

HOUSE AMENDMENTS TO HOUSE BILL 2936

By COMMITTEE ON JUDICIARY

April 28

1 On page 2 of the printed bill, delete lines 6 and 7 and insert:

2 “(7) ‘Sobering facility’ means a stand-alone facility or a part of a larger facility that:

3 “(a) Offers to individuals who are acutely intoxicated a safe, clean and supervised environment
4 until the individuals are no longer acutely intoxicated; and

5 “(b) Contracts with or is affiliated with an addiction treatment program or provider that is ap-
6 proved by the Oregon Health Authority to provide addiction treatment. The program or provider
7 shall provide consultation, training and advice to the sobering facility. The program or provider and
8 the sobering facility must enter into a written agreement that includes, but need not be limited to,
9 a plan for making referrals to addiction treatment and case consultation.”.

10 Delete lines 14 through 41 and insert:

11 “**SECTION 2.** ORS 430.399 is amended to read:

12 “430.399. (1) Any person who is intoxicated or under the influence of controlled substances in
13 a public place may be taken or sent home, **or taken to a sobering facility** or to a treatment
14 facility, by the police. [*However,*] If the person is incapacitated, **the person shall be taken by the**
15 **police to an appropriate treatment facility or sobering facility.** If the health of the person ap-
16 pears to be in immediate danger, or the police have reasonable cause to believe the person is dan-
17 gerous to self or to any other person, the person shall be taken by the police to an appropriate
18 treatment facility. A person shall be deemed incapacitated when in the opinion of the police officer
19 or director of the treatment facility the person is unable to make a rational decision as to accept-
20 ance of assistance.

21 “(2) **When a person is taken to a treatment facility,** the director of the treatment facility
22 shall determine whether [*a*] **the person shall be admitted as a patient, [*or*] referred to another**
23 **treatment facility or a sobering facility** or denied referral or admission. If the person is incapaci-
24 tated or the health of the person appears to be in immediate danger, or if the director has reason-
25 able cause to believe the person is dangerous to self or to any other person, the person must be
26 admitted. The person shall be discharged within 48 hours unless the person has applied for voluntary
27 admission to the treatment facility.

28 “(3) **When a person is taken to a sobering facility, the staff of the sobering facility shall**
29 **determine whether the person shall be admitted into the facility, referred to an appropriate**
30 **treatment facility or denied referral or admission. If the staff of the sobering facility has**
31 **reasonable cause to believe the person is dangerous to self or to any other person, the person**
32 **may be admitted. The person shall be discharged from the sobering facility within 24 hours.**

33 “[*3*] (4) In the absence of any appropriate treatment facility **or sobering facility,** an
34 intoxicated person or a person under the influence of controlled substances who would otherwise
35 be taken by the police to a treatment facility **or sobering facility** may be taken to the city or

1 county jail where the person may be held until no longer intoxicated, under the influence of con-
2 trolled substances or incapacitated.

3 “[(4)] (5) An intoxicated person or person under the influence of controlled substances, when
4 taken into custody by the police for a criminal offense, shall immediately be taken to the nearest
5 appropriate treatment facility when the condition of the person requires emergency medical treat-
6 ment.

7 “[(5)] (6) The records of a [patient] **person** at a treatment facility **or sobering facility** may
8 not, **without the person’s consent**, be revealed to any person other than the director and staff of
9 the treatment facility [without the consent of the patient] **or sobering facility**. A [patient’s] **person’s**
10 request that no disclosure be made of admission to a treatment facility **or sobering facility** shall
11 be honored unless the [patient] **person** is incapacitated or disclosure of admission is required by
12 ORS 430.397.”

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