

# DRAFT

## SUMMARY

Digest: The Act makes separate statutes for fentanyl crimes. The Act also changes parts of House Bill 4002 from last session. (Flesch Readability Score: 65.5).

Separates the possession, delivery and manufacture of fentanyl from general controlled substance offense statutes into separate statutes. Adds fentanyl to certain statutes creating mandatory sentences for manufacture and delivery crimes.

Expands the definition of “local correctional facility” for the Oregon Jail-Based Medications for Opioid Use Disorder Grant Program to allow people at other types of county facilities to receive opioid use disorder treatment and transition planning services.

Provides that a pharmacist may prescribe, dispense and administer medications for treatment of opioid use disorder under specified circumstances. Modifies prescription drug locker provisions.

Modifies conditional discharge procedural provisions and when a deflection program coordinator provides notice of completion of the program to the court.

## A BILL FOR AN ACT

Relating to controlled substances; creating new provisions; and amending ORS 414.766, 423.478, 475.245, 475.752, 475.898, 475.900, 475.907, 475.924, 475.934 and 689.005 and sections 2, 7, 8, 35, 36, 52 and 81, chapter 70, Oregon Laws 2024.

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

## SEPARATE STATUTES FOR FENTANYL OFFENSES

**SECTION 1. Sections 2, 3, 4, 5 and 6 of this 2025 Act are added to**

1 and made a part of ORS 475.806 to 475.894.

2 **SECTION 2.** (1) It is unlawful for any person knowingly or inten-  
3 tionally to possess fentanyl, or any substituted derivative of fentanyl  
4 as defined by the rules of the State Board of Pharmacy, unless the  
5 fentanyl or derivative was obtained directly from, or pursuant to a  
6 valid prescription or order of, a practitioner while acting in the course  
7 of professional practice, or except as otherwise authorized by ORS  
8 475.005 to 475.285 and 475.752 to 475.980.

9 (2)(a) Unlawful possession of fentanyl is a drug enforcement  
10 misdemeanor punishable as described in section 35, chapter 70, Oregon  
11 Laws 2024.

12 (b) Notwithstanding paragraph (a) of this subsection, unlawful  
13 possession of fentanyl is a Class A misdemeanor if the person pos-  
14 sesses one gram or more or five or more user units of a mixture or  
15 substance containing a detectable amount of fentanyl, or any substi-  
16 tuted derivative of fentanyl as defined by the rules of the State Board  
17 of Pharmacy.

18 (c) Notwithstanding paragraphs (a) and (b) of this subsection, un-  
19 lawful possession of fentanyl is a Class C felony if:

20 (A) The possession is a commercial drug offense under ORS 475.900  
21 (1)(b); or

22 (B) The person possesses a substantial quantity under ORS 475.900  
23 (3)(b).

24 **SECTION 3.** (1) Except as authorized by ORS 475.005 to 475.285 and  
25 475.752 to 475.980, it is unlawful for any person to deliver fentanyl, or  
26 any substituted derivative of fentanyl as defined by the rules of the  
27 State Board of Pharmacy.

28 (2) Unlawful delivery of fentanyl is a Class B felony.

29 (3) Notwithstanding subsection (2) of this section, unlawful delivery  
30 of fentanyl is a Class A felony if the delivery is to a person under 18  
31 years of age.

1       **SECTION 4.** (1) Except as authorized by ORS 475.005 to 475.285 and  
2 475.752 to 475.980, it is unlawful for any person to deliver fentanyl, or  
3 any substituted derivative of fentanyl as defined by the rules of the  
4 State Board of Pharmacy, within 1,000 feet of the real property com-  
5 prising a public or private elementary, secondary or career school at-  
6 tended primarily by minors.

7       (2) Unlawful delivery of fentanyl within 1,000 feet of a school is a  
8 Class A felony.

9       **SECTION 5.** (1) Except as authorized by ORS 475.005 to 475.285 and  
10 475.752 to 475.980, it is unlawful for any person to manufacture  
11 fentanyl, or any substituted derivative of fentanyl as defined by the  
12 rules of the State Board of Pharmacy.

13       (2) Unlawful manufacture of fentanyl is a Class B felony.

