

House Bill 4062

Sponsored by Representative CRAMER (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates new drug crimes and increases penalties for some drug offenses. The Act makes other changes to Ballot Measure 110, including changes to treatment funding. The Act also creates a new diversion program and a process for setting aside certain drug convictions. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 60.5).

Creates the crime of using a controlled substance in public. Punishes by up to 364 days' jail, \$6,250 fine, or both. Creates the crime of possessing, purchasing, making, delivering or selling a pill press. Punishes by up to five years' imprisonment, \$125,000 fine, or both. Increases the penalties for possession of a controlled substance. Punishes by up to 364 days' jail, \$6,250 fine, or both. Directs counties to supervise persons convicted of certain property misdemeanors. Requires that for certain drug and property crimes, the court must require an evaluation and treatment as part of probation. Creates a diversion program for certain drug crimes. Directs the court to enter an order setting aside a conviction for certain drug crimes when specified conditions are met.

Directs the Alcohol and Drug Policy Commission to provide grants and funding for drug treatment and other related services. Transfers the duties of the Oversight and Accountability Council to the commission.

Requires a prison sentence for the unlawful delivery or manufacture of a controlled substance when the person has a prior conviction. Increases the penalties for the unlawful delivery of a controlled substance that results in the death of a person. Punishes by up to 20 years' imprisonment, \$375,000 fine, or both.

Provides that possession of a controlled substance with the intent to deliver constitutes delivery.

Authorizes local governments to enact laws prohibiting the use of controlled substances.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to controlled substances; creating new provisions; amending ORS 51.050, 137.300, 153.012,
3 153.018, 153.019, 153.021, 153.064, 153.992, 161.570, 221.339, 244.050, 316.502, 413.017, 419C.370,
4 423.478, 430.383, 430.384, 430.387, 430.389, 430.390, 430.391, 430.392, 430.393, 430.394, 430.402,
5 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475.916,
6 475.925, 475.935 and 670.280 and section 6, chapter 63, Oregon Laws 2022; repealing ORS 153.043,
7 153.062, 293.665, 305.231, 419C.460, 430.388 and 475.237 and section 6, chapter 248, Oregon Laws
8 2023; and declaring an emergency.

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

CREATION OF NEW DRUG OFFENSES

(Use of Controlled Substances in Public Places)

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11
12
13
14 **SECTION 1. Section 2 of this 2024 Act is added to and made a part of ORS 475.752 to**
15 **475.980.**

16 **SECTION 2. (1) It is unlawful for a person to knowingly or intentionally use a controlled**
17 **substance in a public place unless the substance was obtained directly from, or pursuant to**
18 **a valid prescription or order of, a practitioner while acting in the course of professional**
19 **practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.**

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 (2) Violation of this section is a Class A misdemeanor.

2 (3) As used in this section, “public place” means a place to which the general public has
3 access and includes, but is not limited to, hallways, lobbies and other parts of apartment
4 houses and hotels not constituting rooms or apartments designed for actual residence, and
5 highways, streets, schools, places of amusement, parks, playgrounds, premises and vehicles
6 used in connection with public passenger transportation.

7
8 (Drug Encapsulating, Tableting or Counterfeiting Equipment)

9
10 **SECTION 3.** Section 4 of this 2024 Act is added to and made a part of ORS 475.752 to
11 475.980.

12 **SECTION 4.** (1) Except as authorized by a registration under ORS 475.125, it is unlawful
13 for any person to possess, purchase, make, deliver, sell or possess with intent to sell or de-
14 liver a tableting machine, an encapsulating machine or controlled substance counterfeiting
15 materials, knowing, intending or having reasonable cause to believe that the machine or
16 materials will be used to manufacture a controlled substance or a counterfeit substance.

17 (2) A violation of subsection (1) of this section is a Class C felony.

18 (3) When the court sentences a person under this section, the court shall use crime
19 category 6 of the sentencing guidelines grid of the Oregon Criminal Justice Commission, and
20 shall determine the sentence by using the criminal history scale of the sentencing guidelines
21 grid.

22 (4) As used in this section:

23 (a) “Controlled substance counterfeiting material” means a punch, die, plate, stone or
24 other item designed to print, imprint or reproduce the trademark, trade name or other
25 identifying mark, imprint or device of another or any likeness of any of the foregoing upon
26 a drug or container or labeling thereof so as to render such drug a counterfeit controlled
27 substance.

28 (b) “Encapsulating machine” means equipment that can be used to fill shells or capsules
29 with powdered or granular solids or semisolid material to produce coherent solid contents.

30 (c) “Tableting machine” means equipment that can be used to compact, compress or
31 mold powdered or granular solids or semisolid material to produce coherent solid tablets.

32 **SECTION 5.** ORS 475.916 is amended to read:

33 475.916. (1) It is unlawful for any person knowingly or intentionally:

34 (a) To deliver as a registrant a controlled substance classified in Schedule I or II, except pur-
35 suant to an order form as required by ORS 475.175;

36 (b) To use in the course of manufacture or delivery of a controlled substance a registration
37 number which is fictitious, revoked, suspended or issued to another person;

38 (c) To acquire or to attempt to acquire or obtain or attempt to obtain possession of a controlled
39 substance by misrepresentation, fraud, forgery, deception or subterfuge; **or**

40 (d) To furnish false or fraudulent material information in, or omit any material information from,
41 any application, report, record or other document required to be kept or filed under ORS 475.005 to
42 475.285 and 475.752 to 475.980[; *or*].

43 *[(e) To make, deliver or possess any punch, die, plate, stone or other thing designed to print, im-*
44 *print or reproduce the trademark, trade name or other identifying mark, imprint or device of another*
45 *or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render*

1 *the drug a counterfeit substance.]*

2 (2) Any person who violates this section is guilty of a Class A misdemeanor.

3
4 **RECRIMINALIZING DRUG POSSESSION**
5 **(Restoring Misdemeanor Penalties)**
6

7 **SECTION 6.** ORS 475.752 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) A controlled substance in Schedule I, is guilty of a *[Class E violation]* **Class A**
33 **misdemeanor**, except as otherwise provided in ORS 475.854, 475.874 and 475.894 and subsection (7)
34 of this section.

35 (b) A controlled substance in Schedule II, is guilty of a *[Class E violation]* **Class A**
36 **misdemeanor**, except as otherwise provided in ORS 475.814, 475.824, 475.834 or 475.884 or sub-
37 section (8) of this section.

38 (c) A controlled substance in Schedule III, is guilty of a *[Class E violation]* **Class A**
39 **misdemeanor**.

40 (d) A controlled substance in Schedule IV, is guilty of a *[Class E violation]* **Class A**
41 **misdemeanor**.

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

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

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

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

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

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

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

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

12 (7) Notwithstanding subsection (3)(a) of this section[.],

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

15 [(A) *Forty or more user units of a mixture or substance containing a detectable amount of lysergic*
16 *acid diethylamide; or]*

17 [(B) *Twelve grams or more of a mixture or substance containing a detectable amount of psilocybin*
18 *or psilocin.*]

19 [(b)] unlawful possession of a controlled substance in Schedule I is a Class B felony if:

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

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

22 (8) Notwithstanding subsection (3)(b) of this section[.],

23 [(a) *Unlawful possession of a controlled substance in Schedule II is a Class A misdemeanor if the*
24 *person possesses one gram or more or five or more user units of a mixture or substance containing a*
25 *detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the*
26 *State Board of Pharmacy.*]

27 [(b)] unlawful possession of a controlled substance in Schedule II is a Class C felony if:

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

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

30 **SECTION 6a.** ORS 475.814 is amended to read:

31 475.814. (1) It is unlawful for any person knowingly or intentionally to possess hydrocodone un-
32 less the hydrocodone was obtained directly from, or pursuant to a valid prescription or order of, a
33 practitioner while acting in the course of professional practice, or except as otherwise authorized
34 by ORS 475.005 to 475.285 and 475.752 to 475.980.

35 (2)[(a)] Unlawful possession of hydrocodone is a [Class E violation] **Class A misdemeanor.**

36 [(b) *Notwithstanding paragraph (a) of this subsection, unlawful possession of hydrocodone is a*
37 *Class A misdemeanor if:*]

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

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

41 **SECTION 7.** ORS 475.824 is amended to read:

42 475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone unless
43 the methadone was obtained directly from, or pursuant to a valid prescription or order of, a prac-
44 titioner while acting in the course of professional practice, or except as otherwise authorized by
45 ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of methadone is a *[Class E violation]* **Class A misdemeanor**.

(b) Notwithstanding paragraph (a) of this subsection, *[unlawful possession of methadone is a Class A misdemeanor if the person possesses 40 or more user units of a mixture or substance containing a detectable amount of methadone.]*

[(c) Notwithstanding paragraphs (a) and (b) of this subsection,] unlawful possession of methadone is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

SECTION 8. ORS 475.834 is amended to read:

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

(2)(a) Unlawful possession of oxycodone is a *[Class E violation]* **Class A misdemeanor**.

(b) Notwithstanding paragraph (a) of this subsection, *[unlawful possession of oxycodone is a Class A misdemeanor if the person possesses 40 or more pills, tablets, capsules or user units of a mixture or substance containing a detectable amount of oxycodone.]*

[(c) Notwithstanding paragraphs (a) and (b) of this subsection,] unlawful possession of oxycodone is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

SECTION 9. ORS 475.854 is amended to read:

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

(2)(a) Unlawful possession of heroin is a *[Class E violation]* **Class A misdemeanor**.

(b) Notwithstanding paragraph (a) of this subsection, *[unlawful possession of heroin is a Class A misdemeanor if the person possesses one gram or more of a mixture or substance containing a detectable amount of heroin.]*

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

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

(B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

SECTION 10. ORS 475.874 is amended to read:

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

(2)(a) Unlawful possession of 3,4-methylenedioxyamphetamine is a *[Class E violation]* **Class A misdemeanor**.

(b) Notwithstanding paragraph (a) of this subsection, *[unlawful possession of 3,4-methylenedioxyamphetamine is a Class A misdemeanor if the person possesses one gram or more or five or more pills, tablets or capsules of a mixture or substance containing a detectable amount of:]*

[(A) 3,4-methylenedioxyamphetamine;]

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

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

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

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

(B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

SECTION 11. ORS 475.884 is amended to read:

475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless

1 the substance was obtained directly from, or pursuant to, a valid prescription or order of a practi-
 2 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS
 3 475.005 to 475.285 and 475.752 to 475.980.

4 (2)(a) Unlawful possession of cocaine is a [*Class E violation*] **Class A misdemeanor**.

5 (b) Notwithstanding paragraph (a) of this subsection, [*unlawful possession of cocaine is a Class*
 6 *A misdemeanor if the person possesses two grams or more of a mixture or substance containing a de-*
 7 *tectable amount of cocaine.*]

8 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection,*] unlawful possession of cocaine is
 9 a Class C felony if:

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

11 (B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

12 **SECTION 12.** ORS 475.894 is amended to read:

13 475.894. (1) It is unlawful for any person knowingly or intentionally to possess methamphetamine
 14 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a
 15 practitioner while acting in the course of professional practice, or except as otherwise authorized
 16 by ORS 475.005 to 475.285 and 475.752 to 475.980.

17 (2)(a) Unlawful possession of methamphetamine is a [*Class E violation*] **Class A misdemeanor**.

18 (b) Notwithstanding paragraph (a) of this subsection, [*unlawful possession of methamphetamine*
 19 *is a Class A misdemeanor if the person possesses two grams or more of a mixture or substance con-*
 20 *taining a detectable amount of methamphetamine.*]

21 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection,*] unlawful possession of metham-
 22 phetamine is a Class C felony if:

23 (A) The possession is a commercial drug offense under ORS 475.900 (1)(b); or

24 (B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

25 **SECTION 13.** ORS 161.570 is amended to read:

26 161.570. (1) As used in this section, “nonperson felony” has the meaning given that term in the
 27 rules of the Oregon Criminal Justice Commission.

28 (2) A district attorney may elect to treat a Class C nonperson felony or a violation of ORS
 29 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)] **(2)(b)** as a Class A misdemeanor. The
 30 election must be made by the district attorney orally or in writing at the time of the first appear-
 31 ance of the defendant. If a district attorney elects to treat a Class C felony or a violation of ORS
 32 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)] **(2)(b)** as a Class A misdemeanor under this
 33 subsection, the court shall amend the accusatory instrument to reflect the charged offense as a
 34 Class A misdemeanor.

35 (3) If, at some time after the first appearance of a defendant charged with a Class C nonperson
 36 felony or a violation of ORS 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)] **(2)(b)**, the
 37 district attorney and the defendant agree to treat the charged offense as a Class A misdemeanor,
 38 the court may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.

39 (4) If a Class C felony or a violation of ORS 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874
 40 [(2)(c)] **(2)(b)** is treated as a Class A misdemeanor under this section, the court shall clearly de-
 41 nominate the offense as a Class A misdemeanor in any judgment entered in the matter.

42 (5) If no election or stipulation is made under this section, the case proceeds as a felony.

43 (6) Before a district attorney may make an election under subsection (2) of this section, the
 44 district attorney shall adopt written guidelines for determining when and under what circumstances
 45 the election may be made. The district attorney shall apply the guidelines uniformly.

1 (7) Notwithstanding ORS 161.635, the fine that a court may impose upon conviction of a
 2 misdemeanor under this section may not:

3 (a) Be less than the minimum fine established by ORS 137.286 for a felony; or

4 (b) Exceed the amount provided in ORS 161.625 for the class of felony receiving Class A
 5 misdemeanor treatment.

6
 7 **(Repealing Class E Violation Provisions)**

8
 9 **SECTION 14.** ORS 51.050 is amended to read:

10 51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction
 11 of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of
 12 all offenses committed or triable in their respective counties. The jurisdiction conveyed by this
 13 section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal
 14 court.

15 (2) In any justice court that has not become a court of record under ORS 51.025, a defendant
 16 charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the
 17 right of the defendant to have the matter transferred to the circuit court for the county where the
 18 justice court is located. The election shall be made within 10 days after the plea of not guilty is
 19 entered, and the justice shall immediately transfer the case to the appropriate court.

20 (3) A justice court does not have jurisdiction over the trial of any felony or a designated drug-
 21 related misdemeanor as defined in ORS 423.478. [*A justice court does not have jurisdiction over Class*
 22 *E violations.*] Except as provided in ORS 51.037, a justice court does not have jurisdiction over of-
 23 fenses created by the charter or ordinance of any city.

