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September 21, 2023

To: All Legislators; Governor Kotek; US Attorney for Oregon Natalie Wight, Former US Attorney Billy Williams

Re: Repeal Ballot Measure 110 and Enforce Federal Drug Laws

Governor Kotek, Members of the Legislature, US Attorney Wight, Former US Attorney Billy Williams

The only reason Oregon Ballot Measure 110, which decriminalizes hard drugs, passed at the November 2020 General Election was because addiction treatment was emphasized and decriminalization was downplayed. The Results and Summary page for Measure 110 (attached as Exhibit A) reads "reclassifies" as opposed to "decriminalizes." The financial impact section mentions decriminalization: "The initiative decriminalizes certain drug offenses and transfers the savings to lower spending on arrests, probation supervisions and incarcerations to the DTRSF to fund additional ARC expenditures." Anyone who understands that sentence should not be tasked with writing Voters' Pamphlet statements. The next mention of decriminalization appears 19 pages later tucked into one of the Arguments in Favor. Including the arguments for and against, Measure 110 occupied 37 pages of the State Voters Pamphlet.

Oregonians are not stupid. They are intelligent and compassionate people. For motives that may have involved redirecting a chunk of Marijuana tax revenue (which totaled over \$170M in 2022 – Exhibit B) to a new batch of recipients, the kindness of Oregon voters got exploited and consequently there has been a tragic spike in overdose deaths. Because lives are on the line, the Governor needs to immediately call a special session of the legislature for the singular purpose of repealing Ballot Measure 110. This is not a piece of legislation that can be tinkered with or improved. The only responsible option is to repeal the entire act.

In addition, Federal law enforcement authorities have got to direct every resource at their disposal toward ending the ongoing plight of human suffering that hard drug legalization has caused. Recognizing that the Federal Government has limited options, what enforcement you can bring to bear, please do so right away.

The County's point of contact for this matter is Commissioner Herman Baertschiger, Chair of the Board of Commissioners (541-474-5221 & BCC@JosephineCounty.gov).

Sincerely,

Board of County Commissioners

Herman E. Baertschiger Jr., Chair

John West, Vice Chair

Daniel E. DeYoung, Commissioner

Proposed by initiative petition to be voted on at the General Election, November 3, 2020.

Measure No.

110

Provides statewide addiction/recovery services; marijuana taxes partially finance; reclassifies possession/penalties for specified drugs

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Result of "Yes" Vote

"Yes" vote provides addiction recovery centers/services; marijuana taxes partially finance (reduces revenues for other purposes); reclassifies possession of specified drugs, reduces penalties; requires audits.

Result of "No" Vote

"No" vote rejects requiring addiction recovery centers/services; retains current marijuana tax revenue uses; maintains current classifications/ penalties for possession of drugs.

Summary

Measure mandates establishment/ funding of "addiction recovery centers" (centers) within each existing coordinated care organization service area by October 1, 2021; centers provide drug users with triage, health assessments, treatment, recovery services. To fund centers, measure dedicates all marijuana tax revenue above \$11,250,000 quarterly, legislative appropriations, and any savings from reductions in arrests, incarceration, supervision resulting from the measure. Reduces marijuana tax revenue for other uses. Measure reclassifies personal non-commercial possession of certain drugs under specified amount from misdemeanor or felony (depending on person's criminal history) to Class E violation subject to either \$100 fine or a completed health assessment by center. Oregon Health Authority establishes council to distribute funds/ oversee implementation of centers. Secretary of State audits biennially. Other provisions.

Estimate of Financial Impact

The initiative directs the Oregon Health Authority (OHA) to establish Addiction Recovery Centers and increase funding for other substance use disorder services offset by decreasing funding to other programs, changes the distribution of marijuana tax revenues and reduces drug penalties for possession of some drugs.

Marijuana Revenue Redistribution

The initiative creates the Drug Treatment and Recovery Services Fund (DTRSF). It redistributes marijuana revenue above \$11.25 million per quarter from existing recipients to the DTRSF, reducing revenue to the State School Fund, the State Police, mental health programs, and local governments. The revenue redistributions for state agency programs are summarized below:

<i>All dollars in millions</i>	2019-21	2021-23
Drug Treatment and Recovery Services Fund (ARCs)	\$ 61.1	\$ 182.4
State School Fund	\$ (17.1)	\$ (73.0)
Mental Health, Alcoholism and Drug Services	\$ (8.6)	\$ (36.5)
Alcohol and Drug Abuse Prevention and Intervention	\$ (2.1)	\$ (9.1)
Oregon State Police	\$ (6.5)	\$ (27.4)
Net Increase In State Revenue	\$ 26.8	\$ 36.4

OHA is directed to administer grants to fund the Addiction Recovery Centers (ARCs), which will offer 24 hour access to care every day of the year starting October 1, 2021. The grants will be awarded to ARCs for operational expenses as well as to organizations providing substance use disorder treatment, peer support and recovery services, permanent supportive housing, and harm reduction interventions to be provided free of charge to the recipient of the services.