14       **SECTION 6.** (1) Except as authorized by ORS 475.005 to 475.285 and  
15 475.752 to 475.980, it is unlawful for any person to manufacture  
16 fentanyl, or any substituted derivative of fentanyl as defined by the  
17 rules of the State Board of Pharmacy, within 1,000 feet of the real  
18 property comprising a public or private elementary, secondary or ca-  
19 reer school attended primarily by minors.

20       (2) Unlawful manufacture of fentanyl within 1,000 feet of a school  
21 is a Class A felony.

22       **SECTION 7.** ORS 475.752, as amended by sections 28 and 39, chapter 70,  
23 Oregon Laws 2024, is amended to read:

24       475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to  
25 475.980, it is unlawful for any person to manufacture or deliver a controlled  
26 substance. Any person who violates this subsection with respect to:

27       (a) A controlled substance in Schedule I, is guilty of a Class A felony,  
28 except as otherwise provided in ORS 475.886 and 475.890.

29       (b) A controlled substance in Schedule II, is guilty of a Class B felony,  
30 except as otherwise provided in ORS 475.878, 475.880, 475.882, 475.904 and  
31 475.906 and sections 3, 4 and 6 of this 2025 Act.

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

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

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

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

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

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

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

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

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

17 (3) It is unlawful for any person knowingly or intentionally to possess a  
18 controlled substance unless the substance was obtained directly from, or  
19 pursuant to a valid prescription or order of, a practitioner while acting in  
20 the course of professional practice, or except as otherwise authorized by ORS  
21 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this sub-  
22 section with respect to:

23 (a) A controlled substance in Schedule I, is guilty of a drug enforcement  
24 misdemeanor punishable as described in section 35, chapter 70, Oregon Laws  
25 2024, except as otherwise provided in ORS 475.854, 475.874 and 475.894 and  
26 subsection (7) of this section.

27 (b) A controlled substance in Schedule II, is guilty of a drug enforcement  
28 misdemeanor punishable as described in section 35, chapter 70, Oregon Laws  
29 2024, except as otherwise provided in ORS 475.814, 475.824, 475.834 or 475.884  
30 **or section 2 of this 2025 Act** or subsection (8) of this section.

31 (c) A controlled substance in Schedule III, is guilty of a drug enforcement

1 misdemeanor punishable as described in section 35, chapter 70, Oregon Laws  
2 2024.

3 (d) A controlled substance in Schedule IV, is guilty of a drug enforcement  
4 misdemeanor punishable as described in section 35, chapter 70, Oregon Laws  
5 2024.

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

7 (4) It is an affirmative defense in any prosecution under this section for  
8 manufacture, possession or delivery of the plant of the genus *Lophophora*  
9 commonly known as peyote that the peyote is being used or is intended for  
10 use:

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

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

13 (c) In a manner that is not dangerous to the health of the user or others  
14 who are in the proximity of the user.

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

18 (6)(a) Notwithstanding subsection (1) of this section, a person who un-  
19 lawfully manufactures or delivers a controlled substance in Schedule IV and  
20 who thereby causes death to another person is guilty of a Class C felony.

21 (b) For purposes of this subsection, causation is established when the  
22 controlled substance plays a substantial role in the death of the other per-  
23 son.

24 (7) Notwithstanding subsection (3)(a) of this section:

25 (a) Unlawful possession of a controlled substance in Schedule I is a Class  
26 A misdemeanor if the person possesses:

27 (A) Forty or more user units of a mixture or substance containing a de-  
28 tectable amount of lysergic acid diethylamide; or

29 (B) Twelve grams or more of a mixture or substance containing a detect-  
30 able amount of psilocybin or psilocin.

31 (b) Unlawful possession of a controlled substance in Schedule I is a Class

1 B felony if:

2 (A) The possession is a commercial drug offense under ORS 475.900 (1)(b);

3 or

4 (B) The person possesses a substantial quantity under ORS 475.900 (3)(b).

