

# Senate Bill 755

Sponsored by COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

## 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**.

Makes form and style changes to provisions in Ballot Measure 110 (2020).

## A BILL FOR AN ACT

Relating to substance use; creating new provisions; and amending ORS 153.012, 153.018, 423.478, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475B.759 and 670.280 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 22, 23, 24 and 25, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).

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

## FINDINGS AND POLICY

**SECTION 1.** Section 1, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

**Sec. 1.** (1)(a) The people of Oregon find that drug addiction and overdoses are a serious problem in Oregon and that Oregon needs to expand access to drug treatment.

(b) The people of Oregon further find that a health-based approach to addiction and overdose is more effective, humane and cost-effective than criminal punishments. Making people criminals because they suffer from addiction is expensive, ruins lives and can make access to treatment and recovery more difficult.

(2)(a) The purpose of *[this]* **the** Drug Addiction Treatment and Recovery Act of 2020 is to make health assessment, treatment and recovery services for drug addiction available to all those who need and want access to those services and to adopt a health approach to drug addiction by removing criminal penalties for low-level drug possession.

(b) It is the policy of the State of Oregon that health assessment, treatment and recovery services for drug addiction are available to all those who need and want access to those services.

(3) The provisions of *[this Act]* **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, shall be interpreted consistently with the findings, purposes and policy objectives stated in this section and shall not be limited by any policy set forth in Oregon law that could conflict with or be interpreted to conflict with the purposes and policy objectives stated in this section.

## EXPANDING TREATMENT AND SERVICES

**SECTION 2.** Section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

**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.

1       **Sec. 2.** *[Grants Program.]* (1) The Oversight and Accountability Council shall oversee and ap-  
 2 prove grants to implement Addiction Recovery Centers and increase access to community care, as  
 3 set forth below.

4       (2)(a) *[Addiction Recovery Centers.]* The Oversight and Accountability Council shall provide  
 5 grants to existing agencies or organizations, whether government or *[community-based]* **community**  
 6 **based**, to *[create]* **establish** Addiction Recovery Centers for the purposes of immediately triaging the  
 7 acute needs of people who use drugs and assessing and addressing any *[on-going]* **ongoing** needs  
 8 *[thorough]* **through** intensive case management and linkage to care and services.

9       *[(a)]* (b) Grants must be disbursed such that at least one center shall be established within each  
 10 existing coordinated care organization service area. Centers within each existing coordinated care  
 11 organization service area shall be established and operational by October 1, 2021.

12       *[(b)]* (c) Grantees must be able to provide or display an ability to provide the following services  
 13 to any Oregon resident who requests it, in order to receive funding as an Addiction Recovery Cen-  
 14 ter:

15       *[(i)]* (A) 24/7 triage.*[:]* Centers shall assess a client's need for immediate medical or other  
 16 treatment shortly upon the client's arrival to determine what acute care is needed and where it can  
 17 be best provided. Centers shall provide this service *[twenty-four]* **24** hours a day, seven days a week,  
 18 365 days a year. **Notwithstanding paragraph (b) of this subsection, only one center within**  
 19 **each coordinated care organization service area is required to provide the triage assessments**  
 20 **set forth in this subparagraph.**

21       *[(ii)]* (B) Health assessment.*[:]* Centers shall conduct a comprehensive behavioral health needs  
 22 assessment for each client, including a substance use disorder screening by a certified alcohol and  
 23 drug counselor or other credentialed addiction treatment professional. The assessment shall prior-  
 24 itize the self-identified needs of the client.

25       *[(iii)]* (C) Individual intervention plan, intensive case management and connection to  
 26 services.*[:]* If, after the completion of the assessment, the client indicates a desire to address some  
 27 or all of the identified needs, a case manager shall work with the client to design an individual  
 28 intervention plan. The plan must address the client's need for substance use disorder treatment,  
 29 coexisting health problems, housing, employment and training, *[childcare]* **child care** and other ser-  
 30 vices. Intensive case management requires, in the least, that case managers have a sufficiently low  
 31 staff-to-client ratio to provide daily support as needed to connect clients to services and care needed  
 32 to fulfill the individual intervention plan and have the capacity to *[follow-up]* **follow up** to ensure  
 33 clients are accessing care and, if not, to reconnect clients to care as necessary and as desired by  
 34 clients.

35       *[(iv)]* (D) Peer support.*[:]* Each center shall offer ongoing peer counseling and support from  
 36 triage and assessment through implementation of individual intervention plans as well as provide  
 37 peer outreach workers to engage directly with marginalized community members who could poten-  
 38 tially benefit from the center's services.

39       *[(v)]* (E) Outreach.*[:]* Each center shall assess the need for, and provide, mobile or virtual out-  
 40 reach services to reach clients who are unable to access the center.

41       *[(A) Notwithstanding subsection (2)(a) of this section, only one center within each coordinated care*  
 42 *organization service area is required to provide the triage assessments set forth in subsection (2)(b)(i)*  
 43 *of this section.]*

44       *[(c)]* (d) All services provided at the centers must be evidence-informed, trauma-informed, cul-  
 45 turally responsive, patient-centered, *[non-judgmental,]* **nonjudgmental** and centered on principles of

1 harm reduction. The goal of the individual intervention plan and intensive case management shall  
 2 be to address effectively the client's substance use disorder and any other factors driving problem-  
 3 atic behaviors without employing coercion or shame or mandating abstinence.

4 [(d)] (e) The centers shall be adequately staffed to address the needs of people with substance  
 5 use disorder within their regions as determined by the Oversight and Accountability Council, but  
 6 must include, at a minimum, at least one person qualified in each of the following categories:

7 (A) Certified alcohol and drug counselor or other credentialed addiction treatment professional;

8 (B) Intensive case manager; and[,]

9 (C) Peer support specialist.