24 **SECTION 15.** ORS 137.300 is amended to read:

25 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
 26 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
 27 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
 28 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
 29 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
 30 of the account.

31 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
 32 following purposes, in the following order of priority:

33 (a) Allocations for public safety standards, training and facilities.

34 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
 35 dren reasonably suspected of being victims of crime.

36 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
 37 limited to, services of the Chief Medical Examiner.

38 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

39 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
 40 allocate moneys from the Criminal Fine Account for the following purposes:

41 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
 42 414.815.

43 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

44 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
 45 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol

1 programs.

2 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
 3 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
 4 vention and treatment services provided through a county.

5 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
 6 ing to driving under the influence of intoxicants.

7 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

8 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

9 (h) Allocations to the State Court Technology Fund established under ORS 1.012.

10 *[(4) Notwithstanding subsections (2) and (3) of this section, the Legislative Assembly shall allocate*
 11 *all moneys deposited into the Criminal Fine Account as payment of fines on Class E violations to the*
 12 *Drug Treatment and Recovery Services Fund established under ORS 430.384.]*

13 *[(5)] (4)* It is the intent of the Legislative Assembly that allocations from the Criminal Fine
 14 Account under subsection (3) of this section be consistent with historical funding of the entities,
 15 programs and accounts listed in subsection (3) of this section from monetary obligations imposed in
 16 criminal proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be
 17 distributed to counties based on the amounts that were transferred to counties by circuit courts
 18 during the 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

19 *[(6)] (5)* Moneys in the Criminal Fine Account may not be allocated for the payment of debt
 20 service obligations.

21 *[(7)] (6)* The Department of Revenue shall deposit in the General Fund all moneys remaining in
 22 the Criminal Fine Account after the distributions listed in subsections (2)[,] **and** (3) [*and (4)*] of this
 23 section have been made.

24 *[(8)] (7)* The Department of Revenue shall establish by rule a process for distributing moneys in
 25 the Criminal Fine Account. The department may not distribute more than one-eighth of the total
 26 biennial allocation to an entity during a calendar quarter.

27 **SECTION 16.** ORS 153.012 is amended to read:

28 153.012. Violations are classified for the purpose of sentencing into the following categories:

29 (1) Class A violations.

30 (2) Class B violations.

31 (3) Class C violations.

32 (4) Class D violations.

33 *[(5) Class E violations.]*

34 *[(6)] (5)* Unclassified violations as described in ORS 153.015.

35 *[(7)] (6)* Specific fine violations as described in ORS 153.015.

36 **SECTION 17.** ORS 153.018 is amended to read:

37 153.018. (1) The penalty for committing a violation is a fine. The law creating a violation may
 38 impose other penalties in addition to a fine but may not impose a term of imprisonment.

39 (2) Except as otherwise provided by law, the maximum fine for a violation committed by an in-
 40 dividual is:

41 (a) \$2,000 for a Class A violation.

42 (b) \$1,000 for a Class B violation.

43 (c) \$500 for a Class C violation.

44 (d) \$250 for a Class D violation.

45 *[(e) \$100 for a Class E violation.]*

1 [(f)] (e) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law
 2 for the specific fine violation.

3 (3) If a special corporate fine is specified in the law creating the violation, the sentence to pay
 4 a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if
 5 a special corporate fine is not specified in the law creating the violation, the maximum fine for a
 6 violation committed by a corporation is:

- 7 (a) \$4,000 for a Class A violation.
- 8 (b) \$2,000 for a Class B violation.
- 9 (c) \$1,000 for a Class C violation.
- 10 (d) \$500 for a Class D violation.

11 **SECTION 18.** ORS 153.019 is amended to read:

12 153.019. (1) Except as provided in ORS 153.020, [153.062 and 430.391,] the presumptive fines for
 13 violations are:

- 14 (a) \$440 for a Class A violation.
- 15 (b) \$265 for a Class B violation.
- 16 (c) \$165 for a Class C violation.
- 17 (d) \$115 for a Class D violation.
- 18 [(e) \$100 for a Class E violation.]

19 (2) The presumptive fine for a specific fine violation is:

- 20 (a) The amount specified by statute as the presumptive fine for the violation; or
- 21 (b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the vio-
 22 lation, or the minimum fine prescribed by statute for the violation.

23 (3) Any surcharge imposed under ORS 1.188 shall be added to and made a part of the
 24 presumptive fine.

25 **SECTION 19.** ORS 153.021 is amended to read:

26 153.021. (1) Unless a specific minimum fine is prescribed for a violation, and except as otherwise
 27 provided by law, the minimum fine a court shall impose for a violation that is subject to the
 28 presumptive fines established by ORS 153.019 (1) or 153.020 are as follows:

- 29 (a) \$225 for a Class A violation.
- 30 (b) \$135 for a Class B violation.
- 31 (c) \$85 for a Class C violation.
- 32 (d) \$65 for a Class D violation.
- 33 [(e) \$45 for a Class E violation.]

34 (2) Notwithstanding subsection (1) of this section, a court may waive payment of the minimum
 35 fine described in this section, in whole or in part, if the court determines that requiring payment
 36 of the minimum fine would be inconsistent with justice in the case. In making its determination
 37 under this subsection, the court shall consider:

- 38 (a) The financial resources of the defendant and the burden that payment of the minimum fine
 39 would impose, with due regard to the other obligations of the defendant; and
- 40 (b) The extent to which that burden could be alleviated by allowing the defendant to pay the
 41 fine in installments or subject to other conditions set by the court.

42 (3) This section does not affect the manner in which a court imposes or reduces monetary obli-
 43 gations other than fines.

44 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
 45 the court is complying with the requirements of this section. In addition, the Department of Revenue

1 or Secretary of State may audit any court to determine whether the court is complying with the
 2 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-
 3 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this
 4 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

5 **SECTION 20.** ORS 153.064 is amended to read:

6 153.064. (1) Except as provided in subsection (2) of this section, a warrant for arrest may be is-
 7 sued against a person who fails to make a first appearance on a citation for a violation, or fails to
 8 appear at any other subsequent time set for trial or other appearance, only if the person is charged
 9 with failure to appear in a violation proceeding under ORS 153.992.

10 (2) If a person fails to make a first appearance on a citation for a violation [*other than a Class*
 11 *E violation*], or fails to appear at any other subsequent time set for trial or other appearance on a
 12 violation [*other than a Class E violation*], the court may issue an order that requires the defendant
 13 to appear and show cause why the defendant should not be held in contempt. The show cause order
 14 may be mailed to the defendant by certified mail, return receipt requested. If service cannot be ac-
 15 complished by mail, the defendant must be personally served. If the defendant is served and fails to
 16 appear at the time specified in the show cause order, the court may issue an arrest warrant for the
 17 defendant for the purpose of bringing the defendant before the court.

18 **SECTION 21.** ORS 153.992 is amended to read:

19 153.992. (1) A person commits the offense of failure to appear in a violation proceeding if the
 20 person has been served with a citation issued under this chapter for a violation [*other than a Class*
 21 *E violation*] and the person knowingly fails to do any of the following:

- 22 (a) Make a first appearance in the manner required by ORS 153.061 within the time allowed.
- 23 (b) Make appearance at the time set for trial in the violation proceeding.
- 24 (c) Appear at any other time required by the court or by law.

25 (2) Failure to appear on a violation citation is a Class A misdemeanor.

26 **SECTION 22.** ORS 221.339 is amended to read:

27 221.339. (1) A municipal court has concurrent jurisdiction with circuit courts and justice courts
 28 over all violations committed or triable in the city where the court is located.

29 (2) Except as provided in subsections (3) and (4) of this section, municipal courts have concur-
 30 rent jurisdiction with circuit courts and justice courts over misdemeanors committed or triable in
 31 the city. Municipal courts may exercise the jurisdiction conveyed by this section without a charter
 32 provision or ordinance authorizing that exercise.

33 (3) Municipal courts have no jurisdiction over felonies[,] **or** designated drug-related
 34 misdemeanors as defined in ORS 423.478 [*or Class E violations*].

35 (4) A city may limit the exercise of jurisdiction over misdemeanors by a municipal court under
 36 this section by the adoption of a charter provision or ordinance, except that municipal courts must
 37 retain concurrent jurisdiction with circuit courts over:

- 38 (a) Misdemeanors created by the city's own charter or by ordinances adopted by the city, as
 39 provided in ORS 3.132; and
- 40 (b) Traffic crimes as defined by ORS 801.545.

41 (5) Subject to the powers and duties of the Attorney General under ORS 180.060, the city at-
 42 torney has authority to prosecute a violation of any offense created by statute that is subject to the
 43 jurisdiction of a municipal court, including any appeal, if the offense is committed or triable in the
 44 city. The prosecution shall be in the name of the state. The city attorney shall have all powers of
 45 a district attorney in prosecutions under this subsection.

SECTION 23. ORS 419C.370 is amended to read:

419C.370. (1) The juvenile court may enter an order directing that all cases involving:

(a) Violation of a law or ordinance relating to the use or operation of a motor vehicle, boating laws or game laws be waived to criminal or municipal court;

(b) An offense classified as a violation [*other than a Class E violation*] under the laws of this state or a political subdivision of this state be waived to municipal court if the municipal court has agreed to accept jurisdiction; and

(c) A misdemeanor that entails theft, destruction, tampering with or vandalism of property be waived to municipal court if the municipal court has agreed to accept jurisdiction.

(2) Cases waived under subsection (1) of this section are subject to the following:

(a) That the criminal or municipal court prior to hearing a case, other than a case involving a parking violation, in which the defendant is or appears to be under 18 years of age notify the juvenile court of that fact; and

(b) That the juvenile court may direct that any such case be waived to the juvenile court for further proceedings.

(3)(a) When a person who has been waived under subsection (1)(c) of this section is convicted of a property offense, the municipal court may impose any sanction authorized for the offense except for incarceration. The municipal court shall notify the juvenile court of the disposition of the case.

(b) When a person has been waived under subsection (1) of this section and fails to appear as summoned or is placed on probation and is alleged to have violated a condition of the probation, the juvenile court may recall the case to the juvenile court for further proceedings. When a person has been returned to juvenile court under this paragraph, the juvenile court may proceed as though the person had failed to appear as summoned to the juvenile court or had violated a juvenile court probation order under ORS 419C.446.

(4) Records of cases waived under subsection (1)(c) of this section are juvenile records for purposes of expunction under ORS 419A.260 to 419A.271.

SECTION 24. ORS 475.235 is amended to read:

475.235. (1) It is not necessary for the state to negate any exemption or exception in ORS 475.005 to 475.285 and 475.752 to 475.980 in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980. The burden of proof of any exemption or exception is upon the person claiming it.

(2) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under ORS 475.005 to 475.285 and 475.752 to 475.980, the person is presumed not to be the holder of the registration or form. The burden of proof is upon the person to rebut the presumption.

(3)(a) When a controlled substance is at issue in a criminal proceeding before a grand jury, at a preliminary hearing, in a proceeding on a district attorney's information[, *during a proceeding on a Class E violation*] or for purposes of an early disposition program, it is prima facie evidence of the identity of the controlled substance if:

(A) A sample of the controlled substance is tested using a presumptive test for controlled substances;

(B) The test is conducted by a law enforcement officer trained to use the test or by a forensic scientist; and

(C) The test is positive for the particular controlled substance.

(b) When the identity of a controlled substance is established using a presumptive test for pur-

1 poses of a criminal proceeding before a grand jury, a preliminary hearing, a proceeding on a district
 2 attorney's information or an early disposition program, the defendant, upon notice to the district
 3 attorney, may request that the controlled substance be sent to a state police forensic laboratory for
 4 analysis. *[The defendant may not make a request under this paragraph concerning a controlled sub-*
 5 *stance at issue in a proceeding on a Class E violation.]*

6 (4) Notwithstanding any other provision of law, in all prosecutions in which an analysis of a
 7 controlled substance or sample was conducted, a certified copy of the analytical report signed by
 8 the director of a state police forensic laboratory or the analyst or forensic scientist conducting the
 9 analysis shall be admitted as prima facie evidence of the results of the analytical findings unless the
 10 defendant has provided notice of an objection in accordance with subsection (5) of this section.

11 (5) If the defendant intends to object at trial to the admission of a certified copy of an analytical
 12 report as provided in subsection (4) of this section, not less than 15 days prior to trial the defendant
 13 shall file written notice of the objection with the court and serve a copy on the district attorney.

14 (6) As used in this section:

15 (a) "Analyst" means a person employed by the Department of State Police to conduct analysis
 16 in forensic laboratories established by the department under ORS 181A.150.

17 (b) "Presumptive test" includes, but is not limited to, chemical tests using Marquis reagent,
 18 Duquenois-Levine reagent, Scott reagent system or modified Chen's reagent.

19 **SECTION 25.** ORS 670.280 is amended to read:

20 670.280. (1) As used in this section:

21 (a) "License" includes a registration, certification or permit.

22 (b) "Licensee" includes a registrant or a holder of a certification or permit.

23 (2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency
 24 may not deny, suspend or revoke an occupational or professional license solely for the reason that
 25 the applicant or licensee has been convicted of a crime, but it may consider the relationship of the
 26 facts which support the conviction and all intervening circumstances to the specific occupational
 27 or professional standards in determining the fitness of the person to receive or hold the license.
 28 *[There is a rebuttable presumption as to each individual applicant or licensee that an existing or prior*
 29 *conviction for conduct that has been classified or reclassified as a Class E violation does not make an*
 30 *applicant for an occupational or professional license or a licensee with an occupational or professional*
 31 *license unfit to receive or hold the license.]*

32 (3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or
 33 agency may deny an occupational or professional license or impose discipline on a licensee based
 34 on conduct that is not undertaken directly in the course of the licensed activity, but that is sub-
 35 stantially related to the fitness and ability of the applicant or licensee to engage in the activity for
 36 which the license is required. In determining whether the conduct is substantially related to the
 37 fitness and ability of the applicant or licensee to engage in the activity for which the license is re-
 38 quired, the licensing board, commission or agency shall consider the relationship of the facts with
 39 respect to the conduct and all intervening circumstances to the specific occupational or professional
 40 standards. *[There is a rebuttable presumption as to each individual applicant or licensee that an ex-*
 41 *isting or prior conviction for conduct that has been classified or reclassified as a Class E violation is*
 42 *not related to the fitness and ability of the applicant or licensee to engage in the activity for which the*
 43 *license is required.]*

44 **SECTION 26.** ORS 153.043, 153.062, 419C.460 and 475.237 are repealed.

