

# House Bill 3390

Sponsored by Representative ESQUIVEL; Representatives FREEMAN, G SMITH, WEIDNER

## 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**.

Requires Department of Human Services or contractor of department to take specified steps if department or contractor has substantial cause to believe that pregnant recipient of medical assistance is consuming methamphetamines.

Creates crime of endangering life by consuming methamphetamines. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Requires district attorney to propose diversion for drug treatment.

## A BILL FOR AN ACT

1  
2 Relating to methamphetamine use.

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

4 **SECTION 1. (1) If the Department of Human Services or any contractor of the depart-**  
5 **ment has substantial cause to believe that a recipient of medical assistance who is pregnant**  
6 **is consuming methamphetamines, the department or the contractor shall notify:**

7 (a) **The child abuse hotline if the recipient has children in the recipient's custody; and**

8 (b) **The appropriate law enforcement authority.**

9 (2) **Substantial cause under this section must be based upon evidence other than pro-**  
10 **TECTED health information that is available to the department or the contractor.**

11 **SECTION 2. (1) As used in this section, "consume" means to introduce into the body of**  
12 **a person by any means.**

13 (2) **A person commits the crime of endangering life by consuming methamphetamines if**  
14 **the person knowingly:**

15 (a) **Is pregnant; and**

16 (b) **Consumes methamphetamines.**

17 (3) **Endangering life by consuming methamphetamines is a Class C felony.**

18 (4) **Notwithstanding any other provision of law, when an accusatory instrument is filed**  
19 **charging a defendant with violating this section, unless the defendant has previously been**  
20 **convicted of violating this section or ORS 475.886, 475.888, 475.890, 475.892 or 475.894 the dis-**  
21 **trict attorney shall propose a diversion agreement under ORS 430.450 to 430.555 that includes**  
22 **a requirement that the person successfully complete a drug treatment program.**

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**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.