10 [(e)] (f) Each center shall provide timely verification on behalf of any client who has completed  
 11 a health assessment, as set forth in subsection [(2)(b)(ii)] (2)(c)(B) of this section, if the client re-  
 12 quests such verification to comply with section 22 or [section] 23 (2), **chapter 2, Oregon Laws 2021**  
 13 **(Ballot Measure 110 (2020))** [of this Act].

14 (3) [*Increasing Community Access to Care.*] The Oversight and Accountability Council shall pro-  
 15 vide grants to existing agencies or organizations, whether government or community based, to in-  
 16 crease access to one or more of the following:

17 (a) Low barrier substance use disorder treatment that is evidence-informed, trauma-informed,  
 18 culturally responsive, patient-centered[,] and [*non-judgmental*] **nonjudgmental**;

19 (b) Peer support and recovery services;

20 (c) Transitional, supportive[,] and permanent housing for persons with substance use disorder;

21 **or**

22 (d) Harm reduction interventions including, but not limited to, overdose prevention education,  
 23 access to naloxone hydrochloride and sterile syringes[,] and stimulant-specific drug education and  
 24 outreach.

25 (4) The council shall prioritize providing grants to community-based nonprofit organizations  
 26 within each coordinated care organization service area. However, if within any such service area  
 27 a community-based nonprofit organization does not apply for a grant or grants are not sought within  
 28 that service area for which services are needed, then the council may request and fund grants to  
 29 any community care organization or county within that service area.

30 (5) Services provided by grantees, including services provided by Addiction Recovery Centers,  
 31 shall be free of charge to the persons receiving the services. To the extent consistent with applica-  
 32 ble law, grantees and service providers may seek and obtain reimbursement for services provided  
 33 to any person from any insurer or entity providing insurance to that person.

34 **SECTION 3.** Section 3, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 35 to read:

36 **Sec. 3.** [*Oversight and Accountability Council.*] (1)(a) The Director of the Oregon Health Au-  
 37 thority shall establish an Oversight and Accountability Council for the purpose of determining how  
 38 funds will be distributed to grant applicants and to oversee the implementation of the **Addiction**  
 39 **Recovery Centers** pursuant to section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure 110**  
 40 **(2020))**. The council shall be formed on or before February 1, 2021.

41 [(a)] (b) The council shall [*be comprised*] **consist** of qualified individuals with experience in  
 42 substance use disorder treatment and other addiction services. The council shall consist of at least  
 43 one member from each of the following categories only:

44 [(i)] (A) A representative of the Oregon Health Authority, Health Systems Division Behavioral  
 45 Health Services;

1 [(ii)] (B) Three members of communities that have been disproportionately impacted by arrests,  
 2 prosecution or sentencing for conduct that has been classified or reclassified as a Class E violation  
 3 pursuant to [section 11 to section 19] **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854,**  
 4 **475.874, 475.884 and 475.894;** [.]

5 [(iii)] (C) A physician specializing in addiction medicine;

6 [(iv)] (D) A licensed clinical social worker;

7 [(v)] (E) An evidence-based substance use disorder provider;

8 [(vi)] (F) A harm reduction services provider;

9 [(vii)] (G) A person specializing in housing services for people with substance use disorder or  
 10 a diagnosed mental health condition;

11 [(viii)] (H) An academic researcher specializing in drug use or drug policy;

12 [(ix)] (I) At least two people who suffered or suffer from substance use disorder;

13 [(x)] (J) At least two recovery peers;

14 [(xi)] (K) A mental or behavioral health provider;

15 [(xii)] (L) A representative of a coordinated care organization; and[,]

16 [(xiii)] (M) A person who works for a [non-profit] **nonprofit** organization that advocates for  
 17 persons who experience or have experienced substance use disorder.

18 (2) A quorum consists of nine members **of the council**.

19 (3) The term of office for a member of the council [shall be] **is** four years. Vacancies shall be  
 20 appointed for the unexpired term.

21 (4)(a) To the extent permissible by law, a member of the council performing services for the  
 22 council may receive compensation from [his or her] **the member's** employer for time spent per-  
 23 forming services as a council member.

24 (b) If a member of the council is not compensated by [their] **the member's** employer as set forth  
 25 in [subsection (4)(a) of this section] **paragraph (a) of this subsection**, that member shall be entitled  
 26 to compensation and expenses as provided in ORS 292.495.

27 (c) Nothing in this subsection [(4) of this section] excuses or exempts a member of the council  
 28 [form] **from** complying with any applicable provision of Oregon's ethics laws and regulations, in-  
 29 cluding the provisions of ORS chapter 244.

30 **SECTION 4.** Section 4, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 31 to read:

32 **Sec. 4.** [Administration.] (1)(a) On or before June 30, 2021, the Oversight and Accountability  
 33 Council shall adopt rules that establish general criteria and requirements for the Addiction Recov-  
 34 ery Centers and the grants required by section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure**  
 35 **110 (2020))**.

36 (b) The council shall from time to time adopt such rules, and amend and revise rules [it] **the**  
 37 **council** has adopted, as [it] **the council** deems proper and necessary for the administration of [this  
 38 Act] **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, and the performance of [its] **the**  
 39 **council's** work.

40 (2) The council shall have and retain the authority to implement and oversee the Addiction  
 41 Recovery Centers [created by] **established under** section 2, **chapter 2, Oregon Laws 2021 (Ballot**  
 42 **Measure 110 (2020))**, and the grants program created and required by section 2, **chapter 2, Oregon**  
 43 **Laws 2021 (Ballot Measure 110 (2020))**.