45

**DESIGNATED DRUG-RELATED AND PROPERTY MISDEMEANORS
(Supervision Duty)**

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SECTION 27. ORS 423.478 is amended to read:

423.478. (1) The Department of Corrections shall:

(a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

(b) Provide central information and data services sufficient to:

(A) Allow tracking of offenders; and

(B) Permit analysis of correlations between sanctions, supervision, services and programs, and future criminal conduct; and

(c) Provide interstate compact administration and jail inspections.

(2) Subject to ORS 423.483, each county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies, designated drug-related misdemeanors, [or] designated person misdemeanors **or designated property misdemeanors** who are:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

(d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

(e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for violation of a condition of parole, probation or post-prison supervision; or

(f) On conditional release under ORS 420A.206.

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

(a) When the person is released;

(b) Within 10 days of a change of residence;

(c) Once each year within 10 days of the person's birth date;

(d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(4) As used in this section:

(a) "Attends," "institution of higher education," "works" and "carries on a vocation" have the meanings given those terms in ORS 163A.005.

(b) "Designated drug-related misdemeanor" means:

(A) Unlawful possession of [fentanyl] **a controlled substance** under ORS 475.752 [(8)(a)] **(3)(a), (b), (c) or (d)**;

(B) Unlawful possession of methadone under ORS 475.824 [(2)(b)] **(2)(a)**;

- 1 (C) Unlawful possession of oxycodone under ORS 475.834 [(2)(b)] **(2)(a)**;
- 2 (D) Unlawful possession of heroin under ORS 475.854 [(2)(b)] **(2)(a)**;
- 3 (E) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 [(2)(b)]
- 4 **(2)(a)**;
- 5 (F) Unlawful possession of cocaine under ORS 475.884 [(2)(b)] **(2)(a)**; [or]
- 6 (G) Unlawful possession of methamphetamine under ORS 475.894 [(2)(b).] **(2)(a)**; or
- 7 **(H) Unlawful use of a controlled substance in a public place under section 2 of this 2024**

8 **Act.**

9 (c) “Designated person misdemeanor” means:

10 (A) Assault in the fourth degree constituting domestic violence if the judgment document is as

11 described in ORS 163.160 (4);

12 (B) Menacing constituting domestic violence if the judgment document is as described in ORS

13 163.190 (3); or

14 (C) Sexual abuse in the third degree under ORS 163.415.

15 **(d) “Designated property misdemeanor” means:**

16 **(A) Theft in the third degree under ORS 164.043;**

17 **(B) Theft in the second degree under ORS 164.045;**

18 **(C) Criminal trespass in the second degree under ORS 164.245;**

19 **(D) Criminal trespass in the first degree under ORS 164.255;**

20 **(E) Unlawful entry into a motor vehicle under ORS 164.272;**

21 **(F) Criminal mischief in the second degree under ORS 164.354;**

22 **(G) An attempt to commit any of the following offenses:**

23 **(i) Theft in the first degree under ORS 164.055;**

24 **(ii) Unauthorized use of a vehicle under ORS 164.135;**

25 **(iii) Criminal mischief in the first degree under ORS 164.365; or**

26 **(iv) Identity theft under ORS 165.800; or**

27 **(H) Any other misdemeanor that the court designates, at the time of sentencing and in**

28 **the judgment of conviction, a designated property misdemeanor.**

29

30 **(Mandatory Drug Treatment)**

31

32 **SECTION 28. (1) Notwithstanding ORS 137.540, for a person charged with or convicted**

33 **of a designated drug-related misdemeanor or designated property misdemeanor, the following**

34 **must be ordered as condition of probation or included as part of any conditional discharge**

35 **diversion agreement under section 29 of this 2024 Act:**

36 **(a) A requirement that the person be evaluated to determine whether the person is a**

37 **drug-dependent person, and that the person provide written consent for such evaluation; and**

38 **(b) A requirement that, if the evaluation described in paragraph (a) of this subsection**

39 **indicates that the person is a drug-dependent person and that the person may benefit from**

40 **treatment for drug dependence, the person complete the course of treatment as directed by**

41 **the evaluator.**

42 **(2) When an evaluation and treatment is required under subsection (1) of this section:**

43 **(a) The state shall fund the costs of the evaluation and treatment, including supervision**

44 **related to the person’s compliance with evaluation and treatment requirements.**

45 **(b) The court may assess against the person a fee to offset the costs described in para-**

1 graph (a) of this subsection based on the person's ability to pay.

2 (3) As used in this section, "designated drug-related misdemeanor" and "designated
3 property misdemeanor" have the meanings given those terms in ORS 423.478.

4
5 (Conditional Discharge Diversion)

6
7 **SECTION 29.** (1)(a) The district attorney shall offer any person charged with a designated
8 drug-related misdemeanor who meets the eligibility requirements described in subsection (5)
9 of this section the opportunity to enter into a conditional discharge diversion agreement. If
10 the defendant enters into the agreement within 30 days after arraignment, or at a later date
11 with the consent of the district attorney, the court shall defer further proceedings and place
12 the person on probation. The terms of the probation shall be defined by the agreement.

13 (b) A conditional discharge diversion agreement described in this section carries the
14 understanding that if the defendant fulfills the terms of the agreement, the criminal charges
15 filed against the defendant will be dismissed with prejudice.

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

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

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

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

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

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

27 (d) The agreement must include a requirement that the defendant pay any restitution
28 owed to the victim as determined by the court, and any fees for court-appointed counsel or-
29 dered by the court under ORS 135.050.

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

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

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

38 (2) Upon violation of a term or condition of the conditional discharge diversion agree-
39 ment, the court may resume the criminal proceedings and may find the defendant guilty of
40 the offenses in the accusatory instrument in accordance with the waiver of rights in the
41 agreement. The defendant may not contest the sufficiency of the evidence establishing the
42 defendant's guilt of the offenses in the accusatory instrument.

43 (3) Upon a determination by the court that the terms and conditions of the conditional
44 discharge diversion agreement have been met, the court shall discharge the person and dis-
45 miss the proceedings against the person. Discharge and dismissal under this section shall

1 be without adjudication of guilt and is not a conviction for purposes of this section or for
 2 purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

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

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

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

16 (5) A defendant is eligible for a conditional discharge diversion agreement as described
 17 in this section if the defendant meets all of the following conditions:

18 (a) On the date the defendant enters into the agreement, the defendant has no charge,
 19 other than the charge that is the subject of the agreement, pending.

20 (b) The defendant has not been convicted of manufacture or delivery of a controlled
 21 substance as described in ORS 475.752 to 475.980, or a statutory counterpart in another ju-
 22 risdiction, within the previous five years.

23 (c) The defendant has not, within the previous year:

24 (A) Participated in a diversion program for possession of a controlled substances or
 25 driving under the influence of intoxicants, or in any similar diversion program related to the
 26 use of alcohol or controlled substances, in this state or in any other jurisdiction;

27 (B) Participated in a previous conditional discharge diversion program, a conditional
 28 postponement or a similar diversion program for a designated drug-related misdemeanor; or

29 (C) Been sentenced to probation for a designated drug misdemeanor.

30 (d) The defendant does not have a criminal history score of A or B on the sentencing
 31 guidelines grid of the Oregon Criminal Justice Commission.

32 (6) As used in this section, “designated drug-related misdemeanor” has the meaning
 33 given that term in ORS 423.478.

34
 35 (Expungement of Convictions)

36
 37 **SECTION 30.** (1)(a) A court that sentences a person to probation for a designated drug-
 38 related misdemeanor, and that imposes as a condition of probation either completion of a
 39 substance abuse treatment program or completion of an substance abuse evaluation and any
 40 treatment program recommended as a result of the evaluation, shall periodically review the
 41 probation of the person.

42 (b) If the court overseeing the person’s probation is different from the court that im-
 43 posed sentence, the court overseeing probation shall perform the review described in para-
 44 graph (a) of this subsection.

45 (2) When, after a review described in subsection (1) of this section, the court determines

1 that the person successfully completed all conditions of probation, including completion of a
 2 substance abuse evaluation and any recommended or required substance abuse treatment
 3 program, the court shall, notwithstanding ORS 137.225 and without requiring the filing of a
 4 motion or the payment of any fee, enter an order setting aside the conviction.

5 (3) As used in this section, “designated drug-related misdemeanor” has the meaning
 6 given that term in ORS 423.478.

7
 8 **ALCOHOL AND DRUG POLICY COMMISSION**
 9 **(Funding for Evidence-Informed Services)**

10
 11 **SECTION 31. (1) As used in this section:**

12 (a) “Commission” means the Alcohol and Drug Policy Commission established under ORS
 13 430.221.

14 (b) “Community court program” means an evidence-informed program that utilizes con-
 15 tingency management to address addiction with incentives and swift, certain and fair sanc-
 16 tions for noncompliance.

17 (c) “Community harm reduction” means evidence-informed policies and practices that
 18 reduce harm to the community caused by drug-dependent persons and persons unlawfully
 19 distributing controlled substances.

20 (d) “Detoxification facility” means a facility approved by the Oregon Health Authority
 21 that provides emergency care or treatment for drug-dependent persons.

22 (e) “Drug-dependency related offense” means an offense that is motivated by a depend-
 23 ence on a controlled substance.

24 (f) “Drug-dependent person” means an individual who has lost the ability to control the
 25 personal use of controlled substances with abuse potential, or who uses controlled sub-
 26 stances to the extent that the health of the individual, or the health of other individuals, is
 27 substantially impaired or endangered, or the social or economic function of the individual is
 28 substantially disrupted. A drug-dependent person may or may not be physically dependent,
 29 a condition in which the body requires a continuing supply of a controlled substance to avoid
 30 characteristic withdrawal symptoms, or psychologically dependent, a condition characterized
 31 by an overwhelming mental desire for continued use of a controlled substance.

32 (g) “Individual harm reduction” means evidence-informed policies and practices that re-
 33 duce harm to drug-dependent persons, with or without the use of law enforcement.

34 (h) “Local planning committee” means a local planning committee for alcohol and drug
 35 prevention and treatment services appointed by or designated by the county governing body
 36 under ORS 430.342.

37 (i) “Police officer” means a member of a law enforcement unit who is employed on a
 38 part-time or full-time basis as a peace officer, commissioned by a city, a county or the De-
 39 partment of State Police and responsible for enforcing the criminal laws of this state, and
 40 any person formally deputized by a law enforcement unit to take custody of a person who is
 41 intoxicated or under the influence of one or more controlled substances.

42 (j) “Prevention” means evidence-informed policies, procedures and practices that reduce
 43 the rate of persons that become drug-dependent persons among the population that is the
 44 target for the policies, procedures and practices.

45 (k) “Recovery” means the state of a person who was a drug-dependent person but who

1 is no longer drug-dependent.

2 (L) “Sobering center” means a facility that meets all of the following criteria:

3 (A) The facility operates for the purpose of providing to individuals who are acutely
4 intoxicated a safe, clean and supervised environment until the individuals are no longer
5 acutely intoxicated.

6 (B) The facility contracts with or is affiliated with a treatment program or a provider
7 approved by the Oregon Health Authority to provide addiction treatment and the contract
8 or affiliation agreement includes, but is not limited to, case consultation, training and advice
9 and a plan for making referrals to addiction treatment.

10 (C) The facility, in consultation with the addiction treatment program or provider, has
11 adopted comprehensive written policies and procedures incorporating best practices for the
12 safety of intoxicated individuals, employees of the facility and volunteers at the facility.

13 (D) The facility is registered with the Oregon Health Authority under ORS 430.262.

14 (m) “Treatment” means a program that utilizes evidence-based methods to assist a
15 drug-dependent person to become a person in recovery, and that:

16 (A) Is based on published research in at least two peer-reviewed journals that cite the
17 methods used in the program as effective in treating drug-dependent persons by assisting the
18 persons to become persons in recovery;

19 (B) Is standardized so that the program can be replicated with the same or similar effi-
20 cacy;

21 (C) Has been studied in more than one environment and has provided consistent and ef-
22 fective results; and

23 (D) Is subject to ongoing evaluation to determine if implementation is adhering to the
24 protocol for the method and delivering the desired results of assisting drug-dependent per-
25 sons to become persons in recovery.

26 (n) “Treatment facility” includes outpatient facilities, inpatient facilities and other facil-
27 ities that provide treatment services that also meet the minimum standards established un-
28 der ORS 430.357, any of which may also provide diagnosis and evaluation, medical care,
29 detoxification, social services or rehabilitation for drug-dependent persons and which operate
30 in the form of a general hospital, state hospital, foster home, hostel, clinic or other suitable
31 form approved by the Oregon Health Authority.

32 (2) Using funds from the Drug Treatment and Recovery Services Fund established under
33 ORS 430.384 or from any other available source, the Alcohol and Drug Policy Commission
34 shall provide grants and funding to counties, school districts, federally recognized Indian
35 tribes in this state and Behavioral Health Resource Networks to support the provision of the
36 following evidence-informed and evidence-based services:

37 (a) Prevention;

38 (b) Treatment;

39 (c) Recovery support; and

40 (d) Individual harm reduction.

41 (3) Using funds from the Drug Treatment and Recovery Services Fund established under
42 ORS 430.384 or from any other available source, the commission shall provide grants and
43 funding to cities and counties to support enforcement related to community harm reduction
44 services as described in subsection (6) of this section.

45 (4) Grants and funding provided by the commission under this section shall ensure that

1 each region of this state receives funding in equitable proportion to the region’s need, as
 2 determined by the rules of the commission.

3 (5) The commission shall prioritize the funding of detoxification facilities, sobering cen-
 4 ters, treatment facilities and peer recovery support services, including culturally-specific
 5 programs, to all regions of the state on a formula grant basis as determined by the com-
 6 mission by rule.

7 (6) The commission shall also prioritize the funding of community harm reduction on a
 8 competitive grant basis, including:

9 (a) Programs for diversion in lieu of arrest by a police officer;

10 (b) Community court programs to divert and assist drug-dependent persons that have
 11 been charged with drug possession or other drug-dependent related offenses; and

12 (c) Focused deterrence to eliminate overt drug markets.

