

HB 2645 B STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 03/27/23

Action: Do pass with amendments to the A-Eng bill. Refer to Ways and Means. (Printed B-Eng).

Vote: 4-1-0-0

Yeas: 4 - Gelser Blouin, Manning Jr, Prozanski, Thatcher

Nays: 1 - Linthicum

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

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Meeting Dates: 3/16, 3/27

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. Adds misdemeanor unlawful possession of fentanyl under ORS 475.752 (8)(a) to the definition of designated drug-related misdemeanor. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Brings fentanyl in line with other controlled substance offenses
- Pill form of fentanyl added to measurement
- Cost of supervised probation

EFFECT OF AMENDMENT:

Adds misdemeanor unlawful possession of fentanyl under ORS 475.752 (8)(a) to the definition of designated drug-related misdemeanor.

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 B 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.