

## **SB 236 -1, -2 STAFF MEASURE SUMMARY**

### **Joint Committee On Addiction and Community Safety Response**

---

**Prepared By:** Gillian Fischer, LPRO Analyst

**Meeting Dates:** 2/5, 5/28

---

#### **WHAT THE MEASURE DOES:**

Senate Bill 236 is an omnibus bill proposing amendments to House Bill 4002 (2024). The measure proposes statutory clarifications and updates to the following five subject matters addressed as part of HB 4002 and further described below.

#### **Detailed Summary**

##### **SEPARATE STATUTES FOR FENTANYL OFFENSES**

Separates the possession, delivery and manufacture of fentanyl from general controlled substance offense statutes and into separate provisions. Adds fentanyl to certain statutes creating mandatory sentences for manufacture and delivery crimes.

Prohibits the imposition of civil penalties for certain offense listed if the evidence of the offense was obtained because the person contacted emergency medical services or law enforcement for medical assistance for opioid over-dose.

##### **OPIOID USE DISORDER MEDICATIONS GRANT PROGRAM CHANGES**

Modifies the definition of “local correctional facility” to allow people at other types of county facilities to receive opioid use disorder treatment and transition planning services as part of the Oregon Jail-Based Medications for Opioid Use Disorder Grant Program.

##### **OPIOID USE DISORDER MEDICATION PRESCRIPTION CHANGES**

Authorizes a pharmacist to prescribe, dispense and administer medications for treatment of opioid use disorder (MOUD) in accordance with statewide drug therapy management protocol adopted by State Board of Pharmacy rule or a collaborative drug therapy management agreement. Clarifies definition of “practitioner” for purposes of pharmacist prescribed MOUD. Modifies prescription drug locker provisions.

##### **OTHER HOUSE BILL 4002 (2024) MODIFICATIONS**

Makes technical changes. Clarifies when and to which court a deflection program coordinator must provide notice of completion of the program. Adds dismissal to the available dispositions in conditional discharge provisions..

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 The amendment makes technical changes throughout the measure and adds provisions relating to prescription and dispersal of medications for the treatment of opioid use disorder.

#### **Detailed summary**

- Authorizes a pharmacist to register with the Drug Enforcement Administration of the United States Department of Justice as a mid-level practitioner for the purpose of prescribing, dispensing, and administering a controlled substance that is a medication for the treatment of opioid use disorder (MOUD). Clarifies definition of “practitioner” for purposes of pharmacist prescribed MOUD. Modifies prescription drug locker provisions.

## **SB 236 -1, -2 STAFF MEASURE SUMMARY**

- Clarifies pharmacists' authority to prescribe, dispense, and administer medication for the treatment of opioid use disorder (MOUD) to require development of a statewide drug therapy management protocol that is developed in consultation with a physician experienced in addiction medicine.
- Authorizes a MOUD that is issued by a practitioner who is a pharmacist to be electronically transmitted to a dispensing pharmacist in accordance with the measure if the prescribing pharmacist is not the dispensing pharmacist.
- Clarifies eligibility and procedures for expungement of records related to a person's participation in a deflection program or of conviction for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor. Established process for expungement of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor when a court issues a warrant in the case.
- Authorizes the court to enter an order sealing all records related to any other charges that were dismissed or removed from a charging instrument other than records related to a diversion-related arrest or citation, as defined by the measure, if no other convictions exist in the case.
- Establishes a process for expungement if a case involves records related to two or more unlawful possession of a controlled substance offense constituting a drug enforcement misdemeanor.

-2 The amendment makes technical changes throughout the measure and adds provisions relating to prescription and dispersal of medications for the treatment of opioid use disorder. Specifically the amendment restores rule making authority to the Board of Pharmacy for purposes of implementing section 18 of the measure.

### **Detailed summary**

- Authorizes a pharmacist to register with the Drug Enforcement Administration of the United States Department of Justice as a mid-level practitioner for the purpose of prescribing, dispensing, and administering a controlled substance that is a medication for the treatment of opioid use disorder (MOUD). Clarifies definition of "practitioner" for purposes of pharmacist prescribed MOUD. Modifies prescription drug locker provisions.
- Clarifies pharmacists' authority to prescribe, dispense, and administer medication for the treatment of opioid use disorder (MOUD) to require development of a statewide drug therapy management protocol that is developed in consultation with a physician experienced in addiction medicine.
- Authorizes a MOUD that is issued by a practitioner who is a pharmacist to be electronically transmitted to a dispensing pharmacist in accordance with the measure if the prescribing pharmacist is not the dispensing pharmacist.
- Clarifies eligibility and procedures for expungement of records related to a person's participation in a deflection program or of conviction for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor. Established process for expungement of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor when a court issues a warrant in the case.
- Authorizes the court to enter an order sealing all records related to any other charges that were dismissed or removed from a charging instrument other than records related to a diversion-related arrest or citation, as defined by the measure, if no other convictions exist in the case.
- Establishes a process for expungement if a case involves records related to two or more unlawful possession of a controlled substance offense constituting a drug enforcement misdemeanor.

### **BACKGROUND:**

House Bill 4002 amended Oregon's criminal statutes relating to possession of controlled substances (PCS). The crime of PCS was reduced to a violation in 2020 by Ballot Measure 110 which was codified in statute by Senate Bill 755 (2021). HB 4002 also created the Oregon Behavioral Health Deflection Grant Program and appropriated funds to be awarded via formula by the Oregon Criminal Justice Commission.