

## **SB 755 -32 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary and Ballot Measure 110 Implementation**

---

**Prepared By:** Leslie Wu, Counsel

**Meeting Dates:** 3/1, 3/15, 4/1, 4/5, 4/12

---

#### **WHAT THE MEASURE DOES:**

Implements language of Ballot Measure 110. Makes style and form changes. Acts as vehicle for legislative amendments.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-32 Replaces the measure. Declares emergency effective on passage. Corrects omission of hydrocodone from drug penalty updates. Clarifies use of presumptive field tests in Class E violation proceedings. Limits jurisdiction over E violation citations to Circuit Courts. Requires cited individuals to complete "screening" rather than "assessment" and defines "screening." Creates electronic process for verification of completed screening to be sent to judicial department. Specifies dismissal as outcome of E violation citation if individual completes "screening." Specifies \$100 as presumptive fine and \$45 as minimum fine for Class E violation citation. Requires officers to provide information on how to obtain "screening" when issuing E violation citations. Creates process for juveniles to handle their citations through juvenile system. Re-inserts substantial quantity of controlled substances to felony classification subject to ORS 475.900. Delineates substantial quantities of fentanyl. Creates process for prosecuting attorneys with consent of defendant to dispose of not yet adjudicated cases that would have been E violations after February 1, 2021. Prohibits use of ORS 153.992 and ORS 153.064 to prosecute or arrest individuals that fail to appear for E violation related proceedings.

Changes term "ARC" or "Addiction Recovery Center" to "BHRN" or "Behavioral Health Resource Network" and requires one complete BHRN to be operational per county. Clarifies that complete BHRNs may consist of a single entity or multiple entities providing services in conjunction or separately, and that individual entities within BHRNs do not need to provide all service elements of a BHRN. Allows entities jointly to apply for funding. Expands services required to be provided by complete BHRNs to include substance use disorder treatment, housing, and harm reduction services, in addition to screenings, assessments, intervention plans, peer counseling, and mobile outreach services. Removes sunset on OHA screening phone hot line and specifies that the phone hotline must provide the same screenings as BHRNs and send verification of screening to the judicial department. Clarifies that the M110 fund is the payor of last resort. Expands ability to disburse funding to include grants and other funding. Changes quorum rules for Oversight and Accountability Council. Directs the Oversight and Accountability Council to prioritize funding to community-based organizations serving communities most impacted by the war on drugs. Clarifies that tribes and tribal affiliated organizations can receive grant funding. Removes language that allowed funding for government entities only if no applicants were community-based organizations. Directs OHA to publish information on grant recipients and to report to legislature quarterly. Requires OAC members to abide by ethical rules under ORS 244 including reporting requirements, methods of handling conflicts, and filing annual statements of economic interest.

Requires real time audit and financial review to be conducted by the Secretary of State, in addition to traditional auditing requirements. Directs audits to examine specific data on implementation and enforcement, treatment services, functioning of the OAC and OHA, and individual outcomes of persons cited under the Act.

**BACKGROUND:**

Ballot Measure 110 was passed by Oregon voters in 2020 with 58.26% of the vote in favor and 41.54% of the vote opposed. Also referred to as the Drug Addiction Treatment and Recovery Act (the "Act"), Ballot Measure 110 decriminalizes possession of small amounts of controlled substances. It classifies those offenses as Class E violations that are subject to a \$100 fine. If a cited person completes an assessment through an Addiction Recovery Center ("ARC") or by calling the temporary phone line run by the Oregon Health Authority ("OHA"), the fine is waived. The Act also creates the Treatment and Recovery Services Fund (the "Fund") which is financed in large part with marijuana revenues. The Fund money will be distributed through a grants process with grant money flowing both to ARCs as well as other organizations, including government and non-governmental entities that apply for grant money, in order to increase access to behavioral healthcare. The Act creates an Oversight and Accountability Council ("OAC") that acts as the rulemaking and grant disbursement body under the wing of OHA. Efficacy of the grants and ARCs, as well as outcomes of the Act, are assessed by audit conducted by the Secretary of State.