13 (7) The commission shall by rule specify the manner of applying for grants and funding
 14 under this section. All grant and funding applications must be approved by the local planning
 15 committee for each county in which the program will operate.

16 (8) The chairperson of the commission shall request that the Legislative Assembly ap-
 17 propriate an amount of moneys each biennium to ensure that the funds available to the
 18 commission for grants and funding under this section is not less than the total amount de-
 19 posited and transferred into the Drug Treatment and Recovery Services Fund pursuant to
 20 ORS 430.384 for the biennium beginning July 1, 2023, adjusted for inflation each subsequent
 21 biennium based on changes in the Consumer Price Index for All Urban Consumers, West
 22 Region (All Items), as published by the Bureau of Labor Statistics of the United States De-
 23 partment of Labor.

24 (9) The commission may adopt rules to carry out the provisions of this section.

25
 26 (Transfer of Duties from Oregon Health Authority)

27
 28 **SECTION 32.** ORS 430.384 is amended to read:

29 430.384. (1) The Drug Treatment and Recovery Services Fund is established in the State Treas-
 30 ury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and Re-
 31 covery Services Fund shall be credited to the fund.

32 (2) The Drug Treatment and Recovery Services Fund shall consist of:

33 [(a) Moneys deposited into the fund pursuant to ORS 305.231;]

34 [(b)] (a) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

35 [(c)] (b) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475C.726 (3)(b);

36 **and**

37 [(d) Moneys allocated from the Criminal Fine Account pursuant to ORS 137.300 (4); and]

38 [(e)] (c) All other moneys deposited into the fund from any source.

39 (3) Moneys in the fund shall be continuously appropriated to the [Oregon Health Authority] **Al-**
 40 **cohol and Drug Policy Commission** for the purposes set forth in ORS 430.389 **and section 31 of**
 41 **this 2024 Act.**

42 (4)(a) Pursuant to subsection [(2)(b)] (2)(a) of this section, the Legislative Assembly shall ap-
 43 propriate or transfer to the fund an amount sufficient to fully fund the grants program required by
 44 ORS 430.389 **and section 31 of this 2024 Act.**

45 (b) The total amount deposited and transferred into the fund shall not be less than \$57 million

1 for the first year ORS 430.383 to 430.390 and 430.394 are in effect.

2 (c) In each subsequent year, the minimum transfer amount set forth in paragraph (b) of this
 3 subsection shall be increased by not less than the sum of:

4 (A) \$57 million multiplied by the percentage, if any, by which the monthly averaged U.S. City
 5 Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar
 6 year exceeds the monthly index for the fourth quarter of the calendar year 2020; and

7 (B) The annual increase, if any, in moneys distributed pursuant to ORS 475C.726 (3)(b).

8 **SECTION 33.** ORS 430.387 is amended to read:

9 430.387. The [*Oregon Health Authority*] **Alcohol and Drug Policy Commission** shall cause the
 10 moneys in the Drug Treatment and Recovery Services Fund to be distributed as follows:

11 (1) An amount necessary for the administration of ORS [*430.388 to*] **430.389 and** 430.390, ex-
 12 cluding amounts necessary to establish and maintain the telephone hotline described in ORS 430.391
 13 (1).

14 (2) After the distribution set forth in subsection (1) of this section, the remaining moneys in the
 15 fund shall be distributed to the grants program as set forth in ORS 430.389.

16 **SECTION 34.** ORS 430.389 is amended to read:

17 430.389. (1) The [*Oversight and Accountability Council*] **Alcohol and Drug Policy Commission**
 18 shall approve grants and funding [*provided by the Oregon Health Authority in accordance with this*
 19 *section*] to **accomplish the following:**

20 (a) Implement Behavioral Health Resource Networks and increase access to community care.
 21 A Behavioral Health Resource Network is an entity or collection of entities that individually or
 22 jointly provide some or all of the services described in subsection (2)(e) of this section[.]; **and**

23 (b) **Provide grants and funding as described in section 31 of this 2024 Act.**

24 (2)(a) The [*authority*] **commission** shall establish an equitable:

25 (A) Process for applying for grants and funding by agencies or organizations, whether govern-
 26 ment or community based, to establish Behavioral Health Resource Networks for the purposes of
 27 immediately screening the acute needs of individuals with substance use, including those who also
 28 have a mental illness, and assessing and addressing any ongoing needs through ongoing case man-
 29 agement, harm reduction, treatment, housing and linkage to other care and services.

30 (B) Evaluation process to assess the effectiveness of Behavioral Health Resource Networks that
 31 receive grants or funding.

32 (b) Recipients of grants or funding must be licensed, certified or credentialed by the state, in-
 33 cluding certification under ORS 743A.168 (9), or meet criteria prescribed by rule by the [*authority*]
 34 **commission** under ORS 430.390. A recipient of a grant or funding under this subsection may not
 35 use the grant or funding to supplant the recipient's existing funding.

36 (c) The [*council and the authority*] **commission** shall ensure that residents of each county have
 37 access to all of the services described in paragraph (e) of this subsection.

38 (d) Applicants for grants and funding may apply individually or jointly with other network par-
 39 ticipants to provide services in one or more counties.

40 (e) A network must have the capacity to provide the following services and any other services
 41 specified by the [*authority*] **commission** by rule but no individual participant in a network is re-
 42 quired to provide all of the services:

43 (A) Screening by certified addiction peer support or wellness specialists or other qualified per-
 44 sons designated by the [*council*] **commission** to determine a client's need for immediate medical or
 45 other treatment to determine what acute care is needed and where it can be best provided, identify

1 other needs and link the client to other appropriate local or statewide services, including treatment
2 for substance use and coexisting health problems, housing, employment, training and child care.
3 Networks shall provide this service 24 hours a day, seven days a week, every calendar day of the
4 year through a telephone line or other means. Networks may rely on the statewide telephone
5 hotline established by the authority under ORS 430.391 for telephone screenings during nonbusiness
6 hours such as evenings, weekends and holidays. Notwithstanding paragraph (c) of this subsection,
7 only one grantee in each network within each county is required to provide the screenings described
8 in this subparagraph.

9 (B) Comprehensive behavioral health needs assessment, including a substance use screening by
10 a certified alcohol and drug counselor or other credentialed addiction treatment professional. The
11 assessment shall prioritize the self-identified needs of a client.

12 (C) Individual intervention planning, case management and connection to services. If, after the
13 completion of a screening, a client indicates a desire to address some or all of the identified needs,
14 a case manager shall work with the client to design an individual intervention plan. The plan must
15 address the client's need for substance use treatment, coexisting health problems, housing, employ-
16 ment and training, child care and other services.

17 (D) Ongoing peer counseling and support from screening and assessment through implementation
18 of individual intervention plans as well as peer outreach workers to engage directly with
19 marginalized community members who could potentially benefit from the network's services.

20 (E) Assessment of the need for, and provision of, mobile or virtual outreach services to:

21 (i) Reach clients who are unable to access the network; and

22 (ii) Increase public awareness of network services.

23 (F) Harm reduction services and information and education about harm reduction services.

24 (G) Low-barrier substance use treatment.

25 (H) Transitional and supportive housing for individuals with substance use.

26 (f) If an applicant for a grant or funding under this subsection is unable to provide all of the
27 services described in paragraph (e) of this subsection, the applicant may identify how the applicant
28 intends to partner with other entities to provide the services, and the *[authority and the council]*
29 **commission** may facilitate collaboration among applicants.

30 (g) All services provided through the networks must be evidence-informed, trauma-informed,
31 culturally specific, linguistically responsive, person-centered and nonjudgmental. The goal shall be
32 to address effectively the client's substance use and any other social determinants of health.

33 (h) The networks must be adequately staffed to address the needs of people with substance use
34 within their regions as prescribed by the authority by rule, including, at a minimum, at least one
35 person in each of the following categories:

36 (A) Alcohol and drug counselor certified by the authority or other credentialed addiction treat-
37 ment professional;

38 (B) Case manager;

39 (C) Addiction peer support specialist certified by the *[authority]* **Oregon Health Authority**;

40 (D) Addiction peer wellness specialist certified by the authority;

41 (E) Recovery mentor, certified by the Mental Health and Addiction Certification Board of
42 Oregon or its successor organization; and

43 (F) Youth support specialist certified by the authority.

44 (i) Verification of a screening by a certified addiction peer support specialist, wellness specialist
45 or other person in accordance with paragraph (e)(A) of this subsection shall promptly be provided

1 to the client by the entity conducting the screening. If the client executes a valid release of infor-
 2 mation, the entity shall provide verification of the screening to the authority or a contractor of the
 3 authority and the authority or the authority’s contractor shall forward the verification to [*the court,*
 4 *in the manner prescribed by the Chief Justice of the Supreme Court, to satisfy the conditions for dis-*
 5 *missal under ORS 153.062 or 475.237*] **any entity the client has authorized to receive the ver-**
 6 **ification.**

7 [(3)(a) *If moneys remain in the Drug Treatment and Recovery Services Fund after the council has*
 8 *committed grants and funding to establish behavioral health resource networks serving every county*
 9 *in this state, the council shall authorize grants and funding to other agencies or organizations, whether*
 10 *government or community based, and to the nine federally recognized tribes in this state and service*
 11 *providers that are affiliated with the nine federally recognized tribes in this state to increase access to*
 12 *one or more of the following:]*

13 [(A) *Low-barrier substance use treatment that is evidence-informed, trauma-informed, culturally*
 14 *specific, linguistically responsive, person-centered and nonjudgmental;]*

15 [(B) *Peer support and recovery services;]*

16 [(C) *Transitional, supportive and permanent housing for persons with substance use;]*

17 [(D) *Harm reduction interventions including, but not limited to, overdose prevention education, ac-*
 18 *cess to short-acting opioid antagonists, as defined in ORS 689.800, and sterile syringes and stimulant-*
 19 *specific drug education and outreach; or]*

20 [(E) *Incentives and supports to expand the behavioral health workforce to support the services de-*
 21 *livered by behavioral health resource networks and entities receiving grants or funding under this*
 22 *subsection.]*

23 [(b) *A recipient of a grant or funding under this subsection may not use the grant or funding to*
 24 *supplant the recipient’s existing funding.]*

25 [(4) (3) In awarding grants and funding under [subsections (1) and (3)] **subsection (1)** of this
 26 section **and section 31 of this 2024 Act**, the [council] **commission** shall:

27 (a) Distribute grants and funding to ensure access to:

28 (A) Historically underserved populations; and

29 (B) Culturally specific and linguistically responsive services.

30 (b) Consider any inventories or surveys of currently available behavioral health services.

31 (c) Consider available regional data related to the substance use treatment needs and the access
 32 to culturally specific and linguistically responsive services in communities in this state.

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

34 (e) **Consider data regarding the geographic location and rates of overdose incidents and**
 35 **deaths and the rates of crime committed by drug-dependent persons as defined in section 31**
 36 **of this 2024 Act.**

37 [(5) (4) The [council] **commission** shall require any government entity that applies for a grant
 38 to specify in the application details regarding subgrantees and how the government entity will fund
 39 culturally specific organizations and culturally specific services. A government entity receiving a
 40 grant must make an explicit commitment not to supplant or decrease any existing funding used to
 41 provide services funded by the grant.

42 [(6) (5) In determining grants and funding to be awarded, the [council] **commission** may consult
 43 the comprehensive addiction, prevention, treatment and recovery plan established by the [*Alcohol*
 44 *and Drug Policy Commission*] **commission** under ORS 430.223 and the advice of any other group,
 45 agency, organization or individual that desires to provide advice to the [council] **commission** that

1 is consistent with the terms of this section.

2 [(7)] (6) Services provided by grantees, including services provided by a Behavioral Health Re-
 3 source Network, shall be free of charge to the clients receiving the services. Grantees in each net-
 4 work shall seek reimbursement from insurance issuers, the medical assistance program or any other
 5 third party responsible for the cost of services provided to a client and grants and funding provided
 6 by the [council or the authority] **commission** under this section may be used for copayments,
 7 deductibles or other out-of-pocket costs incurred by the client for the services.

8 [(8)] (7) Subsection [(7)] (6) of this section does not require the medical assistance program to
 9 reimburse the cost of services for which another third party is responsible in violation of 42 U.S.C.
 10 1396a(25).

11 **SECTION 35.** ORS 430.390 is amended to read:

12 430.390. (1)[(a) *The Oregon Health Authority*] **The Alcohol and Drug Policy Commission** shall
 13 adopt rules that establish a grant application process, a process to appeal the denial of a grant and
 14 general criteria and requirements for the Behavioral Health Resource Networks and the grants and
 15 funding required by ORS 430.389, including rules requiring recipients of grants and funding to col-
 16 lect and report information necessary for the Secretary of State to conduct the financial and per-
 17 formance audits required by ORS 430.392.

18 [(b) *When adopting or amending rules under this subsection, the authority shall convene an advi-*
 19 *sory committee in accordance with ORS 183.333 in which members of the Oversight and Accountability*
 20 *Council compose a majority of the membership.*]

21 (2) The [council] **commission** shall have and retain the authority to oversee the Behavioral
 22 Health Resource Networks established under ORS 430.389 and approve the grants and funding under
 23 ORS 430.389.

24 (3) The [authority] **commission** shall administer and provide all necessary support to ensure the
 25 implementation of ORS 430.383 to 430.390 and 430.394, and that recipients of grants or funding
 26 comply with all applicable rules regulating the provision of behavioral health services.

27 (4)(a) The [authority, in consultation with the council,] **commission** may enter into interagency
 28 agreements to ensure proper distribution of funds for the grants required by ORS 430.389.

29 (b) The [authority] **commission** shall encourage and take all reasonable measures to ensure that
 30 grant recipients cooperate, coordinate and act jointly with one another to offer the services de-
 31 scribed in ORS 430.389.

32 (c) The [authority] **commission** shall post to the [authority's] **commission's** website, at the time
 33 a grant or funding is awarded:

34 (A) The name of the recipient of the grant or funding;

35 (B) The names of any subgrantees or subcontractors of the recipient of the grant or funding; and

36 (C) The amount of the grant or funding awarded.

37 [(5) *The authority shall provide requested technical, logistical and other support to the council to*
 38 *assist the council with the council's duties and obligations.*]

39 [(6)] (5) The Department of Justice shall provide legal services to the [council] **commission** if
 40 requested to assist the [council] **commission** in carrying out the [council's] **commission's** duties
 41 and obligations.

