

# Senate Bill 1588

Sponsored by Senator SMITH DB, Representatives RESCHKE, BOICE, OSBORNE; Senator KNOPP, Representatives BOSHART DAVIS, CATE, CRAMER, DIEHL, GOODWIN, HIEB, LEVY B, LEWIS, MANNIX, MCINTIRE, OWENS, SMITH G, WRIGHT (Presession 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 increases penalties for some drug offenses. The Act also makes other changes to Ballot Measure 110. The Act directs grant funds to counties for drug treatment. (Flesch Readability Score: 61.3).

Increases penalties for possession of a controlled substance. Punishes by a maximum of 364 days' imprisonment, a \$6,250 fine, or both, or 30 days' imprisonment, a \$1,250 fine, or both, depending upon the scheduling of the controlled substance. When a person possesses a certain quantity of a controlled substance, or has certain prior convictions, punishes by five years' imprisonment, a \$125,000 fine, or both, or 10 years' imprisonment, a \$250,000 fine, or both, depending upon the scheduling of the controlled substance.

Provides that possession of a controlled substance with the intent to deliver constitutes delivery. Directs the Alcohol and Drug Policy Commission to provide grants and funding to counties for drug treatment programs. Transfers the duties of the Oversight and Accountability Council to the commission. Appropriates moneys to the commission to fund the grants.

## A BILL FOR AN ACT

Relating to controlled substances; creating new provisions; amending 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, 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475.900 and 670.280 and section 6, chapter 63, Oregon Laws 2022; and repealing ORS 153.043, 153.062, 293.665, 305.231, 419C.460, 430.388 and 475.237 and section 6, chapter 248, Oregon Laws 2023.

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

## RECRIMINALIZING DRUG POSSESSION (Restoring Misdemeanor and Felony Penalties)

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

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

(a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise provided in ORS 475.886 and 475.890.

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

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

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

**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 (e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.
- 2 (2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any  
3 person to create or deliver a counterfeit substance. Any person who violates this subsection with  
4 respect to:
- 5 (a) A counterfeit substance in Schedule I, is guilty of a Class A felony.
- 6 (b) A counterfeit substance in Schedule II, is guilty of a Class B felony.
- 7 (c) A counterfeit substance in Schedule III, is guilty of a Class C felony.
- 8 (d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.
- 9 (e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.
- 10 (3) It is unlawful for any person knowingly or intentionally to possess a controlled substance  
11 unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a  
12 practitioner while acting in the course of professional practice, or except as otherwise authorized  
13 by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with re-  
14 spect to:
- 15 (a) A controlled substance in Schedule I, is guilty of a [*Class E violation*] **Class A**  
16 **misdemeanor**, except as otherwise provided in ORS 475.854, 475.874 and 475.894 [*and*] **or** subsection  
17 (7) of this section.
- 18 (b) A controlled substance in Schedule II, is guilty of a [*Class E violation*] **Class A**  
19 **misdemeanor**, except as otherwise provided in ORS 475.814, 475.824, 475.834 or 475.884 or sub-  
20 section (8) of this section.
- 21 (c) A controlled substance in Schedule III, is guilty of a [*Class E violation*] **Class A**  
22 **misdemeanor**.
- 23 (d) A controlled substance in Schedule IV, is guilty of a [*Class E violation*] **Class C**  
24 **misdemeanor**.
- 25 (e) A controlled substance in Schedule V, is guilty of a violation.
- 26 (4) It is an affirmative defense in any prosecution under this section for manufacture, possession  
27 or delivery of the plant of the genus *Lophophora* commonly known as peyote that the peyote is being  
28 used or is intended for use:
- 29 (a) In connection with the good faith practice of a religious belief;
- 30 (b) As directly associated with a religious practice; and
- 31 (c) In a manner that is not dangerous to the health of the user or others who are in the prox-  
32 imity of the user.
- 33 (5) The affirmative defense created in subsection (4) of this section is not available to any person  
34 who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.
- 35 (6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or  
36 delivers a controlled substance in Schedule IV and who thereby causes death to another person is  
37 guilty of a Class C felony.
- 38 (b) For purposes of this subsection, causation is established when the controlled substance plays  
39 a substantial role in the death of the other person.
- 40 (7) Notwithstanding subsection (3)(a) of this section[:],  
41 [*(a)*] unlawful possession of a controlled substance in Schedule I is a [*Class A misdemeanor*]  
42 **Class B felony** if:
- 43 (a) The person possesses **a usable quantity of the controlled substance and:**  
44 **(A) At the time of the possession, the person has a prior felony conviction;**  
45 **(B) At the time of the possession, the person has two or more prior convictions for un-**

1 **lawful possession of a usable quantity of a controlled substance; or**

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

3 **(b) The person possesses:**

4 (A) Forty or more user units of a mixture or substance containing a detectable amount of  
5 lysergic acid diethylamide; or

6 (B) Twelve grams or more of a mixture or substance containing a detectable amount of  
7 psilocybin or psilocin.

8 *[(b) Unlawful possession of a controlled substance in Schedule I is a Class B felony if:]*

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

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

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

12 *[(a)] unlawful possession of a controlled substance in Schedule II is a [Class A misdemeanor]*

13 **Class C felony if:**

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

15 **(A) At the time of the possession, the person has a prior felony conviction;**

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

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

19 **(b) The person possesses** one gram or more or five or more user units of a mixture or sub-  
20 stance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as de-  
21 fined by the rules of the State Board of Pharmacy.

22 *[(b) Unlawful possession of a controlled substance in Schedule II 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 2.** ORS 475.814 is amended to read:

26 475.814. (1) It is unlawful for any person knowingly or intentionally to possess hydrocodone un-  
27 less the hydrocodone was obtained directly from, or pursuant to a valid prescription or order of, a  
28 practitioner while acting in the course of professional practice, or except as otherwise authorized  
29 by ORS 475.005 to 475.285 and 475.752 to 475.980.

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

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

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

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

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

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

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

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

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

1 *is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).]*

2 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone**  
 3 **is a Class C felony if:**

4 **(A) The person possesses a usable quantity of methadone and:**

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

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

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

9 **(B) The person possesses 40 or more user units of a mixture or substance containing a**  
 10 **detectable amount of methadone.**

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

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

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

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

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

22 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone**  
 23 **is a Class C felony if:**

24 **(A) The person possesses a usable quantity of oxycodone and:**

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

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

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

29 **(B) The person possesses 40 or more pills, tablets, capsules or user units of a mixture**  
 30 **or substance containing a detectable amount of oxycodone.**

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

32 475.854. (1) It is unlawful for any person knowingly or intentionally to possess heroin.

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

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

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

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

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

41 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a**  
 42 **Class B felony if:**

43 **(A) The person possesses a usable quantity of heroin and:**

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

45 **(ii) At the time of the possession, the person has two or more prior convictions for un-**

1 **lawful possession of a usable quantity of a controlled substance; or**

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

3 **(B) The person possesses one gram or more of a mixture or substance containing a de-**  
 4 **tectable amount of heroin.**

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

6 475.874. (1) It is unlawful for any person knowingly or intentionally to possess  
 7 3,4-methylenedioxyamphetamine.

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

10 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of  
 11 3,4-methylenedioxyamphetamine is a [*Class A misdemeanor*] **Class B felony** if:

12 **(A) The person possesses a usable quantity of 3,4-methylenedioxyamphetamine and:**

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

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

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

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

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

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

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

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

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

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

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

27 475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless  
 28 the substance was obtained directly from, or pursuant to, a valid prescription or order of a practi-  
 29 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS  
 30 475.005 to 475.285 and 475.752 to 475.980.