44 (3) The Oregon Health Authority[, *Health Systems Division Behavioral Health Services*] shall  
 45 administer and provide all necessary support to ensure the implementation of [this Act] **chapter 2,**

1 **Oregon Laws 2021 (Ballot Measure 110 (2020)).**

2 (4)(a) The [*Oregon Health Authority, Health Systems Division Behavioral Health Services,*] **au-**  
 3 **thority**, in consultation with the council, may enter into interagency agreements to ensure proper  
 4 distribution of funds for the grants created and required by section 2, **chapter 2, Oregon Laws 2021**  
 5 **(Ballot Measure 110 (2020))**.

6 (b) The [*Oregon Health Authority, Health Systems Division Behavioral Health Services*] **authority**  
 7 shall encourage and take all reasonable measures to ensure that grant recipients cooperate, coord-  
 8 inate and act jointly with one another to offer the services described in section 2, **chapter 2,**  
 9 **Oregon Laws 2021 (Ballot Measure 110 (2020))**.

10 (5) The [*Oregon Health Authority, Health Systems Division Behavioral Health Services*] **authority**  
 11 shall provide requested technical, logistical and other support to the council to assist the council  
 12 with [*its*] **the council's** duties and obligations.

13  
 14 **FUNDING**

15  
 16 **SECTION 5.** Section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 17 to read:

18 **Sec. 5.** (1) The Drug Treatment and Recovery Services Fund is established in the State Treas-  
 19 ury, separate and distinct from the General Fund. Interest earned by the **Drug Treatment and**  
 20 **Recovery Services Fund** shall be credited to the fund.

21 (2) The Drug Treatment and Recovery Services Fund shall consist of:

22 (a) Moneys deposited into the fund pursuant to section 6, **chapter 2, Oregon Laws 2021 (Ballot**  
 23 **Measure 110 (2020))**;

24 (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

25 (c) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475B.759 (7); and[,]

26 (d) All other moneys deposited [*in*] **into** the fund from any source.

27 (3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for  
 28 the purposes set forth in section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

29 [*(4) Unexpended moneys in the fund may not lapse and shall be carried forward and may be used*  
 30 *without regard to fiscal year or biennium.*]

31 [*(5)(a)*] (4)(a) Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall ap-  
 32 propriate or transfer to the fund an amount sufficient to fully fund the grants program required by  
 33 section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

34 (b) The total amount deposited and transferred into the fund shall not be less than \$57 million  
 35 for the first year [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, is in effect.

36 (c) In each subsequent year, [*that*] **the minimum transfer** amount set forth in **paragraph (b)**  
 37 **of this** subsection [*(5)(b) of this section*] shall be increased by not less than **the sum of**:

38 [*(i)*] (A) **\$57 million multiplied by** the percentage [*(if any)*], **if any**, by which the monthly av-  
 39 eraged U.S. City Average Consumer Price Index for the 12 consecutive months ending [*December*]  
 40 **August 31** of the prior calendar year exceeds the monthly index for the fourth quarter of the cal-  
 41 endar year 2020; and[,]

42 [*(ii)*] (B) [*An amount not less than the increase*] **The annual increase, if any**, in moneys dis-  
 43 tributed pursuant to ORS 475B.759 (7).

44 **SECTION 6.** Section 6, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 45 to read:

1       **Sec. 6.** (1) The Department of Revenue shall credit and transfer or cause to be credited and  
 2 transferred to the Drug Treatment and Recovery Services Fund the savings to the State of Oregon  
 3 from the implementation of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**,  
 4 as calculated in section 7, **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

5       (2) If the savings calculated for any subsequent biennium under section 7 (1), **chapter 2, Oregon**  
 6 **Laws 2021 (Ballot Measure 110 (2020))**, is less than any prior biennium, the amount credited and  
 7 transferred to the Drug Treatment and Recovery Services Fund shall be the highest amount calcu-  
 8 lated for any previous biennium.

9       (3) The savings as calculated in section 7, **chapter 2, Oregon Laws 2021 (Ballot Measure 110**  
 10 **(2020))**, shall be transferred on or before the end of the fiscal year in which the calculation is  
 11 completed.

12       **SECTION 7.** Section 7, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 13 to read:

14       **Sec. 7.** (1)(a) Within 180 days of the end of **the** first biennium in which [*this Act*] **chapter 2,**  
 15 **Oregon Laws 2021 (Ballot Measure 110 (2020))**, becomes effective, and within 180 days of the end  
 16 of each subsequent biennium, the [*Office of Economic Analysis*] **Oregon Department of Adminis-**  
 17 **trative Services** shall calculate the savings to the State of Oregon resulting from the sentence re-  
 18 ductions set forth in [*section 11 to section 20*] **ORS 153.012, 153.018, 423.478, 475.752, 475.824,**  
 19 **475.834, 475.854, 475.874, 475.884 and 475.894**, including any savings resulting from reductions in  
 20 arrests, incarceration and supervision.

21       (b) The savings shall be calculated based on a comparison of the most recent biennium con-  
 22 cluded at the time the calculation is made and the biennium immediately preceding the biennium in  
 23 which [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, became effective.

24       (2) In making the calculations set forth in this section, the [*Office of Economic Analysis*] **de-**  
 25 **partment** shall use actual data. The [*Office of Economic Analysis*] **department** may use best  
 26 available estimates [*where*] **when** actual data is unavailable.

27       **SECTION 8.** Section 8, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 28 to read:

29       **Sec. 8.** Moneys transferred to the Drug Treatment and Recovery Services Fund and distributed  
 30 pursuant to section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, shall, to the  
 31 maximum extent consistent with law, be in addition to and not in replacement of any existing allo-  
 32 cations or appropriations for the purposes of providing substance use disorder treatment, peer sup-  
 33 port and recovery services, transitional, supportive and permanent housing for persons with  
 34 substance use disorders, harm reduction interventions[,] and for establishing Addiction Recovery  
 35 Centers.