42 **SECTION 36.** ORS 430.391 is amended to read:

43 430.391. (1) The [Oregon Health Authority] **Alcohol and Drug Policy Commission** shall estab-
 44 lish a Behavioral Health Resource Network statewide telephone hotline to provide screenings de-
 45 scribed in ORS 430.389 (2)(e)(A) to any caller who is a resident of this state.

1 (2) The telephone hotline shall be staffed 24 hours a day, seven days a week, every calendar day
 2 of the year. Following a screening, at the request of a caller, the telephone hotline shall promptly
 3 provide the verification set forth in ORS 430.389 (2)(i).

4 **SECTION 37.** ORS 430.392 is amended to read:

5 430.392. (1) The Division of Audits of the office of the Secretary of State shall conduct per-
 6 formance audits and financial reviews as provided in this section, regarding the uses of the Drug
 7 Treatment and Recovery Services Fund and the effectiveness of the fund in achieving the purposes
 8 of the fund and the policy objectives of ORS 430.383. Recipients of grants or funds under ORS
 9 430.389 shall keep accurate books, records and accounts that are subject to inspection and audit by
 10 the division.

11 (2) The division shall monitor and report on the progress in implementing any recommendations
 12 made in the audit or financial review. The division shall follow up on recommendations as part of
 13 recurring audit work or as an activity separate from other audit activity. When following up on
 14 recommendations, the division may request from the appropriate agency evidence of implementation.

15 (3) The audits set forth in this section shall be conducted pursuant to the provisions of ORS
 16 chapter 297, except to the extent any provision of ORS chapter 297 conflicts with any provision of
 17 ORS [293.665 and 305.231 and] 430.383 to 430.390 and 430.394, in which case the provisions of ORS
 18 [293.665 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

19 (4) No later than December 31, 2023, the division shall perform a:

20 (a) Real-time audit, as prescribed by the division, which shall include an assessment of *[the re-*
 21 *lationship between the Oversight and Accountability Council and the Oregon Health Authority,]* the
 22 relationship between the *[council]* **Alcohol and Drug Policy Commission** and recipients of grants
 23 or funding and the structural integrity of ORS [293.665 and 305.231 and] 430.383 to 430.390 and
 24 430.394, including but not limited to assessing:

25 (A) Whether the organizational structure of the *[council]* **commission** contains conflicts or
 26 problems.

27 (B) Whether the rules adopted by the *[council]* **commission** are clear and functioning properly.

28 (C) Whether the *[council]* **commission** has sufficient authority and independence to achieve the
 29 *[council's]* **commission's** mission.

30 (D) Whether the *[authority]* **commission** is fulfilling the *[authority's]* **commission's** duties under
 31 ORS 430.384, 430.387, 430.390 and 430.391.

32 (E) Whether there are conflicts of interest in the process of awarding grants or funding.

33 (F) Whether there are opportunities to expand collaboration between the *[council]* **commission**
 34 and state agencies.

35 (G) Whether barriers exist in data collection and evaluation mechanisms.

36 (H) Who is providing the data.

37 (I) Other areas identified by the division.

38 (b) Financial review, which shall include an assessment of the following:

39 (A) Whether grants and funding are going to organizations that are culturally responsive and
 40 linguistically specific, including an assessment of:

41 (i) The barriers that exist for grant and funding applicants who are Black, Indigenous or People
 42 of Color.

43 (ii) The applicants that were denied and why.

44 (iii) Whether grants and other funding are being disbursed based on the priorities specified in
 45 ORS 430.389.

1 (iv) For government entities receiving grants or funding under ORS 430.389, the government
 2 entities' subgrantees and whether the governmental entity supplanted or decreased any local funding
 3 dedicated to the same services after receiving grants or funds under ORS 430.389.

4 (v) What proportion of grants or funds received by grantees and others under ORS 430.389, was
 5 devoted to administrative costs.

6 (B) The organizations and agencies receiving grants or funding under ORS 430.389 and:

7 (i) Which of the organizations and agencies are Behavioral Health Resource Network entities.

8 (ii) The amount each organization and agency received.

9 (iii) The total number of organizations and agencies that applied for grants or funding.

10 (iv) The amount of moneys from the fund that were used to administer the programs selected
 11 by the [council] **commission**.

12 (v) The moneys that remained in the Drug Treatment and Recovery Services Fund after grants
 13 and funding were disbursed.

14 (5) No later than December 31, 2025, the division shall conduct a performance audit, which must
 15 include an assessment of the following:

16 (a) All relevant data regarding the implementation of ORS [153.062 and] 430.391[, including de-
 17 mographic information on individuals who receive citations subject to ORS 153.062 and 430.391 and
 18 whether the citations resulted in connecting the individuals with treatment].

19 (b) The functioning of:

20 [(A) Law enforcement and the courts in relation to Class E violation citations;]

21 [(B)] (A) The telephone hotline operated by the [authority] **commission**;

22 [(C)] (B) Entities providing verification of screenings under ORS 430.389; and

23 [(D)] (C) The grants and funding systems between the [council, the authority] **commission** and
 24 recipients of grants or funding, including by gathering information about which entities are receiv-
 25 ing grants or funding and what the grants or funding are used for, the process of applying for grants
 26 or funding and whether the process is conducive to obtaining qualified applicants for grants or
 27 funding who are from communities of color.

28 (c) Disparities shown by demographic data and whether the citation data reveals a dispropor-
 29 tionate use of citations in communities most impacted by the war on drugs.

30 (d) Whether ORS [153.062,] 430.389 and 430.391 reduce the involvement in the criminal justice
 31 system of individuals with substance use.

32 (e) Training opportunities provided to law enforcement officials regarding services that are
 33 available and how to connect individuals to the services.

34 (f) The efficacy of issuing citations as a method of connecting individuals to services.

35 (g) The role of the implementation of ORS 430.383 to 430.390 and 430.394 in reducing overdose
 36 rates.

37 (h) Outcomes for individuals receiving treatment and other social services under ORS 430.389,
 38 including, but not limited to, the following:

39 (A) Whether access to care increased since December 3, 2020, and, if data is available, whether,
 40 since December 3, 2020:

41 (i) The number of drug and alcohol treatment service providers increased.

42 (ii) The number of culturally specific providers increased.

43 (iii) Access to harm reduction services has increased.

44 (iv) More individuals are accessing treatment than they were before December 3, 2020.

45 (v) Access to housing for individuals with substance use has increased.

1 (B) Data on Behavioral Health Resource Networks and recipients of grants and funding under
 2 ORS 430.389, including:

3 (i) The outcomes of each network or recipient, including but not limited to the number of clients
 4 with substance use receiving services from each network or recipient, the average duration of client
 5 participation and client outcomes.

6 (ii) The number of individuals seeking assistance from the network or recipients who are denied
 7 or not connected to substance use treatment and other services, and the reasons for the denials.

8 (iii) The average time it takes for clients to access services and fulfill their individual inter-
 9 vention plan and the reason for any delays, such as waiting lists at referred services.

10 (iv) Whether average times to access services to which clients are referred, such as housing or
 11 medically assisted treatment, have decreased over time since December 3, 2020.

12 (v) Demographic data on clients served by Behavioral Health Resource Networks, including
 13 self-reported demographic data on race, ethnicity, gender and age.

14 (i) Each recipient of a grant or funding.

15 (j) Other areas identified by the division for ascertaining best practices for overdose prevention.

16 (6) The division shall conduct periodic performance audits and financial reviews pursuant to the
 17 division's annual audit plan and taking into consideration the risks of the program.

18 **SECTION 38.** ORS 430.392, as amended by section 11, chapter 248, Oregon Laws 2023, is
 19 amended to read:

20 430.392. (1) The Division of Audits of the office of the Secretary of State shall conduct per-
 21 formance audits and financial reviews as provided in this section, regarding the uses of the Drug
 22 Treatment and Recovery Services Fund and the effectiveness of the fund in achieving the purposes
 23 of the fund and the policy objectives of ORS 430.383. Recipients of grants or funds under ORS
 24 430.389 shall keep accurate books, records and accounts that are subject to inspection and audit by
 25 the division.

26 (2) The division shall monitor and report on the progress in implementing any recommendations
 27 made in the audit or financial review. The division shall follow up on recommendations as part of
 28 recurring audit work or as an activity separate from other audit activity. When following up on
 29 recommendations, the division may request from the appropriate agency evidence of implementation.

30 (3) The audits set forth in this section shall be conducted pursuant to the provisions of ORS
 31 chapter 297, except to the extent any provision of ORS chapter 297 conflicts with any provision of
 32 ORS [293.665 and 305.231 and] 430.383 to 430.390 and 430.394, in which case the provisions of ORS
 33 [293.665 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

34 (4) The division shall conduct periodic performance audits and financial reviews pursuant to the
 35 division's annual audit plan and taking into consideration the risks of the program.

36 **SECTION 39.** ORS 430.393 is amended to read:

37 430.393. No later than January 1, 2022, and at the beginning of each calendar quarter thereafter,
 38 the [Oregon Health Authority] **Alcohol and Drug Policy Commission** shall report to the Legislative
 39 Assembly, in the manner provided in ORS 192.245, how funds from the Drug Treatment and Recovery
 40 Services Fund were spent in the preceding calendar quarter.

41 **SECTION 40.** ORS 430.394 is amended to read:

42 430.394. If approved by the [Oversight and Accountability Council] **Alcohol and Drug Policy**
 43 **Commission**, the Oregon Health Authority may implement an education campaign to inform the
 44 public about the availability of Behavioral Health Resource Networks, the statewide hotline de-
 45 scribed in ORS 430.391 and any other information the authority believes would benefit the public in

1 accessing behavioral health services.

2 **SECTION 41.** ORS 244.050 is amended to read:

3 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
4 Government Ethics Commission a verified statement of economic interest as required under this
5 chapter:

6 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
7 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

8 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
9 judicial officer who does not otherwise serve as a judicial officer.

10 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

11 (d) The Deputy Attorney General.

12 (e) The Deputy Secretary of State.

13 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
14 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
15 of Representatives and the Legislative Equity Officer.

16 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
17 versity listed in ORS 352.002.

18 (h) The following state officers:

19 (A) Adjutant General.

20 (B) Director of Agriculture.

21 (C) Manager of State Accident Insurance Fund Corporation.

22 (D) Water Resources Director.

23 (E) Director of the Department of Environmental Quality.

24 (F) Director of the Oregon Department of Administrative Services.

25 (G) State Fish and Wildlife Director.

26 (H) State Forester.

27 (I) State Geologist.

28 (J) Director of Human Services.

29 (K) Director of the Department of Consumer and Business Services.

30 (L) Director of the Department of State Lands.

31 (M) State Librarian.

32 (N) Administrator of the Oregon Liquor and Cannabis Commission.

33 (O) Superintendent of State Police.

34 (P) Director of the Public Employees Retirement System.

35 (Q) Director of Department of Revenue.

36 (R) Director of Transportation.

37 (S) Public Utility Commissioner.

38 (T) Director of Veterans' Affairs.

39 (U) Executive director of Oregon Government Ethics Commission.

40 (V) Director of the State Department of Energy.

41 (W) Director and each assistant director of the Oregon State Lottery.

42 (X) Director of the Department of Corrections.

43 (Y) Director of the Oregon Department of Aviation.

44 (Z) Executive director of the Oregon Criminal Justice Commission.

45 (AA) Director of the Oregon Business Development Department.

- 1 (BB) Director of the Oregon Department of Emergency Management.
- 2 (CC) Director of the Employment Department.
- 3 (DD) State Fire Marshal.
- 4 (EE) Chief of staff for the Governor.
- 5 (FF) Director of the Housing and Community Services Department.
- 6 (GG) State Court Administrator.
- 7 (HH) Director of the Department of Land Conservation and Development.
- 8 (II) Board chairperson of the Land Use Board of Appeals.
- 9 (JJ) State Marine Director.
- 10 (KK) Executive director of the Oregon Racing Commission.
- 11 (LL) State Parks and Recreation Director.
- 12 (MM) Executive director of the Oregon Public Defense Commission.
- 13 (NN) Chairperson of the Public Employees' Benefit Board.
- 14 (OO) Director of the Department of Public Safety Standards and Training.
- 15 (PP) Executive director of the Higher Education Coordinating Commission.
- 16 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 17 (RR) Director of the Oregon Youth Authority.
- 18 (SS) Director of the Oregon Health Authority.
- 19 (TT) Deputy Superintendent of Public Instruction.
- 20 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 21 the Governor's office.
- 22 (j) Every elected city or county official.
- 23 (k) Every member of a city or county planning, zoning or development commission.
- 24 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 25 cipal administrator of the city or county.
- 26 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 27 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 28 executive officer thereof.
- 29 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 30 (p) The chief administrative officer and the financial officer of each common and union high
- 31 school district, education service district and community college district.
- 32 (q) Every member of the following state boards, commissions and councils:
- 33 (A) Governing board of the State Department of Geology and Mineral Industries.
- 34 (B) Oregon Business Development Commission.
- 35 (C) State Board of Education.
- 36 (D) Environmental Quality Commission.
- 37 (E) Fish and Wildlife Commission of the State of Oregon.
- 38 (F) State Board of Forestry.
- 39 (G) Oregon Government Ethics Commission.
- 40 (H) Oregon Health Policy Board.
- 41 (I) Oregon Investment Council.
- 42 (J) Land Conservation and Development Commission.
- 43 (K) Oregon Liquor and Cannabis Commission.
- 44 (L) Oregon Short Term Fund Board.
- 45 (M) State Marine Board.