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

32 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a [*Class*  
 33 *A misdemeanor*] **Class C felony** if:

34 **(A) The person possesses a usable quantity of cocaine and:**

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

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

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

39 **(B) The person possesses two grams or more of a mixture or substance containing a detectable**  
 40 **amount of cocaine.**

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

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

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

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

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

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

6 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine  
 7 is a [*Class A misdemeanor*] **Class C felony** if:

8 **(A) The person possesses a usable quantity of methamphetamine and:**

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

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

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

13 **(B) The person possesses two grams or more of a mixture or substance containing a detectable**  
 14 **amount of methamphetamine.**

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

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

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

19 **SECTION 9.** ORS 475.900 is amended to read:

20 475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or 475.906 shall be classified  
 21 as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

22 (a) The violation constitutes delivery or manufacture of a controlled substance and involves  
 23 substantial quantities of a controlled substance. For purposes of this paragraph, the following  
 24 amounts constitute substantial quantities of the following controlled substances:

25 (A) Five grams or more of a mixture or substance containing a detectable amount of heroin;

26 (B) Five grams or more or 25 or more user units of a mixture or substance containing a de-  
 27 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the  
 28 State Board of Pharmacy;

29 (C) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;

30 (D) Ten grams or more of a mixture or substance containing a detectable amount of metham-  
 31 phetamine, its salts, isomers or salts of its isomers;

32 (E) Two hundred or more user units of a mixture or substance containing a detectable amount  
 33 of lysergic acid diethylamide;

34 (F) Sixty grams or more of a mixture or substance containing a detectable amount of psilocybin  
 35 or psilocin; or

36 (G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-  
 37 taining a detectable amount of:

38 (i) 3,4-methylenedioxyamphetamine;

39 (ii) 3,4-methylenedioxymethamphetamine; or

40 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

41 (b) The violation constitutes possession, delivery or manufacture of a controlled substance and  
 42 the possession, delivery or manufacture is a commercial drug offense. A possession, delivery or  
 43 manufacture is a commercial drug offense for purposes of this subsection if it is accompanied by at  
 44 least three of the following factors:

45 (A) The delivery was of heroin, fentanyl, cocaine, methamphetamine, lysergic acid diethylamide,

- 1 psilocybin or psilocin and was for consideration;
- 2 (B) The offender was in possession of \$300 or more in cash;
- 3 (C) The offender was unlawfully in possession of a firearm or other weapon as described in ORS  
4 166.270 (2), or the offender used, attempted to use or threatened to use a deadly or dangerous  
5 weapon as defined in ORS 161.015, or the offender was in possession of a firearm or other deadly  
6 or dangerous weapon as defined in ORS 161.015 for the purpose of using it in connection with a  
7 controlled substance offense;
- 8 (D) The offender was in possession of materials being used for the packaging of controlled sub-  
9 stances such as scales, wrapping or foil, other than the material being used to contain the substance  
10 that is the subject of the offense;
- 11 (E) The offender was in possession of drug transaction records or customer lists;
- 12 (F) The offender was in possession of stolen property;
- 13 (G) Modification of structures by painting, wiring, plumbing or lighting to facilitate a controlled  
14 substance offense;
- 15 (H) The offender was in possession of manufacturing paraphernalia, including recipes, precursor  
16 chemicals, laboratory equipment, lighting, ventilating or power generating equipment;
- 17 (I) The offender was using public lands for the manufacture of controlled substances;
- 18 (J) The offender had constructed fortifications or had taken security measures with the potential  
19 of injuring persons; or
- 20 (K) The offender was in possession of controlled substances in an amount greater than:
- 21 (i) Three grams or more of a mixture or substance containing a detectable amount of heroin;
- 22 (ii) Three grams or more or 15 or more user units of a mixture or substance containing a de-  
23 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the  
24 State Board of Pharmacy;
- 25 (iii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;
- 26 (iv) Eight grams or more of a mixture or substance containing a detectable amount of metham-  
27 phetamine;
- 28 (v) Twenty or more user units of a mixture or substance containing a detectable amount of  
29 lysergic acid diethylamide;
- 30 (vi) Ten grams or more of a mixture or substance containing a detectable amount of psilocybin  
31 or psilocin; or
- 32 (vii) Four grams or more or 20 or more pills, tablets or capsules of a mixture or substance  
33 containing a detectable amount of:
- 34 (I) 3,4-methylenedioxyamphetamine;
- 35 (II) 3,4-methylenedioxymethamphetamine; or
- 36 (III) 3,4-methylenedioxy-N-ethylamphetamine.
- 37 (c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868, 475.872, 475.878,  
38 475.882, 475.888, 475.892 or 475.904.
- 39 (d) The violation constitutes manufacturing methamphetamine and the manufacturing consists  
40 of:
- 41 (A) A chemical reaction involving one or more precursor substances for the purpose of manu-  
42 facturing methamphetamine; or
- 43 (B) Grinding, soaking or otherwise breaking down a precursor substance for the purpose of  
44 manufacturing methamphetamine.
- 45 (e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is not described in ORS

1 475.907.

2 (2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 6 of  
3 the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

4 (a) The violation constitutes delivery of heroin, cocaine, fentanyl, methamphetamine or  
5 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or  
6 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

7 (b) The violation constitutes possession of substantial quantities of a controlled substance. For  
8 purposes of this paragraph, the following amounts constitute substantial quantities of the following  
9 controlled substances:

10 (A) Five grams or more of a mixture or substance containing a detectable amount of heroin;

11 (B) Five grams or more or 25 or more user units of a mixture or substance containing a de-  
12 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the  
13 State Board of Pharmacy;

14 (C) Ten grams or more of a mixture or substance containing a detectable amount of cocaine;

15 (D) Ten grams or more of a mixture or substance containing a detectable amount of metham-  
16 phetamine;

17 (E) Two hundred or more user units of a mixture or substance containing a detectable amount  
18 of lysergic acid diethylamide;

19 (F) Sixty grams or more of a mixture or substance containing a detectable amount of psilocybin  
20 or psilocin; or

21 (G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-  
22 taining a detectable amount of:

23 (i) 3,4-methylenedioxyamphetamine;

24 (ii) 3,4-methylenedioxymethamphetamine; or

25 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

26 (3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1) or  
27 (2) of this section shall be classified as:

28 (a) Crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commis-  
29 sion if the violation involves delivery or manufacture of a controlled substance; or

30 (b) **Crime category 1 of the sentencing guidelines grid of the Oregon Criminal Justice**  
31 **Commission if the violation involves possession of a controlled substance.**

32 (4) In order to prove a commercial drug offense, the state shall plead in the accusatory instru-  
33 ment sufficient factors of a commercial drug offense under subsections (1) and (2) of this section.  
34 The state has the burden of proving each factor beyond a reasonable doubt.

35 (5) As used in this section, "mixture or substance" means any mixture or substance, whether  
36 or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

37 **SECTION 10.** ORS 161.570 is amended to read:

38 161.570. (1) As used in this section, "nonperson felony" has the meaning given that term in the  
39 rules of the Oregon Criminal Justice Commission.