36       **SECTION 9.** Section 9, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 37 to read:

38       **Sec. 9.** [*Account Allocation.*] [(1)] The Oregon Health Authority shall cause the moneys in the  
 39 Drug Treatment and Recovery Services Fund to be distributed as follows:

40       [(a)] (1) An amount necessary for administration of [*section 2 to section 4*] **sections 2 to 4,**  
 41 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, not to exceed [4%] **four percent** of  
 42 the moneys deposited into the fund in any biennium.

43       [(b)] (2) After the distribution set forth in subsection [(1)(a)] (1) of this section, the remaining  
 44 moneys in the fund shall be distributed to the grants program as set forth in section 2, **chapter 2,**  
 45 **Oregon Laws 2021 (Ballot Measure 110 (2020))**.

1        **SECTION 10.** ORS 475B.759, as amended by section 10, chapter 2, Oregon Laws 2021 (Ballot  
2 Measure 110 (2020)), is amended to read:

3        475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the  
4 General Fund.

5        (2) The account [*shall consist*] **consists** of moneys transferred to the account under ORS  
6 475B.760.

7        (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the  
8 Oregon Marijuana Account.

9        (b) Subject to subsection (4) of this section, and after making the transfer of moneys required  
10 by subsection (7) of this section, the department shall transfer quarterly 20 percent of the moneys  
11 in the Oregon Marijuana Account as follows:

12        (A) Ten percent of the moneys in the account must be transferred to the cities of this state in  
13 the following shares:

14        (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-  
15 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)  
16 of this section compared to the population of all cities of this state that are not exempt from this  
17 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University  
18 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

19        (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number  
20 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day  
21 of the calendar quarter preceding the date of the transfer for premises located in each city compared  
22 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the  
23 last business day of that calendar quarter for all premises in this state located in cities; and

24        (B) Ten percent of the moneys in the account must be transferred to counties in the following  
25 shares:

26        (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-  
27 cially available area of all grow canopies associated with marijuana producer licenses held pursuant  
28 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer  
29 for all premises located in each county compared to the total commercially available area of all  
30 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the  
31 last business day of that calendar quarter for all premises located in this state; and

32        (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-  
33 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-  
34 endar quarter preceding the date of the transfer for premises located in each county compared to  
35 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business  
36 day of that calendar quarter for all premises in this state.

37        (c) After making the transfer of moneys required by subsection (7) of this section, [*eighty*] **80**  
38 percent of the remaining moneys in the Oregon Marijuana Account must be used as follows:

39        (A) Forty percent of the moneys in the account must be used solely for purposes for which  
40 moneys in the State School Fund established under ORS 327.008 may be used;

41        (B) Twenty percent of the moneys in the account must be used solely for mental health treat-  
42 ment or for alcohol and drug abuse prevention, early intervention and treatment;

43        (C) Fifteen percent of the moneys in the account must be used solely for purposes for which  
44 moneys in the State Police Account established under ORS 181A.020 may be used; and

45        (D) Five percent of the moneys in the account must be used solely for purposes related to al-

1 cohol and drug abuse prevention, early intervention and treatment services.

2 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-  
3 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to  
4 receive transfers of moneys under subsection (3)(b)(A) of this section.

5 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-  
6 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under  
7 subsection (3)(b)(B)(i) of this section.

8 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-  
9 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive  
10 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

11 (5)(a) A city or county that is ineligible under subsection (4) of this section to receive a transfer  
12 of moneys from the Oregon Marijuana Account during a given quarter but has received a transfer  
13 of moneys for that quarter shall return the amount transferred to the Department of Revenue, with  
14 interest as described under paragraph (f) of this subsection. An ineligible city or county may vol-  
15 untarily transfer the moneys to the Department of Revenue immediately upon receipt of the ineligi-  
16 ble transfer.

17 (b) If the Director of the Oregon Department of Administrative Services determines that a city  
18 or county received a transfer of moneys under subsection (3)(b) of this section but was ineligible to  
19 receive that transfer under subsection (4) of this section, the director shall provide notice to the  
20 ineligible city or county and order the city or county to return the amount received to the Depart-  
21 ment of Revenue, with interest as described under paragraph (f) of this subsection. A city or county  
22 may appeal the order within 30 days of the date of the order under the procedures for a contested  
23 case under ORS chapter 183.

24 (c) As soon as the order under paragraph (b) of this subsection becomes final, the director shall  
25 notify the Department of Revenue and the ineligible city or county. Upon notification, the Depart-  
26 ment of Revenue immediately shall proceed to collect the amount stated in the notice.

27 (d) The Department of Revenue shall have the benefit of all laws of the state pertaining to the  
28 collection of income and excise taxes and may proceed to collect the amounts described in the no-  
29 tice under paragraph (c) of this subsection. An assessment of tax is not necessary and the collection  
30 described in this subsection is not precluded by any statute of limitations.

31 (e) If a city or county is subject to an order to return moneys from an ineligible transfer, the  
32 city or county shall be denied any further relief in connection with the ineligible transfer on or after  
33 the date that the order becomes final.

34 (f) Interest under this section shall accrue at the rate established in ORS 305.220 beginning on  
35 the date the ineligible transfer was made.

36 (g) Both the moneys and the interest collected from or returned by an ineligible city or county  
37 shall be redistributed to the cities or counties that were eligible to receive a transfer under sub-  
38 section (3)(b) of this section on the date the ineligible transfer was made.

