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June 02, 2020

Quarantine of Property Where Meth Was Manufactured

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Reference Number: CTAS-1269

In 2004 and 2005, the General Assembly passed several bills relating to the illegal manufacture of methamphetamine. Each of these new laws included new duties for Tennessee's sheriffs.

Public Chapter 855 of the Acts of 2004 gives the sheriff the authority to quarantine any property or any structure or room in any structure on any property located in the county where the manufacture of methamphetamine, its salts, isomers, and salts of its isomers is occurring or has occurred. If the sheriff quarantines such property, the sheriff becomes 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. T.C.A. § 68-212-503(b). Once the property has been quarantined it must remain quarantined until a certified industrial hygienist or other qualified person or entity certifies to the sheriff that the property is safe for human use. T.C.A. § 68-212-505.

Public Chapter 18 of the Acts of 2005 enacted the Meth-Free Tennessee Act of 2005. The act amends T.C.A. § 68-212-503 to clarify that the purpose of the provision allowing for the quarantine of properties where methamphetamine manufacturing has occurred is to prevent people from being exposed to the hazards associated with methamphetamine and the chemicals associated with the manufacture of methamphetamine. The act also amends Title 68, Chapter 212, Part 5, by adding a new section that requires the sheriff, within seven days of issuing an order of quarantine, to transmit to the commissioner of environment and conservation the following minimal information regarding the site: date of the quarantine order, county, address, name of the owner of the site, and a brief description of the site (single family home, apartment, motel, wooded area, etc.). The sheriff must also notify the commissioner once the quarantine has been lifted.

Public Chapter 347 of the Acts of 2005 requires the sheriff, after quarantining real property or any structure or room in any structure on any real property due to the manufacture of meth, to 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 thereof lies.

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