The initiative requires the Legislature to provide \$57 million in annual funding (with increases for inflation) for the DTRSF. Marijuana revenue estimated at \$61.1 million in 2019-21 and \$182.4 million in 2021-23 should be sufficient to meet this requirement.

The initiative reduces the marijuana revenue distribution to cities and counties. The total reduction is \$8.6 million in 2019-21 and \$36.4 million in 2021-23.

Decriminalization of Certain Drug Offenses

The initiative decriminalizes certain drug offenses and transfers the savings due to lower spending on arrests, probation supervisions and incarcerations to the DTRSF to fund additional ARC expenditures. These savings are estimated at \$0.3 million in 2019-21 and \$24.5 million in 2021-23. This will reduce revenue transferred from the Department of Corrections for local government community corrections by \$0.3 million in 2019-21 and \$24.5 million in 2021-23. The savings are expected to increase beyond the 2021-23 biennium.

Committee Members:

- Secretary of State Bev Clarno
- State Treasurer Tobias Read
- Katy Cobb, Director, Department of Administrative Services
- Betsy Imholt, Acting Director, Department of Revenue
- Tim Collier, Local Government Representative

(The estimate of financial impact was provided by the above committee pursuant to ORS 250.127.)

Text of Measure

Whereas, Oregonians need adequate access to drug addiction treatment. Oregon ranks nearly last out of the 50 states in access to treatment, and the waiting lists to get treatment are too long. Every day, one or two Oregonians die because of drug overdoses. Drug treatment and recovery ought to be available to any Oregon resident who requests it.

Whereas, Oregonians suffering from substance use disorder also need adequate access to recovery services, peer support and stable housing. One in every 11 Oregonians is addicted to drugs. Drug addiction exacerbates many of our state's most pressing problems, such as homelessness and poverty.

Whereas, Oregon needs to shift its focus to addressing drugs through a humane, cost-effective, health approach. People suffering from addiction are more effectively treated with health care services than with criminal punishments. A health care approach includes a health assessment to figure out the needs of people who are suffering from addiction, and it includes connecting them to the services they need.

Whereas, Oregon still treats addiction as a criminal problem. Law enforcement should spend more time on community safety, but Oregon law enforcement officers in 2017 arrested more than 8,000 people in cases where simple drug possession was the most serious offense. In many instances, the same people were arrested for drug possession, again and again, because they are unable to get treatment.

Whereas, punishing people who are suffering from addiction ruins lives. Criminalizing drugs saddles people with criminal records. Those records prevent them from getting housing, going to school, getting loans, getting professional licenses, getting jobs and keeping jobs. Criminalizing drugs disproportionately harms poor people and people of color.

Whereas, punishing people who are suffering from addiction is expensive. It costs an average of \$15,000 per case where a misdemeanor drug conviction is the most serious offense. That is more than the typical cost to provide treatment.

Whereas, marijuana tax revenue has grown significantly. Oregon now receives more than \$100 million in marijuana tax revenue a year. The amount of marijuana revenue is expected to grow by more than \$20 million per year.

The People of Oregon therefore propose this Drug Addiction Treatment and Recovery Act of 2020 to expand access to drug treatment and recovery services and pay for it with marijuana tax revenue.

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

Findings and Policy

Section 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 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.

Oregon's marijuana tax revenue

Oregon legalized recreational marijuana in 2014 when voters approved Initiative Measure 91. In 2015, the legislature approved a bill allowing retail sales to start October 1, 2015. Sales were initially managed through medical dispensaries and the state began granting recreational licenses in October of 2016.

Exhibit B

YEAR	OREGON STATE MARIJUANA TAX REVENUE
2016	\$20,652,983
2017	\$70,263,897
2018	\$82,203,729
2019	\$102,094,948
2020	\$133,150,349
2021	\$178,262,488
2022	\$170,572,100

Data source: Oregon Department of Revenue (2023)