5 (8) Notwithstanding subsection (3)(b) of this section,[:]

6 [(a) *Unlawful possession of a controlled substance in Schedule II is a Class*  
7 *A misdemeanor if the person possesses one gram or more or five or more user*  
8 *units of a mixture or substance containing a detectable amount of fentanyl, or*  
9 *any substituted derivative of fentanyl as defined by the rules of the State*  
10 *Board of Pharmacy.*]

11 [(b)] unlawful possession of a controlled substance in Schedule II is a  
12 Class C felony if:

13 [(A)] (a) The possession is a commercial drug offense under ORS 475.900  
14 (1)(b); or

15 [(B)] (b) The person possesses a substantial quantity under ORS 475.900  
16 (3)(b).

17 **SECTION 8.** ORS 475.900, as amended by section 25, chapter 70, Oregon  
18 Laws 2024, is amended to read:

19 475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or  
20 475.906 shall be classified as crime category 8 of the sentencing guidelines  
21 grid of the Oregon Criminal Justice Commission if:

22 (a) The violation constitutes delivery or manufacture of a controlled  
23 substance and involves substantial quantities of a controlled substance. For  
24 purposes of this paragraph, the following amounts constitute substantial  
25 quantities of the following controlled substances:

26 (A) Five grams or more of a mixture or substance containing a detectable  
27 amount of heroin;

28 (B) Five grams or more or 25 or more user units of a mixture or substance  
29 containing a detectable amount of fentanyl, or any substituted derivative of  
30 fentanyl as defined by the rules of the State Board of Pharmacy;

31 (C) Ten grams or more of a mixture or substance containing a detectable

1 amount of cocaine;

2 (D) Ten grams or more of a mixture or substance containing a detectable  
3 amount of methamphetamine, its salts, isomers or salts of its isomers;

4 (E) Two hundred or more user units of a mixture or substance containing  
5 a detectable amount of lysergic acid diethylamide;

6 (F) Sixty grams or more of a mixture or substance containing a detectable  
7 amount of psilocybin or psilocin; or

8 (G) Five grams or more or 25 or more pills, tablets or capsules of a mix-  
9 ture or substance containing a detectable amount of:

10 (i) 3,4-methylenedioxyamphetamine;

11 (ii) 3,4-methylenedioxymethamphetamine; or

12 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

13 (b) The violation constitutes possession, delivery or manufacture of a  
14 controlled substance and the possession, delivery or manufacture is a com-  
15 mercial drug offense. A possession, delivery or manufacture is a commercial  
16 drug offense for purposes of this subsection if it is accompanied by at least  
17 three of the following factors:

18 (A) The delivery was of heroin, fentanyl, cocaine, methamphetamine,  
19 lysergic acid diethylamide, psilocybin or psilocin and was for consideration;

20 (B) The offender was in possession of \$300 or more in cash;

21 (C) The offender was unlawfully in possession of a firearm or other  
22 weapon as described in ORS 166.270 (2), or the offender used, attempted to  
23 use or threatened to use a deadly or dangerous weapon as defined in ORS  
24 161.015, or the offender was in possession of a firearm or other deadly or  
25 dangerous weapon as defined in ORS 161.015 for the purpose of using it in  
26 connection with a controlled substance offense;

27 (D) The offender was in possession of materials being used for the pack-  
28 aging of controlled substances such as scales, wrapping or foil, other than  
29 the material being used to contain the substance that is the subject of the  
30 offense;

31 (E) The offender was in possession of drug transaction records or cus-

1 tomer lists;

2 (F) The offender was in possession of stolen property;

3 (G) Modification of structures by painting, wiring, plumbing or lighting  
4 to facilitate a controlled substance offense;

5 (H) The offender was in possession of manufacturing paraphernalia, in-  
6 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-  
7 lating or power generating equipment;

8 (I) The offender was using public lands for the manufacture of controlled  
9 substances;

10 (J) The offender had constructed fortifications or had taken security  
11 measures with the potential of injuring persons; or

12 (K) The offender was in possession of controlled substances in an amount  
13 greater than:

14 (i) Three grams or more of a mixture or substance containing a detectable  
15 amount of heroin;

16 (ii) Three grams or more or 15 or more user units of a mixture or sub-  
17 stance containing a detectable amount of fentanyl, or any substituted deriv-  
18 ative of fentanyl as defined by the rules of the State Board of Pharmacy;

