

SB 236 A -3 STAFF MEASURE SUMMARY

Joint Committee On Addiction and Community Safety Response

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 2/5, 5/28, 6/16

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 listed offenses if the evidence of the offense was obtained because the person contacted emergency medical services or law enforcement for medical assistance for opioid overdose.

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.
- 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. Establishes a process for expungement of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor when a court issues a warrant in the case.
- Establishes a process for expungement if a case involves records related to two or more unlawful possession of a controlled substance offenses constituting a drug enforcement misdemeanor.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment resolves a conflict with Senate Bill 610.

BACKGROUND:

SB 236 A -3 STAFF MEASURE SUMMARY

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.

Senate Bill 236 A makes statutory clarifications and updates to HB 4002 to facilitate implementation and makes technical changes to the measure.