

House Bill 3549

Sponsored by Representatives MORGAN, RESCHKE; Representatives LEVY B, SCHARF, Senator HANSELL

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Restores criminal penalties for possession of controlled substance offenses to level prior to enactment of Drug Addiction Treatment and Recovery Act of 2020 (Ballot Measure 110 (2020)) when person has been previously cited for Class E violation for possession of controlled substance. Provides that person charged with crime, who would otherwise have been charged with Class E violation pursuant to Ballot Measure 110 (2020), is eligible for diversion upon first charge after previous citation and for any drug court offered in county upon second charge.

A BILL FOR AN ACT

1
2 Relating to possession of controlled substances; creating new provisions; and amending ORS 475.245,
3 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 475.752 is amended to read:

6 475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful
7 for any person to manufacture or deliver a controlled substance. Any person who violates this sub-
8 section with respect to:

9 (a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise pro-
10 vided in ORS 475.886 and 475.890.

11 (b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise
12 provided in ORS 475.878, 475.880, 475.882, 475.904 and 475.906.

13 (c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise
14 provided in ORS 475.904 and 475.906.

15 (d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

16 (e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

17 (2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any
18 person to create or deliver a counterfeit substance. Any person who violates this subsection with
19 respect to:

20 (a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

21 (b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

22 (c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

23 (d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

24 (e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

25 (3) It is unlawful for any person knowingly or intentionally to possess a controlled substance
26 unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a
27 practitioner while acting in the course of professional practice, or except as otherwise authorized
28 by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with re-
29 spect to:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) A controlled substance in Schedule I, is guilty of a Class E violation, except as otherwise
 2 provided in ORS 475.854, 475.874 and 475.894 and subsection (7) of this section.

3 (b) A controlled substance in Schedule II, is guilty of a Class E violation, except as otherwise
 4 provided in ORS 475.814, 475.824, 475.834 or 475.884 or subsection (8) of this section.

5 (c) A controlled substance in Schedule III, is guilty of a Class E violation.

6 (d) A controlled substance in Schedule IV, is guilty of a Class E violation.

7 (e) A controlled substance in Schedule V, is guilty of a violation.

8 (4) It is an affirmative defense in any prosecution under this section for manufacture, possession
 9 or delivery of the plant of the genus *Lophophora* commonly known as peyote that the peyote is being
 10 used or is intended for use:

11 (a) In connection with the good faith practice of a religious belief;

12 (b) As directly associated with a religious practice; and

13 (c) In a manner that is not dangerous to the health of the user or others who are in the prox-
 14 imity of the user.

15 (5) The affirmative defense created in subsection (4) of this section is not available to any person
 16 who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

17 (6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or
 18 delivers a controlled substance in Schedule IV and who thereby causes death to another person is
 19 guilty of a Class C felony.

20 (b) For purposes of this subsection, causation is established when the controlled substance plays
 21 a substantial role in the death of the other person.

22 (7) Notwithstanding subsection (3)(a) of this section:

23 (a) Unlawful possession of a controlled substance in Schedule I is a Class A misdemeanor if [*the*
 24 *person possesses*]:

25 **(A) The person has been previously cited for a Class E violation under this section or**
 26 **under ORS 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894;**

27 [(A)] **(B) The person possesses** forty or more user units of a mixture or substance containing
 28 a detectable amount of lysergic acid diethylamide; or

29 [(B)] **(C) The person possesses** twelve grams or more of a mixture or substance containing a
 30 detectable amount of psilocybin or psilocin.

31 (b) Unlawful possession of a controlled substance in Schedule I is a Class B felony if:

32 **(A) The person has been previously cited for a Class E violation under this section or**
 33 **under ORS 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894 and:**

34 **(i) The person possesses forty or more user units of a mixture or substance containing**
 35 **a detectable amount of lysergic acid diethylamide;**

36 **(ii) The person possesses twelve grams or more of a mixture or substance containing a**
 37 **detectable amount of psilocybin or psilocin; or**

38 **(iii) The person possesses a usable quantity of the controlled substance and:**

39 **(I) At the time of the possession, the person has a prior felony conviction; or**

40 **(II) At the time of the possession, the person has two or more prior convictions for un-**
 41 **lawful possession of a usable quantity of a controlled substance;**