19 (iii) Eight grams or more of a mixture or substance containing a detect-  
20 able amount of cocaine;

21 (iv) Eight grams or more of a mixture or substance containing a detect-  
22 able amount of methamphetamine;

23 (v) Twenty or more user units of a mixture or substance containing a  
24 detectable amount of lysergic acid diethylamide;

25 (vi) Ten grams or more of a mixture or substance containing a detectable  
26 amount of psilocybin or psilocin; or

27 (vii) Four grams or more or 20 or more pills, tablets or capsules of a  
28 mixture or substance containing a detectable amount of:

29 (I) 3,4-methylenedioxyamphetamine;

30 (II) 3,4-methylenedioxymethamphetamine; or

31 (III) 3,4-methylenedioxy-N-ethylamphetamine.



1 (c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868,  
2 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904 **or section 4 or 6 of this**  
3 **2025 Act.**

4 (d) The violation constitutes manufacturing methamphetamine and the  
5 manufacturing consists of:

6 (A) A chemical reaction involving one or more precursor substances for  
7 the purpose of manufacturing methamphetamine; or

8 (B) Grinding, soaking or otherwise breaking down a precursor substance  
9 for the purpose of manufacturing methamphetamine.

10 (e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is  
11 not described in ORS 475.907.

12 (2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as  
13 crime category 7 of the sentencing guidelines grid of the Oregon Criminal  
14 Justice Commission if the violation constitutes delivery for consideration of  
15 heroin, cocaine, fentanyl, methamphetamine or  
16 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or  
17 3,4-methylenedioxy-N-ethylamphetamine and:

18 (a) The person knows, or reasonably should have known, that the delivery  
19 is occurring within 500 feet of the real property comprising a treatment fa-  
20 cility;

21 (b) The person knows, or reasonably should have known, that the delivery  
22 is occurring within 500 feet of the real property comprising a temporary  
23 residence shelter; or

24 (c) The delivery occurs within 30 feet of the real property comprising a  
25 public park.

26 (3) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as  
27 crime category 6 of the sentencing guidelines grid of the Oregon Criminal  
28 Justice Commission if:

29 (a) The violation constitutes delivery of heroin, cocaine, fentanyl, meth-  
30 amphetamine or 3,4-methylenedioxyamphetamine,  
31 3,4-methylenedioxymethamphetamine or

1 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

2 (b) The violation constitutes possession of substantial quantities of a  
3 controlled substance. For purposes of this paragraph, the following amounts  
4 constitute substantial quantities of the following controlled substances:

5 (A) Five grams or more of a mixture or substance containing a detectable  
6 amount of heroin;

7 (B) Five grams or more or 25 or more user units of a mixture or substance  
8 containing a detectable amount of fentanyl, or any substituted derivative of  
9 fentanyl as defined by the rules of the State Board of Pharmacy;

10 (C) Ten grams or more of a mixture or substance containing a detectable  
11 amount of cocaine;

12 (D) Ten grams or more of a mixture or substance containing a detectable  
13 amount of methamphetamine;

14 (E) Two hundred or more user units of a mixture or substance containing  
15 a detectable amount of lysergic acid diethylamide;

16 (F) Sixty grams or more of a mixture or substance containing a detectable  
17 amount of psilocybin or psilocin; or

18 (G) Five grams or more or 25 or more pills, tablets or capsules of a mix-  
19 ture or substance containing a detectable amount of:

20 (i) 3,4-methylenedioxyamphetamine;

21 (ii) 3,4-methylenedioxymethamphetamine; or

22 (iii) 3,4-methylenedioxy-N-ethylamphetamine.

23 (4) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as  
24 crime category 5 of the sentencing guidelines grid of the Oregon Criminal  
25 Justice Commission if the violation constitutes delivery of heroin, cocaine,  
26 fentanyl, methamphetamine or 3,4-methylenedioxyamphetamine,  
27 3,4-methylenedioxymethamphetamine or  
28 3,4-methylenedioxy-N-ethylamphetamine and:

29 (a) The person knows, or reasonably should have known, that the delivery  
30 is occurring within 500 feet of the real property comprising a treatment fa-  
31 cility;

1 (b) The person knows, or reasonably should have known, that the delivery  
2 is occurring within 500 feet of the real property comprising a temporary  
3 residence shelter; or

4 (c) The delivery occurs within 30 feet of the real property comprising a  
5 public park.