39 (6)(a) Not later than July 1 of each year, each city and county in this state shall certify with  
40 the Oregon Department of Administrative Services whether the city or county has an ordinance  
41 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,  
42 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the  
43 certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of  
44 Administrative Services.

45 (b) If a city fails to comply with this subsection, the city is not eligible to receive transfers of



1 moneys under subsection (3)(b)(A) of this section. If a county fails to comply with this subsection,  
2 the county is not eligible to receive transfers of moneys under subsection (3)(b)(B) of this section.

3 (c) A city or county that repeals an ordinance as provided in ORS 475B.496 shall file an updated  
4 certification with the Oregon Department of Administrative Services in a form and manner pre-  
5 scribed by the department, noting the effective date of the change. A city or county that repeals an  
6 ordinance as provided in ORS 475B.496 is eligible to receive quarterly transfers of moneys under  
7 this section for quarters where the repeal is effective for the entire quarter and the updated certi-  
8 fication was filed at least 30 days before the date of transfer.

9 (7) Before making the transfer of moneys required by subsection (3) of this section, the depart-  
10 ment shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the  
11 Oregon Marijuana Account in excess of \$11,250,000.

## 12 DRUG PENALTIES

13  
14  
15 **SECTION 11.** ORS 153.012, as amended by section 18, chapter 2, Oregon Laws 2021 (Ballot  
16 Measure 110 (2020)), is amended to read:

17 153.012. Violations are classified for the purpose of sentencing into the following categories:

18 (1) Class A violations[;].

19 (2) Class B violations[;].

20 (3) Class C violations[;].

21 (4) Class D violations[;].

22 (5) Class E violations[;].

23 (6) Unclassified violations as described in ORS 153.015[; *and*].

24 (7) Specific fine violations as described in ORS 153.015.

25 **SECTION 12.** ORS 153.018, as amended by section 19, chapter 2, Oregon Laws 2021 (Ballot  
26 Measure 110 (2020)), is amended to read:

27 153.018. (1) The penalty for committing a violation is a fine. The law creating a violation may  
28 impose other penalties in addition to a fine but may not impose a term of imprisonment.

29 (2) Except as otherwise provided by law, the maximum fine for a violation committed by an in-  
30 dividual is:

31 (a) \$2,000 for a Class A violation.

32 (b) \$1,000 for a Class B violation.

33 (c) \$500 for a Class C violation.

34 (d) \$250 for a Class D violation.

35 (e) \$100, or, in lieu of the fine, a completed health assessment as specified in section 2  
36 [(2)(b)(ii)] (2)(c)(B), **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, or section 23 (2),  
37 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, for a Class E violation.

38 (f) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law for  
39 the specific fine violation.

40 (3) If a special corporate fine is specified in the law creating the violation, the sentence to pay  
41 a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if  
42 a special corporate fine is not specified in the law creating the violation, the maximum fine for a  
43 violation committed by a corporation is:

44 (a) \$4,000 for a Class A violation.

45 (b) \$2,000 for a Class B violation.

1 (c) \$1,000 for a Class C violation.

2 (d) \$500 for a Class D violation.

3 **SECTION 13.** ORS 423.478, as amended by section 20, chapter 2, Oregon Laws 2021 (Ballot  
4 Measure 110 (2020)), is amended to read:

5 423.478. (1) The Department of Corrections shall:

6 (a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

7 (b) Provide central information and data services sufficient to:

8 (A) Allow tracking of offenders; and

9 (B) Permit analysis of correlations between sanctions, supervision, services and programs, and  
10 future criminal conduct; and

11 (c) Provide interstate compact administration and jail inspections.

12 (2) Subject to ORS 423.483, [the] a county, in partnership with the department, shall assume re-  
13 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-  
14 nies or designated drug-related misdemeanors who are:

15 (a) On parole;

16 (b) On probation;

17 (c) On post-prison supervision;

18 (d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

19 (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-  
20 Prison Supervision to 12 months or less incarceration for violation of a condition of parole, pro-  
21 bation or post-prison supervision; or

22 (f) On conditional release under ORS 420A.206.

23 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,  
24 when an offender is committed to the custody of the supervisory authority of a county under ORS  
25 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other  
26 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority  
27 releases a person from custody under this subsection and the person is required to report as a sex  
28 offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the  
29 person to report to the Department of State Police, a city police department or a county sheriff's  
30 office or to the supervising agency, if any:

31 (a) When the person is released;

32 (b) Within 10 days of a change of residence;

33 (c) Once each year within 10 days of the person's birth date;

34 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
35 institution of higher education; and

36 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
37 education.

38 (4) As used in this section:

39 (a) "Attends," "institution of higher education," "works" and "carries on a vocation" have the  
40 meanings given those terms in ORS 163A.005.

41 (b) "Designated drug-related misdemeanor" means:

42 (A) Unlawful possession of methadone under ORS 475.824 (2)(c);

43 (B) Unlawful possession of oxycodone under ORS 475.834 (2)(c);

44 (C) Unlawful possession of heroin under ORS 475.854 (2)(c);

45 (D) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(c);

1 (E) Unlawful possession of cocaine under ORS 475.884 (2)(c); or

2 (F) Unlawful possession of methamphetamine under ORS 475.894 (2)(c).

3 **SECTION 14.** ORS 475.752, as amended by section 11, chapter 2, Oregon Laws 2021 (Ballot  
4 Measure 110 (2020)), is amended to read:

5 475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful  
6 for any person to manufacture or deliver a controlled substance. Any person who violates this sub-  
7 section with respect to:

8 (a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise pro-  
9 vided in ORS 475.886 and 475.890.