- 1 (N) Mass transit district boards.
 2 (O) Energy Facility Siting Council.
 3 (P) Board of Commissioners of the Port of Portland.
 4 (Q) Employment Relations Board.
 5 (R) Public Employees Retirement Board.
 6 (S) Oregon Racing Commission.
 7 (T) Oregon Transportation Commission.
 8 (U) Water Resources Commission.
 9 (V) Workers' Compensation Board.
 10 (W) Oregon Facilities Authority.
 11 (X) Oregon State Lottery Commission.
 12 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
 13 (Z) Columbia River Gorge Commission.
 14 (AA) Oregon Health and Science University Board of Directors.
 15 (BB) Capitol Planning Commission.
 16 (CC) Higher Education Coordinating Commission.
 17 (DD) Oregon Growth Board.
 18 (EE) Early Learning Council.
 19 [(FF) *The Oversight and Accountability Council.*]
 20 (r) The following officers of the State Treasurer:
 21 (A) Deputy State Treasurer.
 22 (B) Chief of staff for the office of the State Treasurer.
 23 (C) Director of the Investment Division.
 24 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 25 or 777.915 to 777.953.
 26 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 27 (u) Every member of a governing board of a public university listed in ORS 352.002.
 28 (v) Every member of the district school board of a common school district or union high school
 29 district.
 30 (w) Every member of the board of directors of an authority created under ORS 465.600 to
 31 465.621.
 32 (2) By April 15 next after the date an appointment takes effect, every appointed public official
 33 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
 34 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
 35 and 244.090.
 36 (3) By April 15 next after the filing deadline for the primary election, each candidate described
 37 in subsection (1) of this section shall file with the commission a statement of economic interest as
 38 required under ORS 244.060, 244.070 and 244.090.
 39 (4) Not later than the 40th day before the date of the statewide general election, each candidate
 40 described in subsection (1) of this section who will appear on the statewide general election ballot
 41 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 42 section shall file with the commission a statement of economic interest as required under ORS
 43 244.060, 244.070 and 244.090.
 44 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 45 appointed public officials as of April 15 and to persons who are candidates on April 15.

1 (6) If a statement required to be filed under this section has not been received by the commis-
 2 sion within five days after the date the statement is due, the commission shall notify the public of-
 3 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 4 requirements of this section. If the public official or candidate fails to comply by the date set by the
 5 commission, the commission may impose a civil penalty as provided in ORS 244.350.

6 **SECTION 42.** ORS 244.050, as amended by section 12, chapter 220, Oregon Laws 2023, and
 7 section 48, chapter 281, Oregon Laws 2023, is amended to read:

8 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 9 Government Ethics Commission a verified statement of economic interest as required under this
 10 chapter:

11 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 12 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

13 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 14 judicial officer who does not otherwise serve as a judicial officer.

15 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

16 (d) The Deputy Attorney General.

17 (e) The Deputy Secretary of State.

18 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 19 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 20 of Representatives and the Legislative Equity Officer.

21 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 22 versity listed in ORS 352.002.

23 (h) The following state officers:

24 (A) Adjutant General.

25 (B) Director of Agriculture.

26 (C) Manager of State Accident Insurance Fund Corporation.

27 (D) Water Resources Director.

28 (E) Director of the Department of Environmental Quality.

29 (F) Director of the Oregon Department of Administrative Services.

30 (G) State Fish and Wildlife Director.

31 (H) State Forester.

32 (I) State Geologist.

33 (J) Director of Human Services.

34 (K) Director of the Department of Consumer and Business Services.

35 (L) Director of the Department of State Lands.

36 (M) State Librarian.

37 (N) Administrator of the Oregon Liquor and Cannabis Commission.

38 (O) Superintendent of State Police.

39 (P) Director of the Public Employees Retirement System.

40 (Q) Director of Department of Revenue.

41 (R) Director of Transportation.

42 (S) Public Utility Commissioner.

43 (T) Director of Veterans' Affairs.

44 (U) Executive director of Oregon Government Ethics Commission.

45 (V) Director of the State Department of Energy.

- 1 (W) Director and each assistant director of the Oregon State Lottery.
- 2 (X) Director of the Department of Corrections.
- 3 (Y) Director of the Oregon Department of Aviation.
- 4 (Z) Executive director of the Oregon Criminal Justice Commission.
- 5 (AA) Director of the Oregon Business Development Department.
- 6 (BB) Director of the Oregon Department of Emergency Management.
- 7 (CC) Director of the Employment Department.
- 8 (DD) State Fire Marshal.
- 9 (EE) Chief of staff for the Governor.
- 10 (FF) Director of the Housing and Community Services Department.
- 11 (GG) State Court Administrator.
- 12 (HH) Director of the Department of Land Conservation and Development.
- 13 (II) Board chairperson of the Land Use Board of Appeals.
- 14 (JJ) State Marine Director.
- 15 (KK) Executive director of the Oregon Racing Commission.
- 16 (LL) State Parks and Recreation Director.
- 17 (MM) Executive director of the Oregon Public Defense Commission.
- 18 (NN) Chairperson of the Public Employees' Benefit Board.
- 19 (OO) Director of the Department of Public Safety Standards and Training.
- 20 (PP) Executive director of the Higher Education Coordinating Commission.
- 21 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 22 (RR) Director of the Oregon Youth Authority.
- 23 (SS) Director of the Oregon Health Authority.
- 24 (TT) Deputy Superintendent of Public Instruction.
- 25 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 26 the Governor's office.
- 27 (j) Every elected city or county official.
- 28 (k) Every member of a city or county planning, zoning or development commission.
- 29 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 30 cipal administrator of the city or county.
- 31 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 32 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 33 executive officer thereof.
- 34 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 35 (p) The chief administrative officer and the financial officer of each common and union high
- 36 school district, education service district and community college district.
- 37 (q) Every member of the following state boards, commissions and councils:
- 38 (A) Governing board of the State Department of Geology and Mineral Industries.
- 39 (B) Oregon Business Development Commission.
- 40 (C) State Board of Education.
- 41 (D) Environmental Quality Commission.
- 42 (E) Fish and Wildlife Commission of the State of Oregon.
- 43 (F) State Board of Forestry.
- 44 (G) Oregon Government Ethics Commission.
- 45 (H) Oregon Health Policy Board.

- 1 (I) Oregon Investment Council.
- 2 (J) Land Conservation and Development Commission.
- 3 (K) Oregon Liquor and Cannabis Commission.
- 4 (L) Oregon Short Term Fund Board.
- 5 (M) State Marine Board.
- 6 (N) Mass transit district boards.
- 7 (O) Energy Facility Siting Council.
- 8 (P) Board of Commissioners of the Port of Portland.
- 9 (Q) Employment Relations Board.
- 10 (R) Public Employees Retirement Board.
- 11 (S) Oregon Racing Commission.
- 12 (T) Oregon Transportation Commission.
- 13 (U) Water Resources Commission.
- 14 (V) Workers' Compensation Board.
- 15 (W) Oregon Facilities Authority.
- 16 (X) Oregon State Lottery Commission.
- 17 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 18 (Z) Columbia River Gorge Commission.
- 19 (AA) Oregon Health and Science University Board of Directors.
- 20 (BB) Capitol Planning Commission.
- 21 (CC) Higher Education Coordinating Commission.
- 22 (DD) Oregon Growth Board.
- 23 (EE) Early Learning Council.
- 24 [(FF) *The Oversight and Accountability Council.*]
- 25 (r) The following officers of the State Treasurer:
- 26 (A) Deputy State Treasurer.
- 27 (B) Chief of staff for the office of the State Treasurer.
- 28 (C) Director of the Investment Division.
- 29 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 30 or 777.915 to 777.953.
- 31 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 32 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 33 (v) Every member of the district school board of a common school district or union high school
- 34 district.
- 35 (w) Every member of the board of directors of an authority created under ORS 465.600 to
- 36 465.621.
- 37 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 38 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 39 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 40 and 244.090.
- 41 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 42 in subsection (1) of this section who will appear on a primary election ballot shall file with the
- 43 commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- 44 (4) Not later than the 40th day before the date of the statewide general election, each candidate
- 45 described in subsection (1) of this section who will appear on the statewide general election ballot

1 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 2 section shall file with the commission a statement of economic interest as required under ORS
 3 244.060, 244.070 and 244.090.

4 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 5 appointed public officials as of April 15 and to persons who are candidates on April 15.

6 (6) If a statement required to be filed under this section has not been received by the commis-
 7 sion within five days after the date the statement is due, the commission shall notify the public of-
 8 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 9 requirements of this section. If the public official or candidate fails to comply by the date set by the
 10 commission, the commission may impose a civil penalty as provided in ORS 244.350.

11 **SECTION 43.** ORS 316.502 is amended to read:

12 316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and
 13 amounts described in ORS 285B.630[,] **and** 285C.635 [*and 305.231*], shall be paid over to the State
 14 Treasurer and held in the General Fund as miscellaneous receipts available generally to meet any
 15 expense or obligation of the State of Oregon lawfully incurred.

16 (2) A working balance of unreceipted revenue from the tax imposed by this chapter may be re-
 17 tained for the payment of refunds, but such working balance shall not at the close of any fiscal year
 18 exceed the sum of \$1 million.

19 (3) Moneys are continuously appropriated to the Department of Revenue to make:

20 (a) The refunds authorized under subsection (2) of this section; and

21 (b) The refund payments in excess of tax liability authorized under ORS 315.133, 315.174, 315.262,
 22 315.264, 315.266, 315.273, 315.519 and 316.090 and section 3, chapter 589, Oregon Laws 2021.

23 **SECTION 44.** ORS 413.017 is amended to read:

24 413.017. (1) The Oregon Health Policy Board shall establish the committees described in sub-
 25 sections (2) to (5) of this section.

26 (2)(a) The Public Health Benefit Purchasers Committee shall include individuals who purchase
 27 health care for the following:

28 (A) The Public Employees' Benefit Board.

29 (B) The Oregon Educators Benefit Board.

30 (C) Trustees of the Public Employees Retirement System.

31 (D) A city government.

32 (E) A county government.

33 (F) A special district.

34 (G) Any private nonprofit organization that receives the majority of its funding from the state
 35 and requests to participate on the committee.

36 (b) The Public Health Benefit Purchasers Committee shall:

37 (A) Identify and make specific recommendations to achieve uniformity across all public health
 38 benefit plan designs based on the best available clinical evidence, recognized best practices for
 39 health promotion and disease management, demonstrated cost-effectiveness and shared demographics
 40 among the enrollees within the pools covered by the benefit plans.

41 (B) Develop an action plan for ongoing collaboration to implement the benefit design alignment
 42 described in subparagraph (A) of this paragraph and shall leverage purchasing to achieve benefit
 43 uniformity if practicable.

44 (C) Continuously review and report to the Oregon Health Policy Board on the committee's
 45 progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance

1 without shifting costs to the private sector or the health insurance exchange.

2 (c) The Oregon Health Policy Board shall work with the Public Health Benefit Purchasers
3 Committee to identify uniform provisions for state and local public contracts for health benefit plans
4 that achieve maximum quality and cost outcomes. The board shall collaborate with the committee
5 to develop steps to implement joint contract provisions. The committee shall identify a schedule for
6 the implementation of contract changes. The process for implementation of joint contract provisions
7 must include a review process to protect against unintended cost shifts to enrollees or agencies.

8 (3)(a) The Health Care Workforce Committee shall include individuals who have the collective
9 expertise, knowledge and experience in a broad range of health professions, health care education
10 and health care workforce development initiatives.

11 (b) The Health Care Workforce Committee shall coordinate efforts to recruit and educate health
12 care professionals and retain a quality workforce to meet the demand that will be created by the
13 expansion in health care coverage, system transformations and an increasingly diverse population.

14 (c) The Health Care Workforce Committee shall conduct an inventory of all grants and other
15 state resources available for addressing the need to expand the health care workforce to meet the
16 needs of Oregonians for health care.

17 (4)(a) The Health Plan Quality Metrics Committee shall include the following members appointed
18 by the Oregon Health Policy Board:

19 (A) An individual representing the Oregon Health Authority;

20 (B) An individual representing the Oregon Educators Benefit Board;

21 (C) An individual representing the Public Employees' Benefit Board;

22 (D) An individual representing the Department of Consumer and Business Services;

23 (E) Two health care providers;

24 (F) One individual representing hospitals;

25 (G) One individual representing insurers, large employers or multiple employer welfare ar-
26 rangements;

27 (H) Two individuals representing health care consumers;

28 (I) Two individuals representing coordinated care organizations;

29 (J) One individual with expertise in health care research;

30 (K) One individual with expertise in health care quality measures; and

31 (L) One individual with expertise in mental health and addiction services.

32 (b) The committee shall work collaboratively with the Oregon Educators Benefit Board, the
33 Public Employees' Benefit Board, the authority and the department to adopt health outcome and
34 quality measures that are focused on specific goals and provide value to the state, employers,
35 insurers, health care providers and consumers. The committee shall be the single body to align
36 health outcome and quality measures used in this state with the requirements of health care data
37 reporting to ensure that the measures and requirements are coordinated, evidence-based and focused
38 on a long term statewide vision.

39 (c) The committee shall use a public process that includes an opportunity for public comment
40 to identify health outcome and quality measures. The health outcome and quality measures identified
41 by the committee, as updated by the authority under paragraph (g) of this subsection, may be applied
42 to services provided by coordinated care organizations or paid for by health benefit plans sold
43 through the health insurance exchange or offered by the Oregon Educators Benefit Board or the
44 Public Employees' Benefit Board. The authority, the department, the Oregon Educators Benefit
45 Board and the Public Employees' Benefit Board are not required to adopt all of the health outcome

1 and quality measures identified by the committee but may not adopt any health outcome and quality
2 measures that are different from the measures identified by the committee. The measures must take
3 into account the health outcome and quality measures selected by the metrics and scoring subcom-
4 mittee created in ORS 413.022 and the differences in the populations served by coordinated care
5 organizations and by commercial insurers.

6 (d) In identifying health outcome and quality measures, the committee shall prioritize measures
7 that:

8 (A) Utilize existing state and national health outcome and quality measures, including measures
9 adopted by the Centers for Medicare and Medicaid Services, that have been adopted or endorsed
10 by other state or national organizations and have a relevant state or national benchmark;

11 (B) Given the context in which each measure is applied, are not prone to random variations
12 based on the size of the denominator;

13 (C) Utilize existing data systems, to the extent practicable, for reporting the measures to mini-
14 mize redundant reporting and undue burden on the state, health benefit plans and health care pro-
15 viders;

16 (D) Can be meaningfully adopted for a minimum of three years;

17 (E) Use a common format in the collection of the data and facilitate the public reporting of the
18 data; and

19 (F) Can be reported in a timely manner and without significant delay so that the most current
20 and actionable data is available.

21 (e) The committee shall evaluate on a regular and ongoing basis the health outcome and quality
22 measures identified under this section.

23 (f) The committee may convene subcommittees to focus on gaining expertise in particular areas
24 such as data collection, health care research and mental health and substance use disorders in order
25 to aid the committee in the development of health outcome and quality measures. A subcommittee
26 may include stakeholders and staff from the authority, the Department of Human Services, the De-
27 partment of Consumer and Business Services, the Early Learning Council or any other agency staff
28 with the appropriate expertise in the issues addressed by the subcommittee.