6 (5) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained  
7 in subsections (1) to (4) of this section shall be classified as crime category  
8 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commis-  
9 sion if the violation involves delivery or manufacture of a controlled sub-  
10 stance.

11 (6) In order to prove a commercial drug offense, the state shall plead in  
12 the accusatory instrument sufficient factors of a commercial drug offense  
13 under subsection (1) of this section. The state has the burden of proving each  
14 factor beyond a reasonable doubt.

15 (7) As used in this section:

16 (a) "Mixture or substance" means any mixture or substance, whether or  
17 not the mixture or substance is in an ingestible or marketable form at the  
18 time of the offense.

19 (b) "Public park" means a park operated by the state, a county, a city or  
20 a park and recreation district.

21 (c) "Temporary residence shelter" means a building that provides shelter  
22 on a temporary basis for individuals and families who lack permanent hous-  
23 ing.

24 (d) "Treatment facility" has the meaning given that term in ORS 430.306.

25 **SECTION 9.** ORS 475.907 is amended to read:

26 475.907. (1) When a person is convicted of the unlawful delivery of  
27 cocaine, methamphetamine, heroin, **fantanyl** or ecstasy to a person under  
28 18 years of age, the court shall sentence the person to a term of incarcer-  
29 ation ranging from 34 months to 72 months, depending on the person's  
30 criminal history.

31 (2) The sentence described in subsection (1) of this section does not apply

1 to a person who is less than three years older than the person under 18 years  
2 of age to whom the controlled substance was delivered, unless the person has  
3 a previous conviction for delivery of cocaine, methamphetamine, heroin,  
4 **fentanyl** or ecstasy to a person under 18 years of age.

5 **SECTION 10.** ORS 475.924 is amended to read:

6 475.924. As used in ORS [*164.061*,] 475.907, 475.924 and 475.925:

7 (1) “Controlled substance” means:

8 (a) Cocaine;

9 (b) Methamphetamine;

10 (c) Heroin; [*or*]

11 **(d) Fentanyl; or**

12 [*(d)*] **(e) Ecstasy.**

13 (2) “Ecstasy” means:

14 (a) 3,4-methylenedioxyamphetamine;

15 (b) 3,4-methylenedioxyamphetamine; or

16 (c) 3,4-methylenedioxy-N-ethylampheta-  
17 mine.

18 (3) “Mixture or substance” means any mixture or substance, whether or  
19 not the mixture or substance is in an ingestible or marketable form at the  
20 time of the offense.

21 **SECTION 11.** ORS 475.934 is amended to read:

22 475.934. (1) When a court sentences a person convicted of a crime listed  
23 in subsection (2) of this section, the court may not impose a sentence of op-  
24 tional probation or grant a downward dispositional departure or a downward  
25 durational departure under the rules of the Oregon Criminal Justice Com-  
26 mission if the person has a previous conviction for any of the crimes listed  
27 in subsection (2) of this section.

28 (2) The crimes to which subsection (1) of this section applies are:

29 (a) Manufacture or delivery of a controlled substance under ORS 475.752  
30 (1);

31 (b) Creation or delivery of a counterfeit substance under ORS 475.752 (2);

1 (c) Manufacture or delivery of heroin under ORS 475.846, 475.848, 475.850  
2 or 475.852;

3 **(d) Manufacture or delivery of fentanyl under section 3, 4, 5 or 6**  
4 **of this 2025 Act;**

5 [(d)] (e) Manufacture or delivery of 3,4-methylenedioxymethamphetamine  
6 under ORS 475.866, 475.868, 475.870 or 475.872;

7 [(e)] (f) Manufacture or delivery of cocaine under ORS 475.876, 475.878,  
8 475.880 or 475.882;

9 [(f)] (g) Manufacture or delivery of methamphetamine under ORS 475.886,  
10 475.888, 475.890 or 475.892;

11 [(g)] (h) Manufacture or delivery of a controlled substance within 1,000  
12 feet of a school under ORS 475.904;

13 [(h)] (i) Delivery of a controlled substance to a person under 18 years of  
14 age under ORS 475.906; and

15 [(i)] (j) Possession of a precursor substance with intent to manufacture  
16 a controlled substance under ORS 475.967.