42 [(A)] **(B) The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

43 [(B)] **(C) The person possesses a substantial quantity under ORS 475.900 (2)(b).**

44 (8) Notwithstanding subsection (3)(b) of this section[,]:

45 **(a) Unlawful possession of a controlled substance in Schedule II is a Class A**

1 **misdemeanor if the person has been previously cited for a Class E violation under this sec-**
 2 **tion or under ORS 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894.**

3 (b) Unlawful possession of a controlled substance in Schedule II is a Class C felony if:

4 (A) **The person has been previously cited for a Class E violation under this section or**
 5 **under ORS 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894, the person possesses**
 6 **a usable quantity of the controlled substance and:**

7 (i) **At the time of the possession, the person has a prior felony conviction; or**

8 (ii) **At the time of the possession, the person has two or more prior convictions for un-**
 9 **lawful possession of a usable quantity of a controlled substance;**

10 [(a)] (B) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

11 [(b)] (C) The person possesses a substantial quantity under ORS 475.900 (2)(b).

12 (9) **Notwithstanding subsection (3)(c) of this section, unlawful possession of a controlled**
 13 **substance in Schedule III is a Class A misdemeanor if the person has previously been cited**
 14 **for a Class E violation under this section or under ORS 475.814, 475.824, 475.834, 475.854,**
 15 **475.874, 475.884 or 475.894.**

16 (10) **Notwithstanding subsection (3)(d) of this section, unlawful possession of a controlled**
 17 **substance in Schedule IV is a Class C misdemeanor if the person has previously been cited**
 18 **for a Class E violation under this section or under ORS 475.814, 475.824, 475.834, 475.854,**
 19 **475.874, 475.884 or 475.894.**

20 **SECTION 2.** ORS 475.814 is amended to read:

21 475.814. (1) It is unlawful for any person knowingly or intentionally to possess hydrocodone un-
 22 less the hydrocodone was obtained directly from, or pursuant to a valid prescription or order of, a
 23 practitioner while acting in the course of professional practice, or except as otherwise authorized
 24 by ORS 475.005 to 475.285 and 475.752 to 475.980.

25 (2)(a) Unlawful possession of hydrocodone is a Class E violation.

26 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of hydrocodone is a
 27 Class A misdemeanor if:

28 (A) **The person has previously been cited for a Class E violation under this section or**
 29 **under ORS 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894;**

30 [(A)] (B) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

31 [(B)] (C) The person possesses 40 or more pills, tablets, capsules or user units of a mixture or
 32 substance containing a detectable amount of hydrocodone.

33 **SECTION 3.** ORS 475.824 is amended to read:

34 475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone unless
 35 the methadone was obtained directly from, or pursuant to a valid prescription or order of, a prac-
 36 titioner while acting in the course of professional practice, or except as otherwise authorized by
 37 ORS 475.005 to 475.285 and 475.752 to 475.980.

38 (2)(a) Unlawful possession of methadone is a Class E violation.

39 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a
 40 Class A misdemeanor if:

41 (A) **The person has previously been cited for a Class E violation under this section or**
 42 **under ORS 475.752, 475.814, 475.834, 475.854, 475.874, 475.884 or 475.894; or**

43 (B) The person possesses 40 or more user units of a mixture or substance containing a detect-
 44 able amount of methadone.

45 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of methadone

1 is a Class C felony if:

2 **(A) The person has previously been cited for a Class E violation under this section or**
3 **under ORS 475.752, 475.814, 475.834, 475.854, 475.874, 475.884 or 475.894 and:**

4 **(i) The person possesses 40 or more user units of a mixture or substance containing a**
5 **detectable amount of methadone; or**

6 **(ii) The person possesses a usable quantity of methadone and:**

7 **(I) At the time of the possession, the person has a prior felony conviction; or**

8 **(II) At the time of the possession, the person has two or more prior convictions for un-**
9 **lawful possession of a usable quantity of a controlled substance; or**

10 **(B) The possession is a commercial drug offense under ORS 475.900 (1)(b).**

11 **SECTION 4.** ORS 475.834 is amended to read:

12 475.834. (1) It is unlawful for any person knowingly or intentionally to possess oxycodone unless
13 the oxycodone was obtained directly from, or pursuant to a valid prescription or order of, a practi-
14 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS
15 475.005 to 475.285 and 475.752 to 475.980.