29 (g) The authority shall update annually, if necessary, the health outcome and quality measures
30 identified by the committee to utilize the latest sets of core quality measures published by the
31 Centers for Medicare and Medicaid Services in accordance with 42 U.S.C. 1320b-9a and 1320b-9b.

32 (h) This subsection does not prevent the authority, the Department of Consumer and Business
33 Services, commercial insurers, the Public Employees' Benefit Board or the Oregon Educators Benefit
34 Board from establishing programs that provide financial incentives to providers for meeting specific
35 health outcome and quality measures adopted by the committee.

36 (5)(a) The Behavioral Health Committee shall include the following members appointed by the
37 Director of the Oregon Health Authority:

38 (A) The chairperson of the Health Plan Quality Metrics Committee;

39 (B) The chairperson of the committee appointed by the board to address health equity, if any;

40 (C) A behavioral health director for a coordinated care organization;

41 (D) A representative of a community mental health program;

42 (E) An individual with expertise in data analysis;

43 (F) A member of the Consumer Advisory Council, established under ORS 430.073, that represents
44 adults with mental illness;

45 (G) A representative of the System of Care Advisory Council established in ORS 418.978;

1 (H) A member [*of the Oversight and Accountability Council, described in ORS 430.389,*] who re-
 2 presents adults with addictions or co-occurring conditions;

3 (I) One member representing a system of care, as defined in ORS 418.976;

4 (J) One consumer representative;

5 (K) One representative of a tribal government;

6 (L) One representative of an organization that advocates on behalf of individuals with intellec-
 7 tual or developmental disabilities;

8 (M) One representative of providers of behavioral health services;

9 (N) The director of the division of the authority responsible for behavioral health services, as
 10 a nonvoting member;

11 (O) The Director of the Alcohol and Drug Policy Commission appointed under ORS 430.220, as
 12 a nonvoting member;

13 (P) The authority's Medicaid director, as a nonvoting member;

14 (Q) A representative of the Department of Human Services, as a nonvoting member; and

15 (R) Any other member that the director deems appropriate.

16 (b) The board may modify the membership of the committee as needed.

17 (c) The division of the authority responsible for behavioral health services and the director of
 18 the division shall staff the committee.

19 (d) The committee, in collaboration with the Health Plan Quality Metrics Committee, as needed,
 20 shall:

21 (A) Establish quality metrics for behavioral health services provided by coordinated care or-
 22 ganizations, health care providers, counties and other government entities; and

23 (B) Establish incentives to improve the quality of behavioral health services.

24 (e) The quality metrics and incentives shall be designed to:

25 (A) Improve timely access to behavioral health care;

26 (B) Reduce hospitalizations;

27 (C) Reduce overdoses;

28 (D) Improve the integration of physical and behavioral health care; and

29 (E) Ensure individuals are supported in the least restrictive environment that meets their be-
 30 havioral health needs.

31 (6) Members of the committees described in subsections (2) to (5) of this section who are not
 32 members of the Oregon Health Policy Board may receive compensation in accordance with criteria
 33 prescribed by the authority by rule and shall be reimbursed from funds available to the board for
 34 actual and necessary travel and other expenses incurred by them by their attendance at committee
 35 meetings, in the manner and amount provided in ORS 292.495.

36 **SECTION 45.** Section 6, chapter 63, Oregon Laws 2022, is amended to read:

37 **Sec. 6.** Opioid Settlement Prevention, Treatment and Recovery Board. (1) The Opioid Settlement
 38 Prevention, Treatment and Recovery Board is created in the Oregon Health Authority for the pur-
 39 pose of determining the allocation of funding from the Opioid Settlement Prevention, Treatment and
 40 Recovery Fund established in section 5 of this 2022 Act. The board consists of:

41 (a) The following members appointed by the Governor:

42 (A) A policy advisor to the Governor;

43 (B) A representative of the Department of Justice;

44 (C) A representative of the Oregon Health Authority; and

45 (D) A representative of the Department of Human Services;

- 1 (b) The Director of the Alcohol and Drug Policy Commission or the director's designee;
 2 [(c) *The chairperson of the Oversight and Accountability Council established in ORS 430.388 or*
 3 *the chairperson's designee;*]
 4 [(d)] (c) The following members appointed by the Governor from a list of candidates provided
 5 by the Association of Oregon Counties and the League of Oregon Cities or the successor organiza-
 6 tions to the Association of Oregon Counties and the League of Oregon Cities:
 7 (A) An individual representing Clackamas, Washington or Multnomah County;
 8 (B) An individual representing Clatsop, Columbia, Coos, Curry, Jackson, Josephine, Lane or
 9 Yamhill County;
 10 (C) An individual representing the City of Portland;
 11 (D) An individual representing a city with a population above 10,000 residents as of July 21,
 12 2021;
 13 (E) An individual representing a city with a population at or below 10,000 residents as of July
 14 21, 2021; and
 15 (F) A representative of the Oregon Coalition of Local Health Officials or its successor organ-
 16 ization;
 17 [(e)] (d) The following members appointed by the Governor from a list of candidates provided
 18 by the members described in paragraphs (a) to (d) of this subsection:
 19 (A) A representative of a community mental health program;
 20 (B) An individual who has experienced a substance use disorder or a representative of an or-
 21 ganization that advocates on behalf of individuals with substance use disorders; and
 22 (C) An individual representing law enforcement, first responders or jail commanders or wardens;
 23 [(f)] (e) A member of the House of Representatives appointed by the Speaker of the House of
 24 Representatives, who shall be a nonvoting member of the board;
 25 [(g)] (f) A member of the Senate appointed by the President of the Senate, who shall be a non-
 26 voting member of the board; and
 27 [(h)] (g) The State Court Administrator or the administrator's designee, who shall be a nonvot-
 28 ing member of the board.
 29 (2) The Governor shall select from the members described in subsection (1)(a)[,] **and** (b) [*and*
 30 *(c)*] of this section one cochairperson to represent state entities, and the members described in sub-
 31 section [(1)(d)] (1)(c) of this section shall select from one of their members a cochairperson to rep-
 32 resent cities or counties.
 33 (3) The term of each member of the board who is not an ex officio member is four years, but a
 34 member serves at the pleasure of the appointing authority. Before the expiration of a member's term,
 35 the appointing authority shall appoint a successor whose term begins on January 1 next following.
 36 A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority
 37 shall make an appointment to become immediately effective for the unexpired term.
 38 (4) Decision-making by the board shall be based on consensus and supported by at least a ma-
 39 jority of the members. The board shall document all objections to board decisions.
 40 (5) The board shall conduct at least four public meetings in accordance with ORS 192.610 to
 41 192.690 [series became 192.610 to 192.705], which shall be publicized to facilitate attendance at the
 42 meetings and during which the board shall receive testimony and input from the community. The
 43 board shall also establish a process for the public to provide written comments and proposals at
 44 each meeting of the board.
 45 (6) In determining the allocation of moneys from the Opioid Settlement Prevention, Treatment

1 and Recovery Fund:

2 (a) No more than five percent of the moneys may be spent on administering the board and the
3 fund.

4 (b) A portion of the moneys shall be allocated toward a unified and evidence-based state system
5 for collecting, analyzing and publishing data about the availability and efficacy of substance use
6 prevention, treatment and recovery services statewide.

7 (c) Moneys remaining after allocations in accordance with paragraphs (a) and (b) of this sub-
8 section shall be allocated for funding statewide and regional programs identified in the Distributor
9 Settlement Agreement, the Janssen Settlement Agreement and any other judgment or settlement
10 described in section 5 (1)(c), [of this 2022 Act] **chapter 63, Oregon Laws 2022**, including but not
11 limited to:

12 (A) Programs that use evidence-based or evidence-informed strategies to treat opioid use disor-
13 ders and any co-occurring substance use disorders or mental health conditions;

14 (B) Programs that use evidence-based or evidence-informed strategies to support individuals in
15 recovery from opioid use disorders and any co-occurring substance use disorders or mental health
16 conditions;

17 (C) Programs that use evidence-based or evidence-informed strategies to provide connections to
18 care for individuals who have or are at risk of developing opioid use disorders and any co-occurring
19 substance use disorders or mental health conditions;

20 (D) Programs that use evidence-based or evidence-informed strategies to address the needs of
21 individuals with opioid use disorders and any co-occurring substance use disorders or mental health
22 conditions and who are involved in, at risk of becoming involved in, or in transition from, the
23 criminal justice system;

24 (E) Programs that use evidence-based or evidence-informed strategies to address the needs of
25 pregnant or parenting women with opioid use disorders and any co-occurring substance use disor-
26 ders or mental health conditions, and the needs of their families, including babies with neonatal
27 abstinence syndrome;

28 (F) Programs that use evidence-based or evidence-informed strategies to support efforts to pre-
29 vent over-prescribing of opioids and ensure appropriate prescribing and dispensing of opioids;

30 (G) Programs that use evidence-based or evidence-informed strategies to support efforts to dis-
31 courage or prevent misuse of opioids;

32 (H) Programs that use evidence-based or evidence-informed strategies to support efforts to pre-
33 vent or reduce overdose deaths or other opioid-related harms;

34 (I) Programs to educate law enforcement or other first responders regarding appropriate prac-
35 tices and precautions when dealing with users of fentanyl or other opioids;

36 (J) Programs to provide wellness and support services for first responders and others who ex-
37 perience secondary trauma associated with opioid-related emergency events;

38 (K) Programs to support efforts to provide leadership, planning, coordination, facilitation,
39 training and technical assistance to abate the opioid epidemic through activities, programs or
40 strategies; or

41 (L) Funding to support opioid abatement research.

42 (d) The board shall be guided and informed by:

43 (A) The comprehensive addiction, prevention, treatment and recovery plan developed by the
44 Alcohol and Drug Policy Commission in accordance with ORS 430.223;

45 (B) The board's ongoing evaluation of the efficacy of the funding allocations;

1 (C) Evidence-based and evidence-informed strategies and best practices;

2 (D) Input the board receives from the public;

3 (E) Equity considerations for underserved populations; and

4 (F) The terms of the settlement agreements.

5 (7) The Oregon Health Authority shall provide staff support to the board.

6 **SECTION 46.** ORS 430.383 is amended to read:

7 430.383. (1)(a) The people of Oregon find that drug addiction and overdoses are a serious prob-
8 lem in Oregon and that Oregon needs to expand access to drug treatment.

9 (b) The people of Oregon further find that a health-based approach to addiction and overdose is
10 [more] effective, humane and cost-effective [*than criminal punishments. Making people criminals be-*
11 *cause they suffer from addiction is expensive, ruins lives and can make access to treatment and recov-*
12 *ery more difficult*].

13 (2)(a) The purpose of the Drug Addiction Treatment and Recovery Act of 2020, **as further**
14 **amended**, is to make screening, health assessment, treatment and recovery services for drug ad-
15 diction available to all those who need and want access to those services and to [*adopt a health*
16 *approach*] **enhance assessment, treatment and recovery services to address** drug addiction [*by*
17 *removing criminal penalties for low-level drug possession*].

18 (b) It is the policy of the State of Oregon:

19 (A) That screening, health assessment, treatment and recovery services for drug addiction are
20 available to all those who need and want access to those services; and

21 (B) To encourage treatment and recovery for people struggling with substance use.

22 (3) The provisions of ORS 430.383 to 430.390 and 430.394 shall be interpreted consistently with
23 the findings, purposes and policy objectives stated in this section and shall not be limited by any
24 policy set forth in Oregon law that could conflict with or be interpreted to conflict with the pur-
25 poses and policy objectives stated in this section.

26 (4) As used in ORS 430.383 to 430.390 and 430.394, “recovery” means a process of change
27 through which individuals improve their health and wellness, live a self-directed life and strive to
28 reach their full potential.

29 **SECTION 47.** ORS 293.665, 305.231, 430.388 and section 6, chapter 248, Oregon Laws 2023,
30 **are repealed.**

31
32 **INCREASED PENALTIES FOR CERTAIN DRUG CRIMES**
33 **(Repeat Offenders Convicted of Delivery or Manufacture)**
34

35 **SECTION 48.** ORS 475.925 is amended to read:

36 475.925. When a person is convicted of the unlawful delivery or manufacture of a controlled
37 substance, the court shall sentence the person to a term of incarceration [*ranging from*] **as**
38 **follows:**

39 (1) 58 months to 130 months, depending on the person’s criminal history, if the delivery or
40 manufacture involves:

41 (a) 500 grams or more of a mixture or substance containing a detectable amount of cocaine;

42 (b) 500 grams or more of a mixture or substance containing a detectable amount of metham-
43 phetamine, its salts, isomers or salts of its isomers;

44 (c) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

45 (d) 100 grams or more of a mixture or substance containing a detectable amount of fentanyl, or

1 any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy; or

2 (e) 100 grams or more or 500 or more pills, tablets or capsules of a mixture or substance con-
3 taining a detectable amount of ecstasy.

4 (2) 34 months to 72 months, depending on the person's criminal history, if the delivery or man-
5 ufacture involves:

6 (a) 100 grams or more of a mixture or substance containing a detectable amount of cocaine;

7 (b) 100 grams or more of a mixture or substance containing a detectable amount of metham-
8 phetamine, its salts, isomers or salts of its isomers;

9 (c) 50 grams or more of a mixture or substance containing a detectable amount of heroin;

10 (d) 50 grams or more of a mixture or substance containing a detectable amount of fentanyl, or
11 any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy; or

12 (e) 50 grams or more or 250 or more pills, tablets or capsules of a mixture or substance con-
13 taining a detectable amount of ecstasy.