10 (b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise  
11 provided in ORS 475.878, 475.880, 475.882, 475.904 and 475.906.

12 (c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise  
13 provided in ORS 475.904 and 475.906.

14 (d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

15 (e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

16 (2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any  
17 person to create or deliver a counterfeit substance. Any person who violates this subsection with  
18 respect to:

19 (a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

20 (b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

21 (c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

22 (d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

23 (e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

24 (3) It is unlawful for any person knowingly or intentionally to possess a controlled substance  
25 unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a  
26 practitioner while acting in the course of professional practice, or except as otherwise authorized  
27 by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with re-  
28 spect to:

29 (a) A controlled substance in Schedule I, is guilty of a Class E violation, except as otherwise  
30 provided in ORS 475.854, 475.874 and 475.894 and subsection (7) of this section.

31 (b) A controlled substance in Schedule II, is guilty of a Class E violation, except as otherwise  
32 provided in ORS 475.824, 475.834 or 475.884 or subsection (8) of this section.

33 (c) A controlled substance in Schedule III, is guilty of a Class E violation.

34 (d) A controlled substance in Schedule IV, is guilty of a Class E violation.

35 (e) A controlled substance in Schedule V, is guilty of a violation.

36 (4) **It is an affirmative defense** in any prosecution under this section for manufacture, pos-  
37 session or delivery of [*that*] **the** plant of the genus *Lophophora* commonly known as peyote[, *it is*  
38 *an affirmative defense*] that the peyote is being used or is intended for use:

39 (a) In connection with the good faith practice of a religious belief;

40 (b) As directly associated with a religious practice; and

41 (c) In a manner that is not dangerous to the health of the user or others who are in the prox-  
42 imity of the user.

43 (5) The affirmative defense created in subsection (4) of this section is not available to any person  
44 who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

45 (6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or

1 delivers a controlled substance in Schedule IV and who thereby causes death to another person is  
2 guilty of a Class C felony.

3 (b) For purposes of this subsection, causation is established when the controlled substance plays  
4 a substantial role in the death of the other person.

5 (7)(a) Notwithstanding subsection (3)(a) of this section, unlawful possession of a controlled sub-  
6 stance in Schedule I is a Class B felony if the possession is a commercial drug offense under ORS  
7 475.900 (1)(b).

8 (b) Notwithstanding subsection (3)(a) of this section and except as provided in ORS 475.900 (1)(b),  
9 unlawful possession of a controlled substance in Schedule I is a Class A misdemeanor if the person  
10 possesses:

11 (A) Forty or more user units of a mixture or substance containing a detectable amount of  
12 lysergic acid diethylamide; or

13 (B) Twelve grams or more of a mixture or substance containing a detectable amount of  
14 psilocybin or psilocin.

15 (8) Notwithstanding subsection (3)(b) of this section, unlawful possession of a controlled sub-  
16 stance in Schedule II is a Class C felony if the possession is a commercial drug offense under ORS  
17 475.900 (1)(b).

18 **SECTION 15.** ORS 475.824, as amended by section 12, chapter 2, Oregon Laws 2021 (Ballot  
19 Measure 110 (2020)), is amended to read:

20 475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone unless  
21 the methadone was obtained directly from, or pursuant to[,] a valid prescription or order of, a  
22 practitioner while acting in the course of professional practice, or except as otherwise authorized  
23 by ORS 475.005 to 475.285 and 475.752 to 475.980.

24 (2)(a) Unlawful possession of methadone is a Class E violation.

25 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a  
26 Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

27 (c) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a  
28 Class A misdemeanor if the person possesses 40 or more user units of a mixture or substance con-  
29 taining a detectable amount of methadone.

30 **SECTION 16.** ORS 475.834, as amended by section 13, chapter 2, Oregon Laws 2021 (Ballot  
31 Measure 110 (2020)), is amended to read:

32 475.834. (1) It is unlawful for any person knowingly or intentionally to possess oxycodone unless  
33 the oxycodone was obtained directly from, or pursuant to[,] a valid prescription or order of, a  
34 practitioner while acting in the course of professional practice, or except as otherwise authorized  
35 by ORS 475.005 to 475.285 and 475.752 to 475.980.

36 (2)(a) Unlawful possession of oxycodone is a Class E violation.

37 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class  
38 C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

39 (c) Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class  
40 A misdemeanor if the person possesses 40 or more pills, tablets or capsules of a mixture or sub-  
41 stance containing a detectable amount of oxycodone.

42 **SECTION 17.** ORS 475.854, as amended by section 14, chapter 2, Oregon Laws 2021 (Ballot  
43 Measure 110 (2020)), is amended to read:

44 475.854. (1) It is unlawful for any person knowingly or intentionally to possess heroin.

45 (2)(a) Unlawful possession of heroin is a Class E violation.

1 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a Class  
2 B felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

3 (c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900  
4 (1)(b), unlawful possession of heroin is a Class A misdemeanor if the person possesses one [*gram*]  
5 or more **grams** of a mixture or substance containing a detectable amount of heroin.

6 **SECTION 18.** ORS 475.874, as amended by section 15, chapter 2, Oregon Laws 2021 (Ballot  
7 Measure 110 (2020)), is amended to read:

8 475.874. (1) It is unlawful for any person knowingly or intentionally to possess  
9 3,4-methylenedioxymethamphetamine.

10 (2)(a) Unlawful possession of 3,4-methylenedioxymethamphetamine is a Class E violation.

11 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of  
12 3,4-methylenedioxymethamphetamine is a Class B felony if the possession is a commercial drug of-  
13 fense under ORS 475.900 (1)(b).