16 (2)(a) Unlawful possession of oxycodone is a Class E violation.

17 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class
18 A misdemeanor if:

19 **(A) The person has previously been cited for a Class E violation under this section or**
20 **under ORS 475.752, 475.814, 475.824, 475.854, 475.874, 475.884 or 475.894; or**

21 **(B) The person possesses 40 or more pills, tablets, capsules or user units of a mixture or sub-**
22 **stance containing a detectable amount of oxycodone.**

23 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of oxycodone
24 is a Class C felony if:

25 **(A) The person has previously been cited for a Class E violation under this section or**
26 **under ORS 475.752, 475.814, 475.824, 475.854, 475.874, 475.884 or 475.894 and:**

27 **(i) The person possesses 40 or more pills, tablets, capsules or user units of a mixture or**
28 **substance containing a detectable amount of oxycodone; or**

29 **(ii) The person possesses a usable quantity of oxycodone and:**

30 **(I) At the time of the possession, the person has a prior felony conviction; or**

31 **(II) At the time of the possession, the person has two or more prior convictions for un-**
32 **lawful possession of a usable quantity of a controlled substance; or**

33 **(B) The possession is a commercial drug offense under ORS 475.900 (1)(b).**

34 **SECTION 5.** ORS 475.854 is amended to read:

35 475.854. (1) It is unlawful for any person knowingly or intentionally to possess heroin.

36 (2)(a) Unlawful possession of heroin is a Class E violation.

37 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a Class
38 A misdemeanor if:

39 **(A) The person has previously been cited for a Class E violation under this section or**
40 **under ORS 475.752, 475.814, 475.824, 475.834, 475.874, 475.884 or 475.894; or**

41 **(B) The person possesses one gram or more of a mixture or substance containing a detectable**
42 **amount of heroin.**

43 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of heroin is
44 a Class B felony if:

45 **(A) The person has previously been cited for a Class E violation under this section or**

1 **under ORS 475.752, 475.814, 475.824, 475.834, 475.874, 475.884 or 475.894 and:**

2 (i) **The person possesses one gram or more of a mixture or substance containing a de-**
3 **etectable amount of heroin; or**

4 (ii) **The person possesses a usable quantity of heroin and:**

5 (I) **At the time of the possession, the person has a prior felony conviction; or**

6 (II) **At the time of the possession, the person has two or more prior convictions for un-**
7 **lawful possession of a usable quantity of a controlled substance;**

8 [(A)] (B) **The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

9 [(B)] (C) **The person possesses a substantial quantity under ORS 475.900 (2)(b).**

10 **SECTION 6.** ORS 475.874 is amended to read:

11 475.874. (1) It is unlawful for any person knowingly or intentionally to possess
12 3,4-methylenedioxyamphetamine.

13 (2)(a) Unlawful possession of 3,4-methylenedioxyamphetamine is a Class E violation.

14 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of
15 3,4-methylenedioxyamphetamine is a Class A misdemeanor if:

16 (A) **The person has previously been cited for a Class E violation under this section or**
17 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.884 or 475.894; or**

18 (B) **The person possesses one gram or more or five or more pills, tablets or capsules of a mix-**
19 **ture or substance containing a detectable amount of:**

20 [(A)] (i) 3,4-methylenedioxyamphetamine;

21 [(B)] (ii) 3,4-methylenedioxyamphetamine; or

22 [(C)] (iii) 3,4-methylenedioxy-N-ethylamphetamine.

23 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of
24 3,4-methylenedioxyamphetamine is a Class B felony if:

25 (A) **The person has previously been cited for a Class E violation under this section or**
26 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.884 or 475.894 and:**

27 (i) **The person possesses one gram or more or five or more pills, tablets or capsules of**
28 **a mixture or substance containing a detectable amount of 3,4-methylenedioxyamphetamine,**
29 **3,4-methylenedioxyamphetamine or 3,4-methylenedioxy-N-ethylamphetamine; or**

30 (ii) **The person possesses a usable quantity of 3,4-methylenedioxyamphetamine,**
31 **3,4-methylenedioxyamphetamine or 3,4-methylenedioxy-N-ethylamphetamine and:**

32 (I) **At the time of the possession, the person has a prior felony conviction; or**