40 (2) A district attorney may elect to treat a Class C nonperson felony or a violation of ORS  
41 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874 [(2)(c)] (2)(b) as a Class A misdemeanor. The  
42 election must be made by the district attorney orally or in writing at the time of the first appear-  
43 ance of the defendant. If a district attorney elects to treat a Class C felony or a violation of ORS  
44 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874 [(2)(c)] (2)(b) as a Class A misdemeanor under this  
45 subsection, the court shall amend the accusatory instrument to reflect the charged offense as a

1 Class A misdemeanor.

2 (3) If, at some time after the first appearance of a defendant charged with a Class C nonperson  
3 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  
4 district attorney and the defendant agree to treat the charged offense as a Class A misdemeanor,  
5 the court may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.

6 (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  
7 [(2)(c)] (2)(b) is treated as a Class A misdemeanor under this section, the court shall clearly de-  
8 nominate the offense as a Class A misdemeanor in any judgment entered in the matter.

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

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

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

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

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

18 **SECTION 11.** ORS 423.478 is amended to read:

19 423.478. (1) The Department of Corrections shall:

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

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

22 (A) Allow tracking of offenders; and

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

25 (c) Provide interstate compact administration and jail inspections.

26 (2) Subject to ORS 423.483, each county, in partnership with the department, shall assume re-  
27 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-  
28 nies, designated drug-related misdemeanors or designated person misdemeanors who are:

29 (a) On parole;

30 (b) On probation;

31 (c) On post-prison supervision;

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

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

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

37 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,  
38 when an offender is committed to the custody of the supervisory authority of a county under ORS  
39 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other  
40 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority  
41 releases a person from custody under this subsection and the person is required to report as a sex  
42 offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the  
43 person to report to the Department of State Police, a city police department or a county sheriff's  
44 office or to the supervising agency, if any:

45 (a) When the person is released;

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

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

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

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

7 (4) As used in this section:

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

10 (b) “Designated drug-related misdemeanor” means:

11 (A) Unlawful possession of [*fentanyl under*] **a controlled substance constituting a Class A**  
12 **misdemeanor under** ORS 475.752 [(8)(a)];

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

14 (C) Unlawful possession of oxycodone under ORS 475.834 [(2)(b)] **(2)(a)**;

15 (D) Unlawful possession of heroin under ORS 475.854 [(2)(b)] **(2)(a)**;

16 (E) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 [(2)(b)]  
17 **(2)(a)**;

18 (F) Unlawful possession of cocaine under ORS 475.884 [(2)(b)] **(2)(a)**; or

19 (G) Unlawful possession of methamphetamine under ORS 475.894 [(2)(b)] **(2)(a)**.

20 (c) “Designated person misdemeanor” means:

21 (A) Assault in the fourth degree constituting domestic violence if the judgment document is as  
22 described in ORS 163.160 (4);

23 (B) Menacing constituting domestic violence if the judgment document is as described in ORS  
24 163.190 (3); or

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

26  
27 **(Repealing Class E Violation Provisions)**

28  
29 **SECTION 12.** ORS 51.050 is amended to read:

30 51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction  
31 of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of  
32 all offenses committed or triable in their respective counties. The jurisdiction conveyed by this  
33 section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal  
34 court.

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

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

44 **SECTION 13.** ORS 137.300 is amended to read:

45 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise

1 provided by law, all amounts collected in state courts as monetary obligations in criminal actions  
2 shall be deposited by the courts in the account. All moneys in the account are continuously appro-  
3 priated to the Department of Revenue to be distributed by the Department of Revenue as provided  
4 in this section. The Department of Revenue shall keep a record of moneys transferred into and out  
5 of the account.

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

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

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

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

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

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

16 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS  
17 414.815.

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

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

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

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

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

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

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

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

33 *[(5)]* (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine  
34 Account under subsection (3) of this section be consistent with historical funding of the entities,  
35 programs and accounts listed in subsection (3) of this section from monetary obligations imposed in  
36 criminal proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be  
37 distributed to counties based on the amounts that were transferred to counties by circuit courts  
38 during the 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

39 *[(6)]* (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt  
40 service obligations.

41 *[(7)]* (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in  
42 the Criminal Fine Account after the distributions listed in subsections (2)[,] **and** (3) [*and* (4)] of this  
43 section have been made.

44 *[(8)]* (7) The Department of Revenue shall establish by rule a process for distributing moneys in  
45 the Criminal Fine Account. The department may not distribute more than one-eighth of the total

1 biennial allocation to an entity during a calendar quarter.

2 **SECTION 14.** ORS 153.012 is amended to read:

3 153.012. Violations are classified for the purpose of sentencing into the following categories:

4 (1) Class A violations.

5 (2) Class B violations.

6 (3) Class C violations.

7 (4) Class D violations.

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

9 [(6)] (5) Unclassified violations as described in ORS 153.015.

10 [(7)] (6) Specific fine violations as described in ORS 153.015.

11 **SECTION 15.** ORS 153.018 is amended to read:

12 153.018. (1) The penalty for committing a violation is a fine. The law creating a violation may  
13 impose other penalties in addition to a fine but may not impose a term of imprisonment.

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

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

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

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

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

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

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

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

27 (a) \$4,000 for a Class A violation.

28 (b) \$2,000 for a Class B violation.

29 (c) \$1,000 for a Class C violation.

30 (d) \$500 for a Class D violation.

31 **SECTION 16.** ORS 153.019 is amended to read:

32 153.019. (1) Except as provided in ORS 153.020, [*153.062 and 430.391,*] the presumptive fines for  
33 violations are:

34 (a) \$440 for a Class A violation.

35 (b) \$265 for a Class B violation.

36 (c) \$165 for a Class C violation.

37 (d) \$115 for a Class D violation.

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

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

40 (a) The amount specified by statute as the presumptive fine for the violation; or

41 (b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the vio-  
42 lation, or the minimum fine prescribed by statute for the violation.

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

45 **SECTION 17.** ORS 153.021 is amended to read:

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

4 (a) \$225 for a Class A violation.

5 (b) \$135 for a Class B violation.

6 (c) \$85 for a Class C violation.

7 (d) \$65 for a Class D violation.

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

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

13 (a) The financial resources of the defendant and the burden that payment of the minimum fine  
 14 would impose, with due regard to the other obligations of the defendant; and

15 (b) The extent to which that burden could be alleviated by allowing the defendant to pay the  
 16 fine in installments or subject to other conditions set by the court.

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

19 (4) The Department of Revenue or Secretary of State may audit any court to determine whether  
 20 the court is complying with the requirements of this section. In addition, the Department of Revenue  
 21 or Secretary of State may audit any court to determine whether the court is complying with the  
 22 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-  
 23 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this  
 24 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

25 **SECTION 18.** ORS 153.064 is amended to read:

26 153.064. (1) Except as provided in subsection (2) of this section, a warrant for arrest may be is-  
 27 sued against a person who fails to make a first appearance on a citation for a violation, or fails to  
 28 appear at any other subsequent time set for trial or other appearance, only if the person is charged  
 29 with failure to appear in a violation proceeding under ORS 153.992.

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

38 **SECTION 19.** ORS 153.992 is amended to read:

39 153.992. (1) A person commits the offense of failure to appear in a violation proceeding if the  
 40 person has been served with a citation issued under this chapter for a violation [*other than a Class*  
 41 *E violation*] and the person knowingly fails to do any of the following:

42 (a) Make a first appearance in the manner required by ORS 153.061 within the time allowed.

43 (b) Make appearance at the time set for trial in the violation proceeding.

44 (c) Appear at any other time required by the court or by law.

