

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
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: Modifies the crimes of possession, distributing or manufacturing hydrocodone, oxycodone and methadone. Adds safety certification and training and personal protective equipment to items to be funded by the Illegal Drug Cleanup Fund. Repeals existing provision requiring the State Board of Pharmacy to exclude certain nonnarcotic substances from the controlled substances schedule. Adds endangering welfare of a minor and frequenting a place where controlled substances are used to crimes eligible to receive probation treatment under ORS 475.245. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Internal structuring of drug laws as a mechanism for tracking abuse of individual substances
- Rise of abuse of prescription medications
- Difficulties with scheduling phenylpropanolamine as a controlled substance under Oregon law because of competing rule-making by the Federal Food and Drug Administration

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: House Bill 2174 A does not make substantive changes to the level of punishment for unlawful possession of hydrocodone, oxycodone or methadone but instead moves these substances out of the existing statutory framework for generally prohibited controlled substances and provides new and discrete statutory sections for these crimes. The purpose of creating a new provision is to allow law enforcement to more effectively track the raw, cumulative data by drug. Sections 5 through 20 of House Bill 2174 A bring other drug statutes into conformity with this tracking system. House Bill 2174 A further allows endangering the welfare of a minor and frequenting a place where controlled substances are used into the conditional discharge statute at ORS 475.245.

House Bill 2174 A modifies ORS 475.495 to permit Illegal Drug Cleanup Fund moneys to be used to fund safety training and personal protective equipment for law enforcement personnel assigned to respond to illegal manufacturing sites. Under current law, this fund is principally designated for the costs of cleaning up sites contaminated by drug-related activities. House Bill 2174 A creates a new subsection for Schedule V controlled substances to eliminate existing statutory confusion as to the simultaneous inclusion of both prescription and non-prescription substances in the same subsection. House Bill 2174 A repeals an existing provision which prohibits the Oregon Board of Pharmacy from scheduling Food and Drug Administration (FDA) approved over-the-counter drugs as controlled substances in Oregon. Proponents argue that the FDA often trails state pharmacy boards in criminalizing or regulating controlled substances such as phenylpropanolamine (PPA), an over-the-counter drug which was responsible for a number of deaths and medical complications.

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