33 (II) **At the time of the possession, the person has two or more prior convictions for un-**
34 **lawful possession of a usable quantity of a controlled substance;**

35 [(A)] (B) **The possession is a commercial drug offense under ORS 475.900 (1)(b); or**

36 [(B)] (C) **The person possesses a substantial quantity under ORS 475.900 (2)(b).**

37 **SECTION 7.** ORS 475.884 is amended to read:

38 475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless
39 the substance was obtained directly from, or pursuant to[,] a valid prescription or order of, a prac-
40 titioner while acting in the course of professional practice, or except as otherwise authorized by
41 ORS 475.005 to 475.285 and 475.752 to 475.980.

42 (2)(a) Unlawful possession of cocaine is a Class E violation.

43 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a Class
44 A misdemeanor if:

45 (A) **The person has previously been cited for a Class E violation under this section or**

1 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874 or 475.894; or**

2 (B) The person possesses two grams or more of a mixture or substance containing a detectable
3 amount of cocaine.

4 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of cocaine is
5 a Class C felony if:

6 (A) **The person has previously been cited for a Class E violation under this section or**
7 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874 or 475.894 and:**

8 (i) **The person possesses two grams or more of a mixture or substance containing a de-**
9 **tectable amount of cocaine; or**

10 (ii) **The person possesses a usable quantity of cocaine and:**

11 (I) **At the time of the possession, the person has a prior felony conviction; or**

12 (II) **At the time of the possession, the person has two or more prior convictions for un-**
13 **lawful possession of a usable quantity of a controlled substance;**

14 [(A)] (B) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

15 [(B)] (C) The person possesses a substantial quantity under ORS 475.900 (2)(b).

16 **SECTION 8.** ORS 475.894 is amended to read:

17 475.894. (1) It is unlawful for any person knowingly or intentionally to possess methamphetamine
18 unless the substance was obtained directly from, or pursuant to[,] a valid prescription or order of,
19 a practitioner while acting in the course of professional practice, or except as otherwise authorized
20 by ORS 475.005 to 475.285 and 475.752 to 475.980.

21 (2)(a) Unlawful possession of methamphetamine is a Class E violation.

22 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine
23 is a Class A misdemeanor if:

24 (A) **The person has previously been cited for a Class E violation under this section or**
25 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874 or 475.884; or**

26 (B) The person possesses two grams or more of a mixture or substance containing a detectable
27 amount of methamphetamine.

28 (c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of metham-
29 phetamine is a Class C felony if:

30 (A) **The person has previously been cited for a Class E violation under this section or**
31 **under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874 or 475.884 and:**

32 (i) **The person possesses two grams or more of a mixture or substance containing a de-**
33 **tectable amount of methamphetamine; or**

34 (ii) **The person possesses a usable quantity of methamphetamine and:**

35 (I) **At the time of the possession, the person has a prior felony conviction; or**

36 (II) **At the time of the possession, the person has two or more prior convictions for un-**
37 **lawful possession of a usable quantity of a controlled substance;**

38 [(A)] (B) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

39 [(B)] (C) The person possesses a substantial quantity under ORS 475.900 (2)(b).

40 **SECTION 9.** (1) **When a person is charged with possession of a controlled substance un-**
41 **der ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 485.894 constituting a**
42 **misdemeanor or felony, the prosecuting attorney and the court shall agree that the person**
43 **is eligible to participate in a diversion program, including probation under ORS 475.245, if:**

44 (a) **The offense constitutes a misdemeanor or felony due to the fact that the person was**
45 **previously cited for a Class E violation under ORS 475.752, 475.814, 475.824, 475.834, 475.854,**

1 **475.874, 475.884 or 475.894;**

2 **(b) The person is not charged with possessing a specified quantity of the controlled sub-**
 3 **stance; and**

4 **(c) The program or probation requires a substance abuse assessment and the completion**
 5 **of any treatment recommended by the assessment.**

6 **(2) When a person is charged with possession of a controlled substance under ORS**
 7 **475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 485.894, and the offense constitutes**
 8 **a misdemeanor or felony based on the fact that the person was previously cited for a Class**
 9 **E violation under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.994, and**
 10 **the person was previously offered participation in a diversion or probation program under**
 11 **subsection (1) of this section, the prosecuting attorney and the court shall agree that the**
 12 **person is eligible to participate in any drug court offered in the jurisdiction in which the**
 13 **person is charged.**

14 **SECTION 10.** ORS 475.245 is amended to read:

15 475.245. (1)(a) Whenever a person is charged with an offense listed in subsection (5) of this sec-
 16 tion, the court, with the consent of the district attorney and the person, may defer further pro-
 17 ceedings and place the person on probation. The terms of the probation shall be defined by a
 18 probation agreement.