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

**SECTION 20.** ORS 221.339 is amended to read:

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

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

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

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

(a) Misdemeanors created by the city’s own charter or by ordinances adopted by the city, as provided in ORS 3.132; and

(b) Traffic crimes as defined by ORS 801.545.

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

**SECTION 21.** 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 pur-

1 poses of expunction under ORS 419A.260 to 419A.271.

2 **SECTION 22.** ORS 475.235 is amended to read:

3 475.235. (1) It is not necessary for the state to negate any exemption or exception in ORS  
4 475.005 to 475.285 and 475.752 to 475.980 in any complaint, information, indictment or other pleading  
5 or in any trial, hearing or other proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980.  
6 The burden of proof of any exemption or exception is upon the person claiming it.

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

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

15 (A) A sample of the controlled substance is tested using a presumptive test for controlled sub-  
16 stances;

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

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

20 (b) When the identity of a controlled substance is established using a presumptive test for pur-  
21 poses of a criminal proceeding before a grand jury, a preliminary hearing, a proceeding on a district  
22 attorney's information or an early disposition program, the defendant, upon notice to the district  
23 attorney, may request that the controlled substance be sent to a state police forensic laboratory for  
24 analysis. [*The defendant may not make a request under this paragraph concerning a controlled sub-*  
25 *stance at issue in a proceeding on a Class E violation.*]

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

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

34 (6) As used in this section:

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

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

39 **SECTION 23.** ORS 670.280 is amended to read:

40 670.280. (1) As used in this section:

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

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

43 (2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency  
44 may not deny, suspend or revoke an occupational or professional license solely for the reason that  
45 the applicant or licensee has been convicted of a crime, but it may consider the relationship of the

1 facts which support the conviction and all intervening circumstances to the specific occupational  
 2 or professional standards in determining the fitness of the person to receive or hold the license.  
 3 *[There is a rebuttable presumption as to each individual applicant or licensee that an existing or prior*  
 4 *conviction for conduct that has been classified or reclassified as a Class E violation does not make an*  
 5 *applicant for an occupational or professional license or a licensee with an occupational or professional*  
 6 *license unfit to receive or hold the license.]*

7 (3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or  
 8 agency may deny an occupational or professional license or impose discipline on a licensee based  
 9 on conduct that is not undertaken directly in the course of the licensed activity, but that is sub-  
 10 stantially related to the fitness and ability of the applicant or licensee to engage in the activity for  
 11 which the license is required. In determining whether the conduct is substantially related to the  
 12 fitness and ability of the applicant or licensee to engage in the activity for which the license is re-  
 13 quired, the licensing board, commission or agency shall consider the relationship of the facts with  
 14 respect to the conduct and all intervening circumstances to the specific occupational or professional  
 15 standards. *[There is a rebuttable presumption as to each individual applicant or licensee that an ex-*  
 16 *isting or prior conviction for conduct that has been classified or reclassified as a Class E violation is*  
 17 *not related to the fitness and ability of the applicant or licensee to engage in the activity for which the*  
 18 *license is required.]*

19 **SECTION 24. ORS 153.043, 153.062, 419C.460 and 475.237 are repealed.**

20  
 21 **RESTORATION OF STATE V. BOYD DELIVERY DEFINITION**

22  
 23 **SECTION 25.** ORS 475.005 is amended to read:

24 475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires  
 25 otherwise:

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

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

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

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

32 (3) "Administration" means the Drug Enforcement Administration of the United States Depart-  
 33 ment of Justice, or its successor agency.

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

37 (5) "Board" means the State Board of Pharmacy.

38 (6) "Controlled substance":

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

43 (b) Does not include:

44 (A) The plant Cannabis family Cannabaceae;

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

- 1 (C) Resin extracted from any part of the plant Cannabis family Cannabaceae;
- 2 (D) The seeds of the plant Cannabis family Cannabaceae;
- 3 (E) Any compound, manufacture, salt, derivative, mixture or preparation of a plant, part of a  
4 plant, resin or seed described in this paragraph; or
- 5 (F) Psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers, or  
6 possesses psilocybin, psilocin, or psilocybin products in accordance with the provisions of ORS  
7 475A.210 to 475A.722 and rules adopted under ORS 475A.210 to 475A.722.
- 8 (7) “Counterfeit substance” means a controlled substance or its container or labeling, which,  
9 without authorization, bears the trademark, trade name, or other identifying mark, imprint, number  
10 or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person  
11 who in fact manufactured, delivered or dispensed the substance.
- 12 (8) “Deliver” or “delivery” means the actual **transfer**, constructive **transfer** or attempted  
13 transfer, **or possession with intent to transfer**, other than by administering or dispensing, from  
14 one person to another of a controlled substance, whether or not there is an agency relationship.
- 15 (9) “Device” means instruments, apparatus or contrivances, including their components, parts  
16 or accessories, intended:
- 17 (a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or  
18 animals; or
- 19 (b) To affect the structure of any function of the body of humans or animals.
- 20 (10) “Dispense” means to deliver a controlled substance to an ultimate user or research subject  
21 by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering,  
22 packaging, labeling or compounding necessary to prepare the substance for that delivery.
- 23 (11) “Dispenser” means a practitioner who dispenses.
- 24 (12) “Distributor” means a person who delivers.
- 25 (13) “Drug” means:
- 26 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official  
27 Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement  
28 to any of them;
- 29 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of  
30 disease in humans or animals;
- 31 (c) Substances (other than food) intended to affect the structure or any function of the body of  
32 humans or animals; and
- 33 (d) Substances intended for use as a component of any article specified in paragraph (a), (b) or  
34 (c) of this subsection; however, the term does not include devices or their components, parts or ac-  
35 cessories.
- 36 (14) “Electronically transmitted” or “electronic transmission” means a communication sent or  
37 received through technological apparatuses, including computer terminals or other equipment or  
38 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,  
39 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
- 40 (15) “Manufacture” means the production, preparation, propagation, compounding, conversion  
41 or processing of a controlled substance, either directly or indirectly by extraction from substances  
42 of natural origin, or independently by means of chemical synthesis, or by a combination of extraction  
43 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or  
44 relabeling of its container, except that this term does not include the preparation or compounding  
45 of a controlled substance:

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

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

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

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

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

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

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

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

24 (22) “Usable quantity” means:

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

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

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

33  
 34 **TREATMENT FUNDING**  
 35

36 **SECTION 26.** ORS 430.384 is amended to read:

37 430.384. (1) The Drug Treatment and Recovery Services Fund is established in the State Treas-  
 38 ury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and Re-  
 39 covery Services Fund shall be credited to the fund.

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

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

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

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

44 **and**

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

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

2 (3) Moneys in the fund shall be continuously appropriated to the [*Oregon Health Authority*] **Al-**  
3 **cohol and Drug Policy Commission** for the purposes set forth in ORS 430.389.

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

7 (b) The total amount deposited and transferred into the fund shall not be less than \$57 million  
8 for the first year ORS 430.383 to 430.390 and 430.394 are in effect.

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

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

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

15 **SECTION 27.** ORS 430.387 is amended to read:

16 430.387. The [*Oregon Health Authority*] **Alcohol and Drug Policy Commission** shall cause the  
17 moneys in the Drug Treatment and Recovery Services Fund to be distributed as follows:

18 (1) An amount necessary for the administration of ORS [*430.388 to*] **430.389 and** 430.390, ex-  
19 cluding amounts necessary to establish and maintain the telephone hotline described in ORS 430.391  
20 (1).