14 (3) **36 months, or any longer term of incarceration required by law or prescribed by the**
15 **sentencing guidelines of the Oregon Criminal Justice Commission, if the person has a con-**
16 **viction for a previous unlawful delivery or manufacture of a controlled substance, or at-**
17 **tempted delivery or manufacture of a controlled substance, within the previous five years.**

18
19 (Taylor's Law)

20
21 **SECTION 49. Section 51 of this 2024 Act shall be known and may be cited as Taylor's**
22 **Law.**

23 **SECTION 50. Section 51 of this 2024 Act is added to and made a part of ORS 475.752 to**
24 **475.980.**

25 **SECTION 51. (1)(a) Notwithstanding ORS 475.752 to 475.980, unlawful delivery of a con-**
26 **trolled substance that results in the death of another person from the use of the controlled**
27 **substance is a Class A felony.**

28 (b) **Each person who unlawfully delivers a controlled substance that results in the death**
29 **of another person from the use of the controlled substance is criminally liable under this**
30 **subsection, regardless of whether the deceased person received the controlled substance di-**
31 **rectly from the person.**

32 (c) **An unlawful delivery of a controlled substance is considered to result in the death of**
33 **another person from the use of the controlled substance if the use of the controlled sub-**
34 **stance was a factor in causing the death of the other person.**

35 (2)(a) **When a person is convicted of the unlawful delivery of a controlled substance, and**
36 **the unlawful delivery resulted in the death of another person from the use of the controlled**
37 **substance, the court shall sentence the person to a term of incarceration ranging from 58**
38 **months to 130 months, depending on the person's criminal history.**

39 (b) **When the court sentences a person under this section, the court shall use crime**
40 **category 10 of the sentencing guidelines grid of the Oregon Criminal Justice Commission, and**
41 **shall determine the sentence by using the criminal history scale of the sentencing guidelines**
42 **grid.**

43 (c) **In determining the criminal history for a person to be sentenced under this section,**
44 **a prior conviction for unlawful delivery of a controlled substance is a person felony, as that**
45 **term is defined in the rules of the commission.**

1 (d) Notwithstanding ORS 161.605, the court shall impose the sentence described in this
 2 subsection, and may not grant a downward dispositional departure or a downward durational
 3 departure under the rules of the commission, except as provided in subsection (3) of this
 4 section.

5 (e) Notwithstanding paragraph (d) of this subsection, the court may impose a sentence
 6 other than the sentence described in this subsection if the court imposes a longer term of
 7 incarceration that is otherwise required or authorized by law.

8 (f) A person sentenced under this subsection may not receive a reduction in the term of
 9 incarceration for appropriate institutional behavior that exceeds 20 percent of the sentence
 10 imposed. The person is not eligible for transitional leave under ORS 421.168 or any other re-
 11 duction in the term of imprisonment.

12 (3)(a) The court shall grant a downward dispositional departure under the rules of the
 13 commission, and impose as a sentence a term of supervised probation, if the court finds by
 14 clear and convincing evidence that:

15 (A) The other person whose death resulted from the use of the controlled substance was
 16 a family or household member or friend of, or cohabitating in a nonintimate relationship
 17 with, the person;

18 (B) There was no consideration; and

19 (C) The person made good faith efforts to assist the state in identifying individuals from
 20 whom the person obtained the controlled substance and cooperate with the prosecution of
 21 those individuals.

22 (b) The court may grant a downward dispositional departure under the rules of the
 23 commission, and impose as a sentence a term of supervised probation, if the court finds by
 24 clear and convincing evidence that:

25 (A) The primary motivation of the delivery of the controlled substance was to support
 26 the person's use of the controlled substance;

27 (B) The person made good faith efforts to assist the state in identifying individuals from
 28 whom the person obtained the controlled substance and cooperate with the prosecution of
 29 those individuals;

30 (C) The person has been diagnosed with a substance use disorder by a court-approved
 31 assessor; and

32 (D) At the time of sentencing, the person has no prior convictions for delivery of a con-
 33 trolled substance or for a person felony, as that term is defined in the rules of the commis-
 34 sion.

35 (c) A person sentenced to probation under this subsection shall, in order to successfully
 36 complete the probationary sentence, complete a treatment program at the assessed level of
 37 care recommended by a treatment provider approved by the court.

38 (d) If the court revokes the probation of a person sentenced under this subsection, the
 39 court shall impose the term of incarceration indicated by the person's criminal history as
 40 described in subsection (2) of this section. The person may not receive a reduction in the
 41 term of incarceration for appropriate institutional behavior that exceeds 20 percent of the
 42 sentence imposed. The person is not eligible for transitional leave under ORS 421.168 or any
 43 other reduction in the term of imprisonment.

44 (4) As used in this section:

45 (a) "Controlled substance" has the meaning given that term in ORS 475.924.

(b) “Family or household member” has the meaning given that term in ORS 135.230.

SECTION 52. ORS 475.935 is amended to read:

475.935. (1) Except as provided in ORS 475.900, 475.907 or 475.925 **or section 51 of this 2024 Act**, when the court sentences a person convicted of delivery of methamphetamine under ORS 475.890 or 475.892, the presumptive sentence is 19 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has two or more previous convictions for any combination of the following crimes:

(a) Delivery or manufacture of methamphetamine under ORS 475.752, 475.886 or 475.890;

(b) Delivery or manufacture of methamphetamine within 1,000 feet of a school under ORS 475.888, 475.892 or 475.904; or

(c) Possession of a precursor substance with intent to manufacture a controlled substance under ORS 475.967.

(2) The court may impose a sentence other than the sentence provided by subsection (1) of this section if the court imposes:

(a) A longer term of incarceration that is otherwise required or authorized by law; or

(b) An upward durational departure sentence that is authorized by law or the rules of the Oregon Criminal Justice Commission based upon findings of substantial and compelling reasons. Unless otherwise authorized by law or rule of the Oregon Criminal Justice Commission, the maximum departure allowed for a person sentenced under this subsection is double the presumptive sentence provided in subsection (1) of this section.

(3) As used in this section, “previous conviction” means:

(a) Convictions occurring before, on or after August 16, 2005; and

(b) Convictions entered in any other state or federal court for comparable offenses.

(4)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have occurred upon the pronouncement of sentence in open court. However, when sentences are imposed for two or more convictions arising out of the same conduct or criminal episode, none of the convictions is considered to have occurred prior to any of the other convictions arising out of the same conduct or criminal episode.

(b) For a crime committed prior to November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of a sentence or upon the pronouncement in open court of the suspended imposition of a sentence.

(5) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

RESTORATION OF STATE V. BOYD DELIVERY DEFINITION

SECTION 53. ORS 475.005 is amended to read:

475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires otherwise:

(1) “Abuse” means the repetitive excessive use of a drug short of dependence, without legal or medical supervision, which may have a detrimental effect on the individual or society.

(2) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(a) A practitioner or an authorized agent thereof; or

(b) The patient or research subject at the direction of the practitioner.

(3) “Administration” means the Drug Enforcement Administration of the United States Depart-

1 ment of Justice, or its successor agency.

2 (4) “Agent” means an authorized person who acts on behalf of or at the direction of a man-
 3 ufacturer, distributor or dispenser. It does not include a common or contract carrier, public
 4 warehouseman or employee of the carrier or warehouseman.

5 (5) “Board” means the State Board of Pharmacy.

6 (6) “Controlled substance”:

7 (a) Means a drug or its immediate precursor classified in Schedules I through V under the fed-
 8 eral Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the
 9 term “precursor” in this paragraph does not control and is not controlled by the use of the term
 10 “precursor” in ORS 475.752 to 475.980.

11 (b) Does not include:

12 (A) The plant Cannabis family Cannabaceae;

13 (B) Any part of the plant Cannabis family Cannabaceae, whether growing or not;

14 (C) Resin extracted from any part of the plant Cannabis family Cannabaceae;

15 (D) The seeds of the plant Cannabis family Cannabaceae;

16 (E) Any compound, manufacture, salt, derivative, mixture or preparation of a plant, part of a
 17 plant, resin or seed described in this paragraph; or

18 (F) Psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers, or
 19 possesses psilocybin, psilocin, or psilocybin products in accordance with the provisions of ORS
 20 475A.210 to 475A.722 and rules adopted under ORS 475A.210 to 475A.722.

21 (7) “Counterfeit substance” means a controlled substance or its container or labeling, which,
 22 without authorization, bears the trademark, trade name, or other identifying mark, imprint, number
 23 or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person
 24 who in fact manufactured, delivered or dispensed the substance.

25 (8) “Deliver” or “delivery” means the actual **transfer**, constructive **transfer** or attempted
 26 transfer, **or possession with intent to transfer**, other than by administering or dispensing, from
 27 one person to another of a controlled substance, whether or not there is an agency relationship.

28 (9) “Device” means instruments, apparatus or contrivances, including their components, parts
 29 or accessories, intended:

30 (a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or
 31 animals; or

32 (b) To affect the structure of any function of the body of humans or animals.

33 (10) “Dispense” means to deliver a controlled substance to an ultimate user or research subject
 34 by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering,
 35 packaging, labeling or compounding necessary to prepare the substance for that delivery.

36 (11) “Dispenser” means a practitioner who dispenses.

37 (12) “Distributor” means a person who delivers.

38 (13) “Drug” means:

39 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official
 40 Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement
 41 to any of them;

42 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of
 43 disease in humans or animals;

44 (c) Substances (other than food) intended to affect the structure or any function of the body of
 45 humans or animals; and

1 (d) Substances intended for use as a component of any article specified in paragraph (a), (b) or
 2 (c) of this subsection; however, the term does not include devices or their components, parts or ac-
 3 cessories.

4 (14) “Electronically transmitted” or “electronic transmission” means a communication sent or
 5 received through technological apparatuses, including computer terminals or other equipment or
 6 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,
 7 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

8 (15) “Manufacture” means the production, preparation, propagation, compounding, conversion
 9 or processing of a controlled substance, either directly or indirectly by extraction from substances
 10 of natural origin, or independently by means of chemical synthesis, or by a combination of extraction
 11 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or
 12 relabeling of its container, except that this term does not include the preparation or compounding
 13 of a controlled substance:

14 (a) By a practitioner as an incident to administering or dispensing of a controlled substance in
 15 the course of professional practice; or

16 (b) By a practitioner, or by an authorized agent under the practitioner’s supervision, for the
 17 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

18 (16) “Person” includes a government subdivision or agency, business trust, estate, trust or any
 19 other legal entity.

20 (17) “Practitioner” means physician, dentist, veterinarian, scientific investigator, licensed nurse
 21 practitioner, physician assistant or other person licensed, registered or otherwise permitted by law
 22 to dispense, conduct research with respect to or to administer a controlled substance in the course
 23 of professional practice or research in this state but does not include a pharmacist or a pharmacy.

24 (18) “Prescription” means a written, oral or electronically transmitted direction, given by a
 25 practitioner for the preparation and use of a drug. When the context requires, “prescription” also
 26 means the drug prepared under such written, oral or electronically transmitted direction. Any label
 27 affixed to a drug prepared under written, oral or electronically transmitted direction shall promi-
 28 nently display a warning that the removal thereof is prohibited by law.

29 (19) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a
 30 controlled substance.

31 (20) “Research” means an activity conducted by the person registered with the federal Drug
 32 Enforcement Administration pursuant to a protocol approved by the United States Food and Drug
 33 Administration.

34 (21) “Ultimate user” means a person who lawfully possesses a controlled substance for the use
 35 of the person or for the use of a member of the household of the person or for administering to an
 36 animal owned by the person or by a member of the household of the person.

37 (22) “Usable quantity” means:

38 (a) An amount of a controlled substance that is sufficient to physically weigh independent of its
 39 packaging and that does not fall below the uncertainty of the measuring scale; or

40 (b) An amount of a controlled substance that has not been deemed unweighable, as determined
 41 by a Department of State Police forensic laboratory, due to the circumstances of the controlled
 42 substance.

43 (23) “Within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet
 44 or less in every direction from a specified location or from any point on the boundary line of a
 45 specified unit of property.

LOCAL AUTHORITY

SECTION 54. ORS 430.402 is amended to read:

430.402. (1) A political subdivision in this state shall not adopt or enforce any local law or regulation that makes any of the following an offense, a violation or the subject of criminal or civil penalties or sanctions of any kind:

(a) Public intoxication.

(b) Public drinking, except as to places where any consumption of alcoholic beverages is generally prohibited.

(c) Drunk and disorderly conduct.

(d) Vagrancy or other behavior that includes as one of its elements either drinking alcoholic beverages or using cannabis or controlled substances in public, being an alcoholic or a drug-dependent person, or being found in specified places under the influence of alcohol, cannabis or controlled substances.

(e) Using or being under the influence of cannabis [*or controlled substances*].

(2) Nothing in subsection (1) of this section shall affect any local law or regulation of any political subdivision in this state against:

(a) Driving while under the influence of intoxicants, as defined in ORS 813.010, or other similar offenses that involve the operation of motor vehicles; or

(b) Using or being under the influence of a controlled substance as defined in ORS 475.005.

OPERATIVE DATE AND APPLICABILITY

SECTION 55. (1)(a) Sections 1 to 4, 28 to 30, 31 and 49 to 51 of this 2024 Act, the amendments to ORS 51.050, 137.300, 153.012, 153.018, 153.019, 153.021, 153.064, 153.992, 161.570, 221.339, 244.050, 316.502, 413.017, 419C.370, 423.478, 430.383, 430.384, 430.387, 430.389, 430.390, 430.391, 430.392, 430.393, 430.394, 430.402, 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475.916, 475.925, 475.935 and 670.280 and section 6, chapter 63, Oregon Laws 2022, by sections 5 to 25, 27, 32 to 46, 48 and 52 to 54 of this 2024 Act, and the repeal of ORS 153.043, 153.062, 293.665, 305.231, 419C.460, 430.388 and 475.237 and section 6, chapter 248, Oregon Laws 2023, by sections 26 and 47 of this 2024 Act become operative on January 1, 2025.

(b) The Oregon Health Authority, the Alcohol and Drug Policy Commission and the Oversight and Accountability Council may take any action before the operative date specified in paragraph (a) of this subsection that is necessary to enable those entities to exercise, on and after the operative date specified in paragraph (a) of this subsection, all of the duties, functions and powers conferred on those entities by this 2024 Act.

(2) Sections 1 to 4, 28 to 30 and 49 to 51 of this 2024 Act, the amendments to ORS 51.050, 137.300, 153.012, 153.018, 153.019, 153.021, 153.064, 153.992, 161.570, 221.339, 419C.370, 423.478, 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475.916, 475.925 and 475.935 by sections 5 to 25, 27, 48, 52 and 53 of this 2024 Act, and the repeal of ORS 153.043, 153.062, 419C.460 and 475.237 by sections 26 and 47 of this 2024 Act apply to conduct occurring on or after January 1, 2025.

CAPTIONS

SECTION 56. The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EMERGENCY CLAUSE

SECTION 57. This 2024 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect on its passage.