14 (c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900  
15 (1)(b), unlawful possession of methylenedioxymethamphetamine is a Class A misdemeanor if the per-  
16 son possesses one [*gram*] or more **grams** or five or more pills, tablets or capsules of a mixture or  
17 substance containing a detectable amount of:

18 (A) 3,4-methylenedioxyamphetamine;

19 (B) 3,4-methylenedioxymethamphetamine; or

20 (C) 3,4-methylenedioxy-N-ethylamphetamine.

21 **SECTION 19.** ORS 475.884, as amended by section 16, chapter 2, Oregon Laws 2021 (Ballot  
22 Measure 110 (2020)), is amended to read:

23 475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless  
24 the substance was obtained directly from, or pursuant to, a valid prescription or order of a practi-  
25 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS  
26 475.005 to 475.285 and 475.752 to 475.980.

27 (2)(a) Unlawful possession of cocaine is a Class E violation.

28 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a Class  
29 C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

30 (c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900  
31 (1)(b), unlawful possession of cocaine is a Class A misdemeanor if the person possesses two [*grams*]  
32 or more **grams** of a mixture or substance containing a detectable amount of cocaine.

33 **SECTION 20.** ORS 475.894, as amended by section 17, chapter 2, Oregon Laws 2021 (Ballot  
34 Measure 110 (2020)), is amended to read:

35 475.894. (1) It is unlawful for any person knowingly or intentionally to possess methamphetamine  
36 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a  
37 practitioner while acting in the course of professional practice, or except as otherwise authorized  
38 by ORS 475.005 to 475.285 and 475.752 to 475.980.

39 (2)(a) Unlawful possession of methamphetamine is a Class E violation.

40 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine  
41 is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).

42 (c) Notwithstanding paragraph (a) of this subsection and except as provided in ORS 475.900  
43 (1)(b), unlawful possession of methamphetamine is a Class A misdemeanor if the person possesses  
44 two [*grams*] or more **grams** of a mixture or substance containing a detectable amount of metham-  
45 phetamine.

1 **SECTION 21.** ORS 670.280, as amended by section 21, chapter 2, Oregon Laws 2021 (Ballot  
2 Measure 110 (2020)), is amended to read:

3 670.280. (1) As used in this section:

4 (a) "License" includes a registration, certification or permit.

5 (b) "Licensee" includes a registrant or a holder of a certification or permit.

6 (2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency  
7 may not deny, suspend or revoke an occupational or professional license solely for the reason that  
8 the applicant or licensee has been convicted of a crime, but it may consider the relationship of the  
9 facts which support the conviction and all intervening circumstances to the specific occupational  
10 or professional standards in determining the fitness of the person to receive or hold the license.  
11 There is a rebuttable presumption as to each individual applicant or licensee that an existing or  
12 prior conviction for conduct that has been classified or reclassified as a Class E violation pursuant  
13 to [section 11 to section 19] **the amendments to ORS 153.012, 153.018, 475.752, 475.824, 475.834,**  
14 **475.854, 475.874, 475.884 and 475.894 by sections 11 to 19, chapter 2, Oregon Laws 2021 (Ballot**  
15 **Measure 110 (2020))**, does not make an applicant for an occupational or professional license or a  
16 licensee with an occupational or professional license unfit to receive or hold the license.

17 (3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or  
18 agency may deny an occupational or professional license or impose discipline on a licensee based  
19 on conduct that is not undertaken directly in the course of the licensed activity, but that is sub-  
20 stantially related to the fitness and ability of the applicant or licensee to engage in the activity for  
21 which the license is required. In determining whether the conduct is substantially related to the  
22 fitness and ability of the applicant or licensee to engage in the activity for which the license is re-  
23 quired, the licensing board, commission or agency shall consider the relationship of the facts with  
24 respect to the conduct and all intervening circumstances to the specific occupational or professional  
25 standards. There is a rebuttable presumption as to each individual applicant or licensee that an  
26 existing or prior conviction for conduct that has been classified or reclassified as a Class E violation  
27 pursuant to [section 11 to section 19] **the amendments to ORS 153.012, 153.018, 475.752, 475.824,**  
28 **475.834, 475.854, 475.874, 475.884 and 475.894 by sections 11 to 19, chapter 2, Oregon Laws 2021**  
29 **(Ballot Measure 110 (2020))**, is not related to the fitness and ability of the applicant or licensee to  
30 engage in the activity for which the license is required.

31 **SECTION 22.** Section 22, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
32 to read:

33 **Sec. 22.** Any person subject to the penalty set forth in ORS 153.018 (2)(e) for a violation that  
34 has been classified or reclassified as a Class E violation pursuant to [section 11 to section 19,] **ORS**  
35 **153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894** shall be fined up  
36 to \$100, but in lieu of the fine[,] may complete a health assessment, as set forth in section 2  
37 [(2)(b)(ii),] **(2)(c)(B), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, at an Addiction  
38 Recovery Center. Upon verification that the person has received a health assessment at an Ad-  
39 diction Recovery Center within 45 days of when the person receives a citation for a violation subject  
40 to the penalty set forth in ORS 153.018 (2)(e), the fine shall be waived. Failure to pay the fine shall  
41 not be a basis for further penalties or for a term of incarceration.