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

23 **SECTION 28.** ORS 430.389 is amended to read:

24 430.389. (1) The [*Oversight and Accountability Council*] **Alcohol and Drug Policy Commission**  
25 shall approve grants and funding [*provided by the Oregon Health Authority in accordance with this*  
26 *section*] to **counties** to implement Behavioral Health Resource Networks, **fund treatment pro-**  
27 **grams** and increase access to community care. A Behavioral Health Resource Network is an entity  
28 or collection of entities that individually or jointly provide some or all of the services described in  
29 subsection (2)(e) of this section.

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

31 (A) Process for applying for grants and funding [*by agencies or organizations, whether govern-*  
32 *ment or community based,*] by **counties** to **fund treatment programs and** establish Behavioral  
33 Health Resource Networks for the purposes of immediately screening the acute needs of individuals  
34 with substance use, including those who also have a mental illness, and assessing and addressing  
35 any ongoing needs through ongoing case management, harm reduction, treatment, housing and  
36 linkage to other care and services.

37 **(B) Process for distributing grants and funding to counties based on the population and**  
38 **need of each county.**

39 [(B)] (C) Evaluation process to assess the effectiveness of **the treatment programs and** Be-  
40 havioral Health Resource Networks that receive grants or funding.

41 (b) [*Recipients of grants or funding*] **Treatment programs receiving funding under this sec-**  
42 **tion** must be licensed, certified or credentialed by the state, including certification under ORS  
43 743A.168 (9), or meet criteria prescribed by rule by the [*authority*] **commission** under ORS 430.390.  
44 [*A recipient of a grant or funding under this subsection may not use the grant or funding to supplant*  
45 *the recipient's existing funding.*]

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

3 (d) **County** applicants for grants and funding may apply individually or jointly with other [net-  
4 work participants] **counties** to provide services in one or more counties.

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

8 (A) Screening by certified addiction peer support or wellness specialists or other qualified per-  
9 sons designated by the [council] **commission** to determine a client's need for immediate medical or  
10 other treatment to determine what acute care is needed and where it can be best provided, identify  
11 other needs and link the client to other appropriate local or statewide services, including treatment  
12 for substance use and coexisting health problems, housing, employment, training and child care.  
13 Networks shall provide this service 24 hours a day, seven days a week, every calendar day of the  
14 year through a telephone line or other means. Networks may rely on the statewide telephone  
15 hotline established by the authority under ORS 430.391 for telephone screenings during nonbusiness  
16 hours such as evenings, weekends and holidays. Notwithstanding paragraph (c) of this subsection,  
17 only one grantee in each network within each county is required to provide the screenings described  
18 in this subparagraph.

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

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

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

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

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

32 (ii) Increase public awareness of network services.

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

34 (G) Low-barrier substance use treatment.

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

36 (f) If [an] **a county** applicant **applying** for a grant or funding **for a Behavioral Health Re-**  
37 **source Network** under this subsection is unable to provide all of the services described in para-  
38 graph (e) of this subsection, the applicant may identify how the applicant intends to partner with  
39 other [entities] **counties** to provide the services, and the [authority and the council] **commission** may  
40 facilitate collaboration among applicants.

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

44 (h) The networks must be adequately staffed to address the needs of people with substance use  
45 within their regions as prescribed by the authority by rule, including, at a minimum, at least one

1 person in each of the following categories:

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

4 (B) Case manager;

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

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

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

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

10 (i) Verification of a screening by a certified addiction peer support specialist, wellness specialist  
11 or other person in accordance with paragraph (e)(A) of this subsection shall promptly be provided  
12 to the client by the entity conducting the screening. If the client executes a valid release of infor-  
13 mation, the entity shall provide verification of the screening to the authority or a contractor of the  
14 authority and the authority or the authority's contractor shall forward the verification to [*the court,*  
15 *in the manner prescribed by the Chief Justice of the Supreme Court, to satisfy the conditions for dis-*  
16 *missal under ORS 153.062 or 475.237*] **any entity the client has authorized to receive the ver-**  
17 **ification.**

18 (3)(a) If moneys remain in the Drug Treatment and Recovery Services Fund after the council  
19 has committed grants and funding to establish behavioral health resource networks serving every  
20 county in this state, the council shall authorize grants and funding to other agencies or organiza-  
21 tions, whether government or community based, and to the nine federally recognized tribes in this  
22 state and service providers that are affiliated with the nine federally recognized tribes in this state  
23 to increase access to one or more of the following:

24 (A) Low-barrier substance use treatment that is evidence-informed, trauma-informed, culturally  
25 specific, linguistically responsive, person-centered and nonjudgmental;

26 (B) Peer support and recovery services;

27 (C) Transitional, supportive and permanent housing for persons with substance use;

28 (D) Harm reduction interventions including, but not limited to, overdose prevention education,  
29 access to short-acting opioid antagonists, as defined in ORS 689.800, and sterile syringes and  
30 stimulant-specific drug education and outreach; or

31 (E) Incentives and supports to expand the behavioral health workforce to support the services  
32 delivered by behavioral health resource networks and entities receiving grants or funding under this  
33 subsection.

34 (b) A recipient of a grant or funding under this subsection may not use the grant or funding to  
35 supplant the recipient's existing funding.

36 (4) In awarding grants and funding under subsections (1) and (3) of this section, the [*council*]  
37 **commission** shall:

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

39 (A) Historically underserved populations; and

40 (B) Culturally specific and linguistically responsive services.

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

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

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

45 (5) The [*council*] **commission** shall require any [*government entity*] **county** that applies for a

1 grant to specify in the application details regarding subgrantees and how the government entity will  
 2 fund culturally specific organizations and culturally specific services. A [*government entity*] **county**  
 3 receiving a grant must make an explicit commitment not to supplant or decrease any existing  
 4 funding used to provide services funded by the grant.

5 (6) In determining grants and funding to be awarded, the [*council*] **commission** may consult the  
 6 comprehensive addiction, prevention, treatment and recovery plan established by the [*Alcohol and*  
 7 *Drug Policy Commission*] **commission** under ORS 430.223 and the advice of any other group, agency,  
 8 organization or individual that desires to provide advice to the [*council*] **commission** that is con-  
 9 sistent with the terms of this section.

10 (7) Services provided by grantees, including services provided by a Behavioral Health Resource  
 11 Network, shall be free of charge to the clients receiving the services. Grantees in each network  
 12 shall seek reimbursement from insurance issuers, the medical assistance program or any other third  
 13 party responsible for the cost of services provided to a client and grants and funding provided by  
 14 the [*council or the authority*] **commission** under this section may be used for copayments, deduct-  
 15 ibles or other out-of-pocket costs incurred by the client for the services.

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

18 **SECTION 29.** ORS 430.390 is amended to read:

19 430.390. (1)[*(a) The Oregon Health Authority*] **The Alcohol and Drug Policy Commission** shall  
 20 adopt rules that establish a grant application process, a process to appeal the denial of a grant and  
 21 general criteria and requirements for the Behavioral Health Resource Networks, **other treatment**  
 22 **programs** and the grants and funding required by ORS 430.389, including rules requiring recipients  
 23 of grants and funding to collect and report information necessary for the Secretary of State to  
 24 conduct the financial and performance audits required by ORS 430.392.