19 (b) A probation agreement carries the understanding that if the defendant fulfills the terms of
 20 the agreement, the criminal charges filed against the defendant will be dismissed with prejudice.

21 (c) The agreement must contain a waiver of the following rights of the defendant with respect
 22 to each criminal charge:

23 (A) The right to a speedy trial and trial by jury;

24 (B) The right to present evidence on the defendant's behalf;

25 (C) The right to confront and cross-examine witnesses against the defendant;

26 (D) The right to contest evidence presented against the defendant, including the right to object
 27 to hearsay evidence; and

28 (E) The right to appeal from a judgment of conviction resulting from an adjudication of guilt
 29 entered under subsection (2) of this section, unless the appeal is based on an allegation that the
 30 sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.

31 (d) The agreement must include a requirement that the defendant pay any restitution owed to
 32 the victim as determined by the court, and any fees for court-appointed counsel ordered by the court
 33 under ORS 135.050.

34 (e) The agreement may not contain a requirement that the defendant enter a plea of guilty or
 35 no contest on any charge in the accusatory instrument.

36 (f) Entering into a probation agreement does not constitute an admission of guilt and is not
 37 sufficient to warrant a finding or adjudication of guilt by a court.

38 (g) Police reports or other documents associated with the criminal charges in a court file other
 39 than the probation agreement may not be admitted into evidence, and do not establish a factual
 40 basis for finding the defendant guilty, unless the court resumes criminal proceedings and enters an
 41 adjudication of guilt under subsection (2) of this section.

42 (2) Upon violation of a term or condition of the probation agreement, the court may resume the
 43 criminal proceedings and may find the defendant guilty of the offenses in the accusatory instrument
 44 in accordance with the waiver of rights in the probation agreement. The defendant may not contest
 45 the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory

1 instrument.

2 (3) Upon fulfillment of the terms and conditions of the probation agreement, the court shall
 3 discharge the person and dismiss the proceedings against the person. Discharge and dismissal under
 4 this section shall be without adjudication of guilt and is not a conviction for purposes of this section
 5 or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There
 6 may be only one discharge and dismissal under this section with respect to any person.

7 (4) In the event that the period of probation under this section expires, but the terms and con-
 8 ditions of the probation agreement have not been fulfilled and no probation violation proceeding was
 9 initiated prior to the expiration of the period of probation, the court may not discharge the person
 10 and dismiss the proceedings against the person. The court shall instead issue an order requiring the
 11 person to appear and to show cause why the court should not enter an adjudication of guilt as de-
 12 scribed in subsection (2) of this section due to the failure of the person to fulfill the terms and
 13 conditions of the probation agreement prior to expiration of the period of probation. At the hearing
 14 on the order to show cause, after considering any evidence or argument from the district attorney
 15 and the person, the court may:

16 (a) Order a new period of probation to allow the person to fulfill the terms and conditions of the
 17 probation agreement; or

18 (b) Enter an adjudication of guilt as described in subsection (2) of this section.

19 (5) This section applies to the following offenses:

20 (a) Possession of a controlled substance under ORS 475.752 [(3)], 475.814, 475.824, 475.834,
 21 475.854, 475.874, 475.884 or 475.894;

22 (b) Unlawfully possessing a prescription drug under ORS 689.527 (6);

23 (c) Unlawfully possessing marijuana plants, usable marijuana, cannabinoid products, cannabinoid
 24 concentrates or cannabinoid extracts as described in ORS 475C.337 or 475C.341, if the offense is a
 25 misdemeanor or felony;

26 (d) Endangering the welfare of a minor under ORS 163.575 (1)(b);

27 (e) Frequenting a place where controlled substances are used under ORS 167.222; and

28 (f) A property offense that is motivated by a dependence on a controlled substance or a
 29 marijuana item as defined in ORS 475C.009.

30