42  
43 **OVERSIGHT AND ADMINISTRATION**

44  
45 **SECTION 23.** Section 23, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended

1 to read:

2 **Sec. 23.** *[Implementation.]* (1) Not later than February 1, 2021, the Oregon Health Authority[,  
3 *Health Systems Division Behavioral Health Services*] shall establish a statewide temporary telephone  
4 Addiction Recovery Center. The temporary telephone Addiction Recovery Center shall be staffed  
5 *[twenty-four]* 24 hours a day, seven days a week, 365 days a year. The temporary telephone Addiction  
6 Recovery Center shall provide the services set forth in section 2 *[(2)(b)(i)-(iii)]* **(2)(c)(A) to (C),**  
7 **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, and the verification set forth in section  
8 2 *[(2)(e)]* **(2)(f), chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).**

9 (2) Until such time as an Addiction Recovery Center is established in the coordinated care or-  
10 ganization service area where a person subject to the penalty set forth in ORS 153.018 (2)(e) for a  
11 violation that has been classified or reclassified as a Class E violation pursuant to *[section 11 to*  
12 *section 19]* **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and 475.894**  
13 resides, the person shall be fined up to \$100, but in lieu of the fine may complete a health assess-  
14 ment, as set forth in section 2 *[(2)(b)(ii)]* **(2)(c)(B), chapter 2, Oregon Laws 2021 (Ballot Measure**  
15 **110 (2020))**, through the temporary telephone Addiction Recovery Center. Upon verification that the  
16 person has received a health assessment through the temporary telephone Addiction Recovery Cen-  
17 ter within 45 days of when the person receives a citation for a violation subject to the penalty set  
18 forth in ORS 153.018 (2)(e), the fine shall be waived. Failure to pay the fine shall not be a basis for  
19 further penalties or for a term of incarceration.

20 (3) When an Addiction Recovery Center is established in each coordinated care organization  
21 service area, and not later than October 1, 2021, the temporary telephone Addiction Recovery Cen-  
22 ter shall be terminated.

23 **SECTION 24.** Section 24, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
24 to read:

25 **Sec. 24.** *[Audits.]* (1) No later than December 31, 2022, and at least once every two years  
26 thereafter, the *[Oregon]* Secretary of State[, *Audits Division*] shall conduct financial and performance  
27 audits regarding the uses of the Drug Treatment and Recovery Services Fund and the effectiveness  
28 of the fund in achieving the purposes of the fund and the policy objectives of *[this Act]* **chapter 2,**  
29 **Oregon Laws 2021 (Ballot Measure 110 (2020)).** The audit shall include:

30 (a) Data on grant programs, including:

31 *[(i)]* **(A)** A list of organizations and agencies receiving moneys from the fund;

32 *[(ii)]* **(B)** The amount each organization and agency received from the fund;

33 *[(iii)]* **(C)** The total number of organizations and agencies that applied for moneys from the fund;

34 *[(iv)]* **(D)** The moneys that remained in the fund after funds were disbursed;

35 *[(v)]* **(E)** The moneys used to administer the programs selected by the fund; **and**

36 *[(vi)]* **(F)** The effectiveness of the grants in increasing access to substance use disorder treat-  
37 ment, peer support and recovery services, harm reduction interventions as well as housing  
38 placement[,] and any other relevant outcome measures.[:]

39 (b) Data on Addiction Recovery Centers, including:

40 *[(i)]* **(A)** The outcomes of each center, including, but not limited to, the number of clients with  
41 substance use disorder served by each center, the average duration of client participation[,] and  
42 client outcomes, including rates of recidivism, substance use disorder treatment completion, ability  
43 to obtain housing, employment[,] and legitimate income;

44 *[(ii)]* **(B)** The number of people seeking assistance from the center who are denied or not con-  
45 nected to substance use disorder treatment and other services, and the reasons for such denials;

1 [(iii)] (C) The average wait time it takes for people at the center to be able to fulfill their indi-  
 2 vidual intervention plan and the reason for any delays, such as waiting lists at referred services;

3 **and**

4 [(iv)] (D) The total amount of money disbursed to each center.

5 (c) Data on implementation, including, the number of citations for Class E violations issued and  
 6 the race of the person receiving a citation for a Class E violation.[;]

7 (2) The audits set forth in subsection [(a)] (1)(a) of this section shall be conducted pursuant to  
 8 the provisions of [*Oregon Revised Statutes Chapter 297 (and any subsequent modifications or amend-*  
 9 *ments to those statutes)*] **ORS chapter 297**, except to the extent any provision of **ORS chapter 297**  
 10 conflicts with any provision of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure 110**  
 11 **(2020))**, in which case the provisions of [*this Act*] **chapter 2, Oregon Laws 2021 (Ballot Measure**  
 12 **110 (2020))**, shall control.

13 (3) The [*Audits Division*] **Secretary of State** shall monitor and report annually on agency  
 14 progress in implementing recommendations made in the audits. The [*Audits Division*] **secretary**  
 15 shall follow up on recommendations as part of recurring audit work or as an activity separate from  
 16 other audit activity. When following up on recommendations, the [*Audits Division*] **secretary** may  
 17 request from the appropriate agency evidence of implementation.

18  
 19 **EFFECTIVE AND OPERATIVE DATES**

20  
 21 **SECTION 25.** Section 25, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended  
 22 to read:

23 **Sec. 25.** [*Effective and Operative Dates.*] (1) [*This Act*] **Chapter 2, Oregon Laws 2021 (Ballot**  
 24 **Measure 110 (2020))**, shall become effective pursuant to Article IV, section 1 (4)(d), of the Oregon  
 25 Constitution.

26 (2) **Section 22, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**, and the amend-  
 27 ments to statutes by [*section*] **sections 11 to [*section*] 21, [*and section 22,*] chapter 2, Oregon Laws**  
 28 **2021 (Ballot Measure 110 (2020))**, become operative on February 1, 2021.

29  
 30 **CAPTIONS**

31  
 32 **SECTION 26.** **The unit captions used in this 2021 Act are provided only for the conven-**  
 33 **ience of the reader and do not become part of the statutory law of this state or express any**  
 34 **legislative intent in the enactment of this 2021 Act.**