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

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

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

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

36 (b) The [*authority*] **commission** shall encourage and take all reasonable measures to ensure that  
 37 **county** grant recipients cooperate, coordinate and act jointly with one another to offer the services  
 38 described in ORS 430.389.

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

41 (A) The name of the **county** recipient of the grant or funding;

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

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

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

1        [(6)] (5) The Department of Justice shall provide legal services to the [council] **commission** if  
 2 requested to assist the [council] **commission** in carrying out the [council's] **commission's** duties  
 3 and obligations.

4        **SECTION 30.** ORS 430.391 is amended to read:

5        430.391. (1) The [Oregon Health Authority] **Alcohol and Drug Policy Commission** shall estab-  
 6 lish a Behavioral Health Resource Network statewide telephone hotline to provide screenings de-  
 7 scribed in ORS 430.389 (2)(e)(A) to any caller who is a resident of this state.

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

11        **SECTION 31.** ORS 430.392 is amended to read:

12        430.392. (1) The Division of Audits of the office of the Secretary of State shall conduct per-  
 13 formance audits and financial reviews as provided in this section, regarding the uses of the Drug  
 14 Treatment and Recovery Services Fund and the effectiveness of the fund in achieving the purposes  
 15 of the fund and the policy objectives of ORS 430.383. Recipients of grants or funds under ORS  
 16 430.389 shall keep accurate books, records and accounts that are subject to inspection and audit by  
 17 the division.

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

22        (3) The audits set forth in this section shall be conducted pursuant to the provisions of ORS  
 23 chapter 297, except to the extent any provision of ORS chapter 297 conflicts with any provision of  
 24 ORS [293.665 and 305.231 and] 430.383 to 430.390 and 430.394, in which case the provisions of ORS  
 25 [293.665 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

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

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

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

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

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

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

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

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

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

43        (H) Who is providing the data.

44        (I) Other areas identified by the division.

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

1 (A) Whether grants and funding are *[going]* **being distributed by counties** to organizations that  
2 are culturally responsive and linguistically specific, including an assessment of:

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

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

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

8 (iv) For *[government entities]* **counties** receiving grants or funding under ORS 430.389, the *[gov-*  
9 *ernment entities']* **county's** subgrantees and whether the *[governmental entity]* **county** supplanted or  
10 decreased any local funding dedicated to the same services after receiving grants or funds under  
11 ORS 430.389.

12 (v) What proportion of grants or funds received by *[grantees and others]* **counties** under ORS  
13 430.389, was devoted to administrative costs.

14 (B) The organizations and agencies receiving grants or funding **from counties** under ORS  
15 430.389 and:

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

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

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

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

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

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

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

28 (b) The functioning of:

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

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

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

32 *[(D)]* (C) The grants and funding systems between the *[council, the authority]* **commission** and  
33 **county** recipients of grants or funding, including by gathering information about which entities are  
34 receiving grants or funding and what the grants or funding are used for, the process of applying for  
35 grants or funding and whether the process is conducive to obtaining qualified applicants for grants  
36 or funding who are from communities of color.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **SECTION 32.** ORS 430.392, as amended by section 11, chapter 248, Oregon Laws 2023, is  
28 amended to read:

29 430.392. (1) The Division of Audits of the office of the Secretary of State shall conduct per-  
30 formance audits and financial reviews as provided in this section, regarding the uses of the Drug  
31 Treatment and Recovery Services Fund and the effectiveness of the fund in achieving the purposes  
32 of the fund and the policy objectives of ORS 430.383. Recipients of grants or funds under ORS  
33 430.389 shall keep accurate books, records and accounts that are subject to inspection and audit by  
34 the division.

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

39 (3) The audits set forth in this section shall be conducted pursuant to the provisions of ORS  
40 chapter 297, except to the extent any provision of ORS chapter 297 conflicts with any provision of  
41 ORS [293.665 and 305.231 and] 430.383 to 430.390 and 430.394, in which case the provisions of ORS  
42 [293.665 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

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

45 **SECTION 33.** ORS 430.393 is amended to read:

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

5 **SECTION 34.** ORS 430.394 is amended to read:

6 430.394. If approved by the [*Oversight and Accountability Council*] **Alcohol and Drug Policy**  
 7 **Commission**, the Oregon Health Authority may implement an education campaign to inform the  
 8 public about the availability of Behavioral Health Resource Networks, the statewide hotline de-  
 9 scribed in ORS 430.391 and any other information the authority believes would benefit the public in  
 10 accessing behavioral health services.

11 **SECTION 35.** ORS 244.050 is amended to read:

12 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 13 Government Ethics Commission a verified statement of economic interest as required under this  
 14 chapter:

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

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

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

20 (d) The Deputy Attorney General.

21 (e) The Deputy Secretary of State.

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

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

27 (h) The following state officers:

28 (A) Adjutant General.

29 (B) Director of Agriculture.

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

31 (D) Water Resources Director.

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

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

34 (G) State Fish and Wildlife Director.

35 (H) State Forester.

36 (I) State Geologist.

37 (J) Director of Human Services.

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

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

40 (M) State Librarian.

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

42 (O) Superintendent of State Police.

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

44 (Q) Director of Department of Revenue.

45 (R) Director of Transportation.

- 1 (S) Public Utility Commissioner.
- 2 (T) Director of Veterans' Affairs.
- 3 (U) Executive director of Oregon Government Ethics Commission.
- 4 (V) Director of the State Department of Energy.
- 5 (W) Director and each assistant director of the Oregon State Lottery.
- 6 (X) Director of the Department of Corrections.
- 7 (Y) Director of the Oregon Department of Aviation.
- 8 (Z) Executive director of the Oregon Criminal Justice Commission.
- 9 (AA) Director of the Oregon Business Development Department.
- 10 (BB) Director of the Oregon Department of Emergency Management.
- 11 (CC) Director of the Employment Department.
- 12 (DD) State Fire Marshal.
- 13 (EE) Chief of staff for the Governor.
- 14 (FF) Director of the Housing and Community Services Department.
- 15 (GG) State Court Administrator.
- 16 (HH) Director of the Department of Land Conservation and Development.
- 17 (II) Board chairperson of the Land Use Board of Appeals.
- 18 (JJ) State Marine Director.
- 19 (KK) Executive director of the Oregon Racing Commission.
- 20 (LL) State Parks and Recreation Director.
- 21 (MM) Executive director of the Oregon Public Defense Commission.
- 22 (NN) Chairperson of the Public Employees' Benefit Board.
- 23 (OO) Director of the Department of Public Safety Standards and Training.
- 24 (PP) Executive director of the Higher Education Coordinating Commission.
- 25 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 26 (RR) Director of the Oregon Youth Authority.
- 27 (SS) Director of the Oregon Health Authority.
- 28 (TT) Deputy Superintendent of Public Instruction.
- 29 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 30 the Governor's office.
- 31 (j) Every elected city or county official.
- 32 (k) Every member of a city or county planning, zoning or development commission.
- 33 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 34 cipal administrator of the city or county.
- 35 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 36 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 37 executive officer thereof.
- 38 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 39 (p) The chief administrative officer and the financial officer of each common and union high
- 40 school district, education service district and community college district.
- 41 (q) Every member of the following state boards, commissions and councils:
- 42 (A) Governing board of the State Department of Geology and Mineral Industries.
- 43 (B) Oregon Business Development Commission.
- 44 (C) State Board of Education.
- 45 (D) Environmental Quality Commission.

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

1 in subsection (1) of this section shall file with the commission a statement of economic interest as  
2 required under ORS 244.060, 244.070 and 244.090.

