

HB 2645 A STAFF MEASURE SUMMARY

Carrier: Rep. Morgan

House Committee On Judiciary

Action Date: 02/08/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-1-0-0

Yeas: 9 - Andersen, Bynum, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan

Nays: 1 - Chaichi

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 1/31, 2/8

WHAT THE MEASURE DOES:

Establishes a Class A misdemeanor penalty for possession of certain amounts of Fentanyl. Adds user unit measurement of Fentanyl for purposes of calculating crime category level for certain offenses involving possession, delivery or manufacture of Fentanyl. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Proposed amendment
- Possible addition of emergency clause language
- Fentanyl-related overdose deaths
- Measurement of controlled substances similar to Fentanyl
- Statutes governing other controlled substance amounts

EFFECT OF AMENDMENT:

Replaces the measure.

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.

House Bill 2645 A establishes a Class A misdemeanor penalty for possession of certain amounts of Fentanyl and adds a user unit measurement of Fentanyl for purposes of calculating the crime category level for certain offenses involving possession, delivery or manufacture of Fentanyl.