

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Bonamici, Dingfelder, Kruse, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Aaron Knott, Counsel

Meeting Dates: 5/24, 6/1

WHAT THE MEASURE DOES: Allows an individual either convicted of driving under the influence of intoxications (DUII) or participating in a DUII diversion program to use the state medical assistance program to pay for the treatment screening interview, treatment program or diagnostic assessment. Prohibits the consumption of intoxicants for individuals who are participating in a diversion program. Clarifies that only qualified individuals may draw on state medical assistance resources.

ISSUES DISCUSSED:

- Qualifying conditions for receipt of state medical assistance
- Abuse of prescription medication
- Recreational abuse of certain over the counter medications
- Private insurer coverage of court ordered alcohol and drug assessments

EFFECT OF COMMITTEE AMENDMENT: Adds prohibition against the consumption of intoxicants for individuals who are participating in a diversion program. Clarifies that only qualified individuals may draw on state medical assistance resources

BACKGROUND: An individual convicted of DUII or participating in a DUII diversion program is statutorily obligated to undergo a court mandated course of alcohol treatment requiring both a screening interview and a treatment program. ORS 813.021(b) sets the cost of the screening interview at \$150. The subsequent course of treatment generally carries additional costs. House Bill 2103 B allows an individual subject to these requirements to draw upon state medical assistance programs as a means of payment. The person remains responsible for costs if the state declines to cover these costs.

ORS 813.200 requires the court to inform a defendant at the time of arraignment who is charged with the offense of driving under the influence (DUII) that a diversion agreement may be available. ORS 419C.225 authorizes a county juvenile department to refer a youth to an authorized diversion program under a formal accountability agreement for violations of ORS 813.010 (criminalizing DUII). Diversion requires participants to undergo a court mandated course of treatment alongside other obligations. As a condition of participation in diversion, participants are required to agree not to use intoxicants in conjunction with the operation of a motor vehicle during the term of diversion. This bill modifies this section to require participants not to use intoxicants at any time, whether or not this use is associated with the operation of a motor vehicle. Exceptions are allowed for the consumption of sacramental wine given or provided as part of a religious rite or service and controlled substances used as directed pursuant to a doctor's prescription.

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This summary has not been adopted or officially endorsed by action of the committee.