

SB 755-A35
(LC 3429)
5/26/21 (LHF/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Representative Rob Nosse, Senator Kate Lieber)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 755**

1 On page 2 of the printed A-engrossed bill, line 18, after “screening” insert
2 a comma.

3 In line 21, after “screening” insert a comma.

4 On page 4, line 28, after the period insert “A recipient of a grant or
5 funding under this subsection may not use the grant or funding to supplant
6 the recipient’s existing funding.”.

7 Delete lines 29 and 30 and insert:

8 “(b) The council and the authority shall ensure that residents of each
9 county have access to all of the services described in paragraph (d) of this
10 subsection.”.

11 In line 32, after “participants” insert “to provide services in one or more
12 counties”.

13 On page 5, after line 17, insert:

14 “(e) If an applicant for a grant or funding under this subsection is unable
15 to provide all of the services described in paragraph (d) of this subsection,
16 the applicant may identify how the applicant intends to partner with other
17 entities to provide the services, and the Oregon Health Authority and the
18 council may facilitate collaboration among applicants.”.

19 In line 18, delete “(e)” and insert “(f)”.

20 In line 19, delete “patient-centered” and insert “person-centered”.

21 In line 22, delete “(f)” and insert “(g)”.

1 Delete lines 30 through 37 and insert:

2 “(h) Verification of a screening by a certified addiction peer support spe-
3 cialist, wellness specialist or other person in accordance with subsection
4 (2)(d)(A) of this section shall promptly be provided to the client by the entity
5 conducting the screening. If the client executes a valid release of informa-
6 tion, the entity shall provide verification of the screening to the Oregon
7 Health Authority or a contractor of the authority and the authority or the
8 authority’s contractor shall forward the verification to the court, in the
9 manner prescribed by the Chief Justice of the Supreme Court, to satisfy the
10 conditions for dismissal under section 22, chapter 2, Oregon Laws 2021
11 (Ballot Measure 110 (2020)), or section 46 of this 2021 Act.

12 “(3)(a) If moneys remain in the Drug Treatment and Recovery Services
13 Fund after the council has committed grants and funding to establish be-
14 havioral health resource networks serving every county in this state, the
15 council shall provide”.

16 In line 39, after “to” insert “the nine federally recognized tribes in this
17 state and”.

18 In line 41, delete “(a)” and insert “(A)”.

19 In line 42, delete “patient-centered” and insert “person-centered”.

20 In line 43, delete “(b)” and insert “(B)”.

21 In line 44, delete “(c)” and insert “(C)”.

22 In line 45, delete “or”.

23 On page 6, line 1, delete “(d)” and insert “(D)”.

24 In line 3, delete the period and insert “; or

25 “(E) Incentives and supports to expand the behavioral health workforce
26 to support the services delivered by behavioral health resource networks and
27 entities receiving grants or funding under this subsection.

28 “(b) A recipient of a grant or funding under this subsection may not use
29 the grant or funding to supplant the recipient’s existing funding.

30 “(4) In awarding grants and funding under subsections (2) and (3) of this

1 section, the council shall:

2 “(a) Distribute grants and funding to ensure access to:

3 “(A) Historically underserved populations; and

4 “(B) Culturally specific and linguistically responsive services.

5 “(b) Consider any inventories or surveys of currently available behavioral
6 health services.

7 “(c) Consider available regional data related to the substance use disorder
8 treatment needs and the access to culturally specific and linguistically re-
9 sponsive services in communities in this state.

10 “(d) Consider the needs of residents of this state for services, supports and
11 treatment at all ages.”.

12 Delete lines 4 through 6.

13 In line 14, after “Drug” insert “Policy”.

14 After line 26, insert:

15 **“SECTION 2a. (1) Grants and funding under section 2 (2), chapter**
16 **2, Oregon Laws 2021 (Ballot Measure 110 (2020)) must be disbursed such**
17 **that at least one Behavioral Health Resource Network is established**
18 **and operational within each county by January 1, 2022.**

19 **“(2) If the recipients of grants and funding under section 2 (2),**
20 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)) cannot provide**
21 **all of the services described in section 2 (2)(d), chapter 2, Oregon Laws**
22 **2021 (Ballot Measure 110 (2020)) within a county by January 1, 2022, the**
23 **Oversight and Accountability Council and the Oregon Health Author-**
24 **ity shall issue additional requests for proposals to provide the neces-**
25 **sary services.”.**

26 On page 7, line 6, after “health” insert “care”.

27 In line 7, delete “and”.

28 In line 9, delete the period and insert “; and

29 “(N) The Director of the Alcohol and Drug Policy Commission or the
30 director’s designated staff person, as a nonvoting member.”.

1 In line 45, before the period insert “, and that recipients of grants or
2 funding comply with all applicable rules regulating the provision of behav-
3 ioral health services”.

4 On page 8, after line 17, insert:

5 “(6) The Department of Justice shall provide legal services to the council
6 if requested to assist the council in carrying out the council’s duties and
7 obligations.”.