3 (4) Not later than the 40th day before the date of the statewide general election, each candidate  
4 described in subsection (1) of this section who will appear on the statewide general election ballot  
5 and who was not required to file a statement of economic interest under subsections (1) to (3) of this  
6 section shall file with the commission a statement of economic interest as required under ORS  
7 244.060, 244.070 and 244.090.

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

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

15 **SECTION 36.** ORS 244.050, as amended by section 12, chapter 220, Oregon Laws 2023, and  
16 section 48, chapter 281, Oregon Laws 2023, is amended to read:

17 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
18 Government Ethics Commission a verified statement of economic interest as required under this  
19 chapter:

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

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

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

25 (d) The Deputy Attorney General.

26 (e) The Deputy Secretary of State.

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

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

32 (h) The following state officers:

33 (A) Adjutant General.

34 (B) Director of Agriculture.

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

36 (D) Water Resources Director.

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

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

39 (G) State Fish and Wildlife Director.

40 (H) State Forester.

41 (I) State Geologist.

42 (J) Director of Human Services.

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

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

45 (M) State Librarian.

- 1 (N) Administrator of the Oregon Liquor and Cannabis Commission.
- 2 (O) Superintendent of State Police.
- 3 (P) Director of the Public Employees Retirement System.
- 4 (Q) Director of Department of Revenue.
- 5 (R) Director of Transportation.
- 6 (S) Public Utility Commissioner.
- 7 (T) Director of Veterans' Affairs.
- 8 (U) Executive director of Oregon Government Ethics Commission.
- 9 (V) Director of the State Department of Energy.
- 10 (W) Director and each assistant director of the Oregon State Lottery.
- 11 (X) Director of the Department of Corrections.
- 12 (Y) Director of the Oregon Department of Aviation.
- 13 (Z) Executive director of the Oregon Criminal Justice Commission.
- 14 (AA) Director of the Oregon Business Development Department.
- 15 (BB) Director of the Oregon Department of Emergency Management.
- 16 (CC) Director of the Employment Department.
- 17 (DD) State Fire Marshal.
- 18 (EE) Chief of staff for the Governor.
- 19 (FF) Director of the Housing and Community Services Department.
- 20 (GG) State Court Administrator.
- 21 (HH) Director of the Department of Land Conservation and Development.
- 22 (II) Board chairperson of the Land Use Board of Appeals.
- 23 (JJ) State Marine Director.
- 24 (KK) Executive director of the Oregon Racing Commission.
- 25 (LL) State Parks and Recreation Director.
- 26 (MM) Executive director of the Oregon Public Defense Commission.
- 27 (NN) Chairperson of the Public Employees' Benefit Board.
- 28 (OO) Director of the Department of Public Safety Standards and Training.
- 29 (PP) Executive director of the Higher Education Coordinating Commission.
- 30 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 31 (RR) Director of the Oregon Youth Authority.
- 32 (SS) Director of the Oregon Health Authority.
- 33 (TT) Deputy Superintendent of Public Instruction.
- 34 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 35 the Governor's office.
- 36 (j) Every elected city or county official.
- 37 (k) Every member of a city or county planning, zoning or development commission.
- 38 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 39 cipal administrator of the city or county.
- 40 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 41 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 42 executive officer thereof.
- 43 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 44 (p) The chief administrative officer and the financial officer of each common and union high
- 45 school district, education service district and community college district.

- 1 (q) Every member of the following state boards, commissions and councils:  
 2 (A) Governing board of the State Department of Geology and Mineral Industries.  
 3 (B) Oregon Business Development Commission.  
 4 (C) State Board of Education.  
 5 (D) Environmental Quality Commission.  
 6 (E) Fish and Wildlife Commission of the State of Oregon.  
 7 (F) State Board of Forestry.  
 8 (G) Oregon Government Ethics Commission.  
 9 (H) Oregon Health Policy Board.  
 10 (I) Oregon Investment Council.  
 11 (J) Land Conservation and Development Commission.  
 12 (K) Oregon Liquor and Cannabis Commission.  
 13 (L) Oregon Short Term Fund Board.  
 14 (M) State Marine Board.  
 15 (N) Mass transit district boards.  
 16 (O) Energy Facility Siting Council.  
 17 (P) Board of Commissioners of the Port of Portland.  
 18 (Q) Employment Relations Board.  
 19 (R) Public Employees Retirement Board.  
 20 (S) Oregon Racing Commission.  
 21 (T) Oregon Transportation Commission.  
 22 (U) Water Resources Commission.  
 23 (V) Workers' Compensation Board.  
 24 (W) Oregon Facilities Authority.  
 25 (X) Oregon State Lottery Commission.  
 26 (Y) Pacific Northwest Electric Power and Conservation Planning Council.  
 27 (Z) Columbia River Gorge Commission.  
 28 (AA) Oregon Health and Science University Board of Directors.  
 29 (BB) Capitol Planning Commission.  
 30 (CC) Higher Education Coordinating Commission.  
 31 (DD) Oregon Growth Board.  
 32 (EE) Early Learning Council.  
 33 [(FF) *The Oversight and Accountability Council.*]  
 34 (r) The following officers of the State Treasurer:  
 35 (A) Deputy State Treasurer.  
 36 (B) Chief of staff for the office of the State Treasurer.  
 37 (C) Director of the Investment Division.  
 38 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
 39 or 777.915 to 777.953.  
 40 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.  
 41 (u) Every member of a governing board of a public university listed in ORS 352.002.  
 42 (v) Every member of the district school board of a common school district or union high school  
 43 district.  
 44 (w) Every member of the board of directors of an authority created under ORS 465.600 to  
 45 465.621.

1 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
 2 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
 3 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
 4 and 244.090.

5 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
 6 in subsection (1) of this section who will appear on a primary election ballot shall file with the  
 7 commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

8 (4) Not later than the 40th day before the date of the statewide general election, each candidate  
 9 described in subsection (1) of this section who will appear on the statewide general election ballot  
 10 and who was not required to file a statement of economic interest under subsections (1) to (3) of this  
 11 section shall file with the commission a statement of economic interest as required under ORS  
 12 244.060, 244.070 and 244.090.

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

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

20 **SECTION 37.** ORS 316.502 is amended to read:

21 316.502. (1) The net revenue from the tax imposed by this chapter, after deducting refunds and  
 22 amounts described in ORS 285B.630[,] **and** 285C.635 [*and 305.231*], shall be paid over to the State  
 23 Treasurer and held in the General Fund as miscellaneous receipts available generally to meet any  
 24 expense or obligation of the State of Oregon lawfully incurred.

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

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

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

30 (b) The refund payments in excess of tax liability authorized under ORS 315.133, 315.174, 315.262,  
 31 315.264, 315.266, 315.273, 315.519 and 316.090 and section 3, chapter 589, Oregon Laws 2021.

32 **SECTION 38.** ORS 413.017 is amended to read:

33 413.017. (1) The Oregon Health Policy Board shall establish the committees described in sub-  
 34 sections (2) to (5) of this section.

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

37 (A) The Public Employees' Benefit Board.

38 (B) The Oregon Educators Benefit Board.

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

40 (D) A city government.

41 (E) A county government.

42 (F) A special district.

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

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

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

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

8 (C) Continuously review and report to the Oregon Health Policy Board on the committee's  
 9 progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance  
 10 without shifting costs to the private sector or the health insurance exchange.

