

SB 755 -1, -2, -4, -6, -7, -9, -10, -15, -17, -20, -21 STAFF

MEASURE SUMMARY

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Prepared By: Leslie Wu, Counsel

Meeting Dates: 3/1, 3/15, 3/31, 4/8

WHAT THE MEASURE DOES:

Implements language of Ballot Measure 110. Makes style and form changes. Acts as vehicle for legislative amendments.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Corrects omission of hydrocodone from drug penalty updates.
- 2 Clarifies use of presumptive field tests in Class E violation proceedings.
- 4 Limits jurisdiction over E violation tickets to Circuit Courts.
- 6 Changes term "ARC" or "Addiction Recovery Center" to "BHRN" or "Behavioral Health Resource Network." Changes term "assessment" to "screening." Amends requirements for staffing required to complete "screening." Changes term "intensive case management" to "case management" and clarifies other items related to BHRNs. Untethers OHA maintained phone line timeline from ARC establishment timeline and removes sunset on phone line. Expands ability to disburse funding to include grants and other funding.
- 7 Requires officers to provide information on how to obtain assessment when issuing E violation citations.
- 9 Specifies dismissal as outcome of E violation citation if individual completes "screening."
- 10 Specifies \$100 as presumptive fine and \$45 as minimum fine for Class E violation citation.
- 15 Changes quorum rules for Oversight and Accountability Council.
- 17 Prohibits use of ORS 153.992 and ORS 153.064 to prosecute or arrest individuals that fail to appear for E violation related proceedings.
- 20 Clarifies that the M110 fund is the payor of last resort.
- 21 Directs the Oversight and Accountability Council to prioritize funding to community based organizations serving communities most impacted by the war on drugs. Adds tribes as an entity that may be funded by the Council. Removes language that allowed funding for government entities only if no applicants were community based organizations.

BACKGROUND:

Ballot Measure 110 was passed by Oregon voters in 2020 with 58.26% of the vote in favor and 41.54% of the vote opposed. Also referred to as the Drug Addiction Treatment and Recovery Act (the "Act"), Ballot Measure 110 decriminalizes possession of small amounts of controlled substances. It classifies those offenses as Class E violations that are subject to a \$100 fine. If a cited person completes an assessment through an Addiction Recovery Center ("ARC") or by calling the temporary phone line run by the Oregon Health Authority ("OHA"), the fine is waived. The Act also creates the Treatment and Recovery Services Fund (the "Fund") which is financed in

large part with marijuana revenues. The Fund money will be distributed through a grants process with grant money flowing both to ARCs as well as other organizations, including government and non-governmental entities that apply for grant money, in order to increase access to behavioral healthcare. The Act creates an Oversight and Accountability Council (“OAC”) that acts as the rulemaking and grant disbursement body under the wing of OHA. Efficacy of the grants and ARCs, as well as outcomes of the Act, are assessed by audit conducted by the Secretary of State.