17 (3)(a) For a crime committed on or after November 1, 1989, a conviction  
18 is considered to have occurred upon the pronouncement in open court of  
19 sentence. However, when sentences are imposed for two or more convictions  
20 arising out of the same conduct or criminal episode, none of the convictions  
21 is considered to have occurred prior to any of the other convictions arising  
22 out of the same conduct or criminal episode.

23 (b) For a crime committed prior to November 1, 1989, a conviction is  
24 considered to have occurred upon the pronouncement in open court of a  
25 sentence or upon the pronouncement in open court of the suspended imposi-  
26 tion of a sentence.

27 (4) For purposes of this section, previous convictions must be proven  
28 pursuant to ORS 137.079.

29 (5) As used in this section, “previous conviction” includes convictions  
30 entered in any other state or federal court for comparable offenses.

31 **SECTION 12.** ORS 475.898 is amended to read:

1 475.898. (1) A person who contacts emergency medical services or a law  
2 enforcement agency to obtain medical assistance for another person who  
3 needs medical assistance due to a drug-related overdose is immune from ar-  
4 rest, [*or*] prosecution **or the imposition of a civil penalty** for an offense  
5 listed in subsection (3) of this section if the evidence of the offense was ob-  
6 tained because the person contacted emergency medical services or a law  
7 enforcement agency.

8 (2) A person who is in need of medical assistance due to a drug-related  
9 overdose is immune from arrest, [*or*] prosecution **or the imposition of a**  
10 **civil penalty** for an offense listed in subsection (3) of this section if the  
11 evidence of the offense was obtained because any person contacted emer-  
12 gency medical services or a law enforcement agency to obtain medical as-  
13 sistance for the person.

14 (3) The immunity conferred under subsections (1) and (2) of this section  
15 applies to arrest, [*and*] prosecution **and the imposition of a civil penalty**  
16 for:

17 (a) Frequenting a place where controlled substances are used as described  
18 in ORS 167.222;

19 (b) Possession of a controlled substance as described in ORS 475.752;

20 (c) Unlawful possession of hydrocodone as described in ORS 475.814;

21 (d) Unlawful possession of methadone as described in ORS 475.824;

22 (e) Unlawful possession of oxycodone as described in ORS 475.834;

23 (f) Unlawful possession of heroin as described in ORS 475.854;

24 (g) **Unlawful possession of fentanyl as described in section 2 of this**  
25 **2025 Act;**

26 [(g)] (h) Unlawful possession of 3,4-methylenedioxymethamphetamine as  
27 described in ORS 475.874;

28 [(h)] (i) Unlawful possession of cocaine as described in ORS 475.884;

29 [(i)] (j) Unlawful possession of methamphetamine as described in ORS  
30 475.894;

31 [(j)] (k) Unlawfully possessing a prescription drug as described in ORS

1 689.527 (6); and

2 [(k)] (L) Unlawful possession of drug paraphernalia with intent to sell or  
3 deliver as described in ORS 475.525.

4 (4)(a) A person may not be arrested for violating, or found to be in vio-  
5 lation of, the conditions of the person's pretrial release, probation, post-  
6 prison supervision or parole if the violation involves:

7 (A) The possession or use of a controlled substance or frequenting a place  
8 where controlled substances are used; and

9 (B) The evidence of the violation was obtained because the person con-  
10 tacted emergency medical services or a law enforcement agency to obtain  
11 medical assistance for another person who needed medical assistance due to  
12 a drug-related overdose.

13 (b) A person may not be arrested for violating, or found to be in violation  
14 of, the conditions of the person's pretrial release, probation, post-prison  
15 supervision or parole if the violation involves:

16 (A) The possession or use of a controlled substance or frequenting a place  
17 where controlled substances are used; and

18 (B) The evidence of the violation was obtained because the person was in  
19 need of medical assistance due to a drug-related overdose and any person  
20 contacted emergency medical services or a law enforcement agency to obtain  
21 medical assistance for the person.

