



Open Government Impact Statement

83rd Oregon Legislative Assembly
2025 Regular Session

Measure: SB 236 - A

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Digest: The Act makes separate statutes for fentanyl crimes. The Act also changes parts of House Bill 4002 from last session. (Flesch Readability Score: 65.5).

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

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

Provides that a pharmacist may register with the Drug Enforcement Administration to prescribe, dispense and administer medications for treatment of opioid use disorder under specified circumstances. Modifies pharmacy prescription [drug] locker provisions.

Modifies conditional discharge procedural provisions and when a deflection program coordinator provides notice of completion of the program to the court. Modifies the procedures for sealing records related to drug enforcement misdemeanors. Authorizes the Oregon Criminal Justice Commission to establish a formula for determining the proportion of grant funds available to counties as part of the Oregon Behavioral Health Deflection Program.

Declares an emergency, effective on passage.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure criminal history records related to a person that has completed a deflection program after the person was referred to the program due to the alleged commission of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor, as well as criminal history records related to an offense for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor after two years have elapsed from the date of the offense. The measure also requires, within 90 days after a person is acquitted of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor, that a court seal all records related to the arrest, citation and criminal proceedings of the acquitted person. The measure also allows the court to seal all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case. Finally, the measure allows a court to enter an order sealing all records in a case related to unlawful possession of a controlled substance constituting a drug



enforcement misdemeanor if the court finds that the sealing would be in the best interests of the public and the person who is the subject of the records, even if the records would not otherwise be eligible for sealing.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain information contained in criminal history records related to an offense for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor, as well as information contained in records related to the alleged commission of such an offense and records related to persons who have been acquitted of such an offense.