

HB 2645 B STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 5/25

WHAT THE MEASURE DOES:

The measure creates the crime of possession of a Schedule II controlled substance if a person possesses more than one gram, or five or more user units of a mixture or substance containing a detectable amount of fentanyl, or derivative of fentanyl defined by the State Board of Pharmacy as a Class A misdemeanor.

The measure adds the unit measurements of a mixture or substance containing a detectable amount of fentanyl for purposes of calculating the crime category level when delivering or manufacturing fentanyl. The measure declares an emergency and takes effect upon passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A person illegally in possession of Fentanyl may be cited with a Class E violation under ORS 475.752, unless they possess more than 50 grams, of Fentanyl, in which case they may be charged with a Class C felony under ORS 475.900. Oregon statute does not provide for a Class A misdemeanor charge for possession of Fentanyl as it does for possession of similarly categorized controlled substances such as heroin, methamphetamine, and cocaine. Additionally, statutes criminalizing possession of Fentanyl require proof of specific quantities defined by weight and cannot be established by possession of “pills, tablets, capsules or user units” as allowed for in statutes relating to Oxycodone under ORS 475.834.