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

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

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

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

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

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

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

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

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

32 (E) Two health care providers;

33 (F) One individual representing hospitals;

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

36 (H) Two individuals representing health care consumers;

37 (I) Two individuals representing coordinated care organizations;

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

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

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

41 (b) The committee shall work collaboratively with the Oregon Educators Benefit Board, the  
 42 Public Employees' Benefit Board, the authority and the department to adopt health outcome and  
 43 quality measures that are focused on specific goals and provide value to the state, employers,  
 44 insurers, health care providers and consumers. The committee shall be the single body to align  
 45 health outcome and quality measures used in this state with the requirements of health care data

1 reporting to ensure that the measures and requirements are coordinated, evidence-based and focused  
2 on a long term statewide vision.

3 (c) The committee shall use a public process that includes an opportunity for public comment  
4 to identify health outcome and quality measures. The health outcome and quality measures identified  
5 by the committee, as updated by the authority under paragraph (g) of this subsection, may be applied  
6 to services provided by coordinated care organizations or paid for by health benefit plans sold  
7 through the health insurance exchange or offered by the Oregon Educators Benefit Board or the  
8 Public Employees' Benefit Board. The authority, the department, the Oregon Educators Benefit  
9 Board and the Public Employees' Benefit Board are not required to adopt all of the health outcome  
10 and quality measures identified by the committee but may not adopt any health outcome and quality  
11 measures that are different from the measures identified by the committee. The measures must take  
12 into account the health outcome and quality measures selected by the metrics and scoring subcom-  
13 mittee created in ORS 413.022 and the differences in the populations served by coordinated care  
14 organizations and by commercial insurers.

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

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

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

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

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

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

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

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

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

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

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

45 (5)(a) The Behavioral Health Committee shall include the following members appointed by the

1 Director of the Oregon Health Authority:

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

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

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

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

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

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

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

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

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

13 (J) One consumer representative;

14 (K) One representative of a tribal government;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) Reduce hospitalizations;

36 (C) Reduce overdoses;

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

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

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

45 **SECTION 39.** Section 6, chapter 63, Oregon Laws 2022, is amended to read:

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

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

6       (A) A policy advisor to the Governor;

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

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

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

10      (b) The Director of the Alcohol and Drug Policy Commission or the director's designee;

11      [(c) *The chairperson of the Oversight and Accountability Council established in ORS 430.388 or*  
 12 *the chairperson's designee;*]

13      [(d)] (c) The following members appointed by the Governor from a list of candidates provided  
 14 by the Association of Oregon Counties and the League of Oregon Cities or the successor organiza-  
 15 tions to the Association of Oregon Counties and the League of Oregon Cities:

16      (A) An individual representing Clackamas, Washington or Multnomah County;

17      (B) An individual representing Clatsop, Columbia, Coos, Curry, Jackson, Josephine, Lane or  
 18 Yamhill County;

19      (C) An individual representing the City of Portland;

20      (D) An individual representing a city with a population above 10,000 residents as of July 21,  
 21 2021;

22      (E) An individual representing a city with a population at or below 10,000 residents as of July  
 23 21, 2021; and

24      (F) A representative of the Oregon Coalition of Local Health Officials or its successor organ-  
 25 ization;

26      [(e)] (d) The following members appointed by the Governor from a list of candidates provided  
 27 by the members described in paragraphs (a) to (d) of this subsection:

28      (A) A representative of a community mental health program;

29      (B) An individual who has experienced a substance use disorder or a representative of an or-  
 30 ganization that advocates on behalf of individuals with substance use disorders; and

31      (C) An individual representing law enforcement, first responders or jail commanders or wardens;

32      [(f)] (e) A member of the House of Representatives appointed by the Speaker of the House of  
 33 Representatives, who shall be a nonvoting member of the board;

34      [(g)] (f) A member of the Senate appointed by the President of the Senate, who shall be a non-  
 35 voting member of the board; and

36      [(h)] (g) The State Court Administrator or the administrator's designee, who shall be a nonvot-  
 37 ing member of the board.

38      (2) The Governor shall select from the members described in subsection (1)(a)[,] **and** (b) [*and*  
 39 *(c)*] of this section one cochairperson to represent state entities, and the members described in sub-  
 40 section [(1)(d)] (1)(c) of this section shall select from one of their members a cochairperson to rep-  
 41 resent cities or counties.

42      (3) The term of each member of the board who is not an ex officio member is four years, but a  
 43 member serves at the pleasure of the appointing authority. Before the expiration of a member's term,  
 44 the appointing authority shall appoint a successor whose term begins on January 1 next following.  
 45 A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority

1 shall make an appointment to become immediately effective for the unexpired term.

2 (4) Decision-making by the board shall be based on consensus and supported by at least a ma-  
3 jority of the members. The board shall document all objections to board decisions.

4 (5) The board shall conduct at least four public meetings in accordance with ORS 192.610 to  
5 192.690 [series became 192.610 to 192.705], which shall be publicized to facilitate attendance at the  
6 meetings and during which the board shall receive testimony and input from the community. The  
7 board shall also establish a process for the public to provide written comments and proposals at  
8 each meeting of the board.

9 (6) In determining the allocation of moneys from the Opioid Settlement Prevention, Treatment  
10 and Recovery Fund:

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

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

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

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

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

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

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

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

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

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

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

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

45 (J) Programs to provide wellness and support services for first responders and others who ex-

1 perience secondary trauma associated with opioid-related emergency events;

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

5 (L) Funding to support opioid abatement research.

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

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

9 (B) The board’s ongoing evaluation of the efficacy of the funding allocations;

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

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

12 (E) Equity considerations for underserved populations; and

13 (F) The terms of the settlement agreements.

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

15 **SECTION 40.** ORS 430.383 is amended to read:

16 430.383. (1)(a) The people of Oregon find that drug addiction and overdoses are a serious prob-  
17 lem in Oregon and that Oregon needs to expand access to drug treatment.

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

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

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

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

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

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

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

38 **SECTION 41.** ORS 293.665, 305.231, 430.388 and section 6, chapter 248, Oregon Laws 2023,  
39 **are repealed.**

40  
41 **APPROPRIATION**

42  
43 **SECTION 42.** In addition to and not in lieu of any other appropriation, there is appro-  
44 priated to the Alcohol and Drug Policy Commission, for the biennium ending June 30, 2025,  
45 out of the General Fund, the amount of \$\_\_\_\_\_, for deposit into the Drug Treatment

1 and Recovery Services Fund for the purposes of funding grants to counties under ORS  
2 430.389.

3  
4 **APPLICABILITY**

5  
6 **SECTION 43.** The amendments to ORS 51.050, 137.300, 153.012, 153.018, 153.019, 153.021,  
7 153.064, 153.992, 161.570, 221.339, 419C.370, 423.478, 475.005, 475.235, 475.752, 475.814, 475.824,  
8 475.834, 475.854, 475.874, 475.884, 475.894 and 475.900 by sections 1 to 22 and 25 of this 2024 Act,  
9 and the repeal of ORS 153.043, 153.062, 419C.460 and 475.237 by section 24 of this 2024 Act,  
10 apply to conduct occurring on or after the effective date of this 2024 Act.

11  
12 **CAPTIONS**

13  
14 **SECTION 44.** The unit and section captions used in this 2024 Act are provided only for  
15 the convenience of the reader and do not become part of the statutory law of this state or  
16 express any legislative intent in the enactment of this 2024 Act.

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