

**PROPOSED AMENDMENTS TO
HOUSE BILL 2936**

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
3 facility that:

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

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

14 Delete lines 14 through 41 and insert:

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

16 “430.399. (1) Any person who is intoxicated or under the influence of
17 controlled substances in a public place may be taken or sent home, **or taken**
18 **to a sobering facility** or to a treatment facility, by the police. [*However,*]
19 If the person is incapacitated, **the person shall be taken by the police to**
20 **an appropriate treatment facility or sobering facility.** If the health of
21 the person appears to be in immediate danger, or the police have reasonable
22 cause to believe the person is dangerous to self or to any other person, the

1 person shall be taken by the police to an appropriate treatment facility. A
2 person shall be deemed incapacitated when in the opinion of the police offi-
3 cer or director of the treatment facility the person is unable to make a ra-
4 tional decision as to acceptance of assistance.

5 “(2) **When a person is taken to a treatment facility**, the director of
6 the treatment facility shall determine whether [a] **the** person shall be ad-
7 mitted as a patient, [or] referred to another treatment facility **or a sobering**
8 **facility** or denied referral or admission. If the person is incapacitated or the
9 health of the person appears to be in immediate danger, or if the director
10 has reasonable cause to believe the person is dangerous to self or to any
11 other person, the person must be admitted. The person shall be discharged
12 within 48 hours unless the person has applied for voluntary admission to the
13 treatment facility.

14 “(3) **When a person is taken to a sobering facility, the staff of the**
15 **sobering facility shall determine whether the person shall be admitted**
16 **into the facility, referred to an appropriate treatment facility or denied**
17 **referral or admission. If the staff of the sobering facility has reason-**
18 **able cause to believe the person is dangerous to self or to any other**
19 **person, the person may be admitted. The person shall be discharged**
20 **from the sobering facility within 24 hours.**

21 “[3] (4) In the absence of any appropriate treatment facility **or sobering**
22 **facility**, an intoxicated person or a person under the influence of controlled
23 substances who would otherwise be taken by the police to a treatment fa-
24 cility **or sobering facility** may be taken to the city or county jail where the
25 person may be held until no longer intoxicated, under the influence of con-
26 trolled substances or incapacitated.

27 “[4] (5) An intoxicated person or person under the influence of con-
28 trolled substances, when taken into custody by the police for a criminal of-
29 fense, shall immediately be taken to the nearest appropriate treatment
30 facility when the condition of the person requires emergency medical treat-

1 ment.

2 “[5] (6) The records of a [*patient*] **person** at a treatment facility **or so-**
3 **bering facility** may not, **without the person’s consent**, be revealed to any
4 person other than the director and staff of the treatment facility [*without the*
5 *consent of the patient*] **or sobering facility**. A [*patient’s*] **person’s** request
6 that no disclosure be made of admission to a treatment facility **or sobering**
7 **facility** shall be honored unless the [*patient*] **person** is incapacitated or
8 disclosure of admission is required by ORS 430.397.”.

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