

House Bill 3956

Sponsored by Representative DRAZAN

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 says that a syringe service program has to register with the local public health authority. The Act also says that an LPHA may not let a methadone clinic be close to a school. (Flesch Readability Score: 70.6).

Requires a syringe service program to register with the local public health authority responsible for the jurisdiction in which the syringe service program operates. Defines "syringe service program." Removes the ability of a county or local public health authority to waive siting restrictions for methadone clinics.

A BILL FOR AN ACT

Relating to public health; creating new provisions; and amending ORS 430.590.

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

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

(a) **"Licensed child care facility" means a child care center certified under ORS 329A.280 that is operating under authority of a valid business license.**

(b) **"Local public health authority" has the meaning given that term in ORS 431.003.**

(c) **"Syringe service program" means a program that provides services including free sterile needles and syringes and safe disposal for needles and syringes.**

(2) **Each local public health authority shall establish a program to register syringe service programs that operate within the jurisdiction of the local public health authority. The registration program must require that a syringe service program:**

(a) **Renew its registration once every two years;**

(b) **Establish policies and procedures for enlisting community support for the operation of the syringe service program, including the development of a community advisory board that reflects the community in which the syringe service program operates;**

(c) **Assist individuals who use the syringe service program in accessing substance use disorder treatment services, which includes referring individuals to substance use disorder treatment programs; and**

(d) **Annually report to the local public health authority on at least the following information:**

(A) **The number of syringes distributed and collected;**

(B) **The rates of participation in the syringe service program; and**

(C) **The number of individuals whom the syringe service program referred to substance use disorder treatment programs.**

(3) **A syringe service program that operates in more than one local public health authority jurisdiction shall register with the local public health authority responsible for each jurisdiction in which the syringe service program operates.**

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.

(4) A syringe service program may not provide services within 1,000 feet of the real property comprising an existing:

(a) Public or private elementary, secondary or career school attended primarily by minors; or

(b) Licensed child care facility.

(5) Sterile needles and syringes and other items provided by a syringe service program may not be considered drug paraphernalia as defined in ORS 475.525.

SECTION 2. ORS 430.590 is amended to read:

430.590. (1) It is unlawful for any person to commence operating a methadone clinic:

(a) Within 1,000 feet of the real property comprising an existing public or private elementary, secondary or career school attended primarily by minors; or

(b) Within 1,000 feet of the real property comprising an existing licensed child care facility. As used in this section, "licensed child care facility" means a child care center certified under ORS 329A.280 that is operating under authority of a valid business license.

(2) Commencing operation of a methadone clinic within 1,000 feet of a school or licensed child care facility is a nuisance and operation of the clinic shall be enjoined and abated as provided in ORS 105.550 to 105.600.

(3) For purposes of this section, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school or an existing licensed child care facility under this section.

[(4) A county or a local public health authority, as defined in ORS 431.003, may waive the siting restrictions under this section to the extent necessary to remove unreasonable barriers to patients' accessing medically necessary treatment at methadone clinics.]