8 On page 9, line 21, delete “2020” and insert “2021”.

9 In line 29, delete “beginning July 1, 2019” and insert “ending June 30,
10 2019”.

11 On page 12, after line 20, insert:

12 **“SECTION 10a. During calendar year 2021, the Oversight and Ac-
13 countability Council may award up to \$13 million in grants under
14 section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)),
15 based on grant applications received and provisionally approved by the
16 council in calendar year 2021, as authorized by section 12, chapter 4,
17 Oregon Laws 2021.”.**

18 On page 15, line 5, delete “(2)(d)(B)” and insert “(2)(d)(A)”.

19 In line 6, delete “, in lieu of paying a fine”.

20 In line 21, delete “(2)(d)(B)” and insert “(2)(d)(A)”.

21 Delete lines 24 through 30 and insert:

22 “(2) Upon receiving verification that the person has obtained a screening
23 through a Behavioral Health Resource Network, including the telephone
24 hotline described in section 23 (1), chapter 2, Oregon Laws 2021 (Ballot
25 Measure 110 (2020)), or any other equivalent or more intensive treatment
26 contact, within the time period described in subsection (1) of this section, the
27 court shall dismiss the citation.

28 “(3) The failure to pay a fine on a Class E violation is not a basis for
29 further penalties or for a term of incarceration.”.

30 On page 16, line 22, delete “(2)(g)” and insert “(2)(h)”.

1 On page 19, line 10, delete “drug ad-”.

2 In line 11, delete “diction” and insert “substance use disorder”.

3 In line 34, delete “has” and insert “have”.

4 On page 23, line 1, delete “September 15, 2023, and” and insert “January
5 1, 2022, and at the beginning of”.

6 Delete line 4 and insert “in the preceding calendar quarter.

7 **“SECTION 24a. The Oregon Health Authority shall report, in the
8 manner provided in ORS 192.245, to the interim subcommittee of the
9 Joint Committee on Ways and Means related to human services and
10 to the interim committees of the Legislative Assembly related to
11 mental or behavioral health:**

12 **“(1) No later than January 31, 2022, the number of applications for
13 grants or funding awarded under section 2, chapter 2, Oregon Laws
14 2021 (Ballot Measure 110 (2020)), and, for each award, the:**

15 **“(a) Amount of the grant or funding;**

16 **“(b) Array of services provided by each recipient;**

17 **“(c) Duration of the award; and**

18 **“(d) Geographic area served by each recipient.**

19 **“(2) No later than 30 days after grants or funding have been
20 awarded to entities serving every county in this state:**

21 **“(a) The name of each recipient of a grant or funding providing
22 services described in section 2 (2)(d), chapter 2, Oregon Laws 2021
23 (Ballot Measure 110 (2020)), and any subcontractors of the recipient;
24 and**

25 **“(b) The services provided by each recipient and the counties where
26 the services will be provided by the recipient.**

27 **“(3) No later than 30 days after the grants or funding have been
28 awarded for the biennium beginning July 1, 2021:**

29 **“(a) Details of the awards;**

30 **“(b) The grants or funding awarded for services described in section**

1 **2 (2), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), and the**
2 **grants or funding that were awarded to provide services described in**
3 **section 2 (3), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020));**
4 **and**

5 **“(c) Total budget projections for the biennia beginning July 1, 2021,**
6 **and July 1, 2023.”.**

7 Delete lines 35 through 41 and insert:

8 **“SECTION 27. (1) If a youth is within the jurisdiction of the court**
9 **for having committed an act that, if committed by an adult, would**
10 **constitute a Class E violation, the court shall proceed in accordance**
11 **with section 22, chapter 2, Oregon Laws 2021 (Ballot Measure 110**
12 **(2020)).**

13 **“(2) Nothing in subsection (1) of this section prevents a youth from**
14 **entering into a formal accountability agreement under ORS 419C.230**
15 **for a Class E violation.”.**

16 On page 36, delete line 45.

17 On page 37, delete lines 1 through 11 and insert:

18 **“SECTION 46. (1) Notwithstanding ORS 161.566, a prosecuting at-**
19 **torney may elect to treat as a Class E violation any offense that would**
20 **constitute a Class E violation had the offense been committed on or**
21 **after February 1, 2021, as described in this section.**

22 **“(2) If the prosecuting attorney elects to treat an offense as a Class**
23 **E violation under this section, with the consent of the defendant and**
24 **as part of the same hearing, the prosecuting attorney shall move to**
25 **dismiss the original offense and simultaneously initiate a Class E vio-**
26 **lation proceeding. In providing consent under this subsection, the de-**
27 **fendant waives any challenge to the Class E violation under ORS**
28 **131.125.**

29 **“(3) If, at the hearing described in subsection (2) of this section, the**
30 **court has received verification that the defendant has obtained a**

1 screening through a Behavioral Health Resource Network, including
2 the telephone hotline described in section 23 (1), chapter 2, Oregon
3 Laws 2021 (Ballot Measure 110 (2020)), or any other equivalent or more
4 intensive treatment contact, the court shall dismiss the citation.”.

5 After line 22, insert:

6

7

“REPEAL

8

9 **“SECTION 48. Section 24a of this 2021 Act is repealed on January**
10 **2, 2024.”.**

11 In line 26, delete “48” and insert “49”.

12 In line 32, delete “49” and insert “50”.

13
