl decontamination.
- For journalists' coverage of other, similar fentanyl cleanup companies, their methods, and their competition to establish the approved method of fentanyl decontamination, see [here](#), [here](#), and [here](#).

#### **Other**

- To read the full text of California's new Methamphetamine or Fentanyl Contaminated Property Cleanup Act, see [here](#). It may inform drafting decisions if other state legislatures wish to adopt fentanyl cleanup laws

## ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces timely model laws and policies that can be used by national, state, and local public health, public safety, and substance use disorder practitioners who want the latest comprehensive information on law and policy as well as up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to fact sheets. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication-assisted treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.



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