22 (5)(a) A person may not be arrested on an outstanding warrant for any  
23 of the offenses listed in subsection (3) of this section, or on an outstanding  
24 warrant for a violation, other than commission of a new crime, of the con-  
25 ditions of the person's probation, post-prison supervision or parole for con-  
26 duct that would constitute an offense listed in subsection (3) of this section,  
27 if the location of the person was obtained because the person contacted  
28 emergency medical services or a law enforcement agency to obtain medical  
29 assistance for another person who needed medical assistance due to a drug-  
30 related overdose.

31 (b) A person may not be arrested on an outstanding warrant for any of

1 the offenses listed in subsection (3) of this section, or on an outstanding  
2 warrant for a violation, other than commission of a new crime, of the con-  
3 ditions of the person's probation, post-prison supervision or parole for con-  
4 duct that would constitute an offense listed in subsection (3) of this section,  
5 if the location of the person was obtained because the person was in need  
6 of medical assistance due to a drug-related overdose and any person con-  
7 tacted emergency medical services or a law enforcement agency to obtain  
8 medical assistance for the person.

9 (c) This subsection does not apply to outstanding federal warrants or  
10 outstanding warrants issued from other states.

11 (6) The immunity from arrest and prosecution described in this section is  
12 not grounds for the suppression of evidence relating to a criminal offense  
13 other than the offenses listed in subsection (3) of this section.

14 (7) As used in this section:

15 (a) "Controlled substance" has the meaning given that term in ORS  
16 475.005.

17 (b) "Drug-related overdose" means an acute condition, including mania,  
18 hysteria, extreme physical illness, coma or death, resulting from the con-  
19 sumption or use of a controlled substance, or another substance with which  
20 a controlled substance was combined, that a person would reasonably believe  
21 to be a condition that requires medical attention.

22 **SECTION 13.** ORS 475.245, as amended by section 53, chapter 70, Oregon  
23 Laws 2024, is amended to read:

24 475.245. (1)(a) Whenever a person is charged with an offense listed in  
25 subsection (5) of this section, the court, with the consent of the district at-  
26 torney and the person, may defer further proceedings and place the person  
27 on probation. The terms of the probation shall be defined by a probation  
28 agreement.

29 (b) A probation agreement carries the understanding that if the defendant  
30 fulfills the terms of the agreement, the criminal charges filed against the  
31 defendant will be dismissed with prejudice.



1 (c) The agreement must contain a waiver of the following rights of the  
2 defendant with respect to each criminal charge:

3 (A) The right to a speedy trial and trial by jury;

4 (B) The right to present evidence on the defendant's behalf;

5 (C) The right to confront and cross-examine witnesses against the de-  
6 fendant;

7 (D) The right to contest evidence presented against the defendant, in-  
8 cluding the right to object to hearsay evidence; and

9 (E) The right to appeal from a judgment of conviction resulting from an  
10 adjudication of guilt entered under subsection (2) of this section, unless the  
11 appeal is based on an allegation that the sentence exceeds the maximum al-  
12 lowed by law or constitutes cruel and unusual punishment.

13 (d) The agreement must include a requirement that the defendant pay any  
14 restitution owed to the victim as determined by the court, and any fees for  
15 court-appointed counsel ordered by the court under ORS 135.050.

16 (e) The agreement may not contain a requirement that the defendant enter  
17 a plea of guilty or no contest on any charge in the accusatory instrument.

18 (f) Entering into a probation agreement does not constitute an admission  
19 of guilt and is not sufficient to warrant a finding or adjudication of guilt  
20 by a court.

21 (g) Police reports or other documents associated with the criminal  
22 charges in a court file other than the probation agreement may not be ad-  
23 mitted into evidence, and do not establish a factual basis for finding the  
24 defendant guilty, unless the court resumes criminal proceedings [*and enters*  
25 *an adjudication of guilt*] under subsection (2) of this section.

26 (2) Upon violation of a term or condition of the probation agreement, the  
27 court may:

28 **(a) If the court finds that the defendant has fulfilled the terms and**  
29 **conditions of the probation agreement, discharge the person and dis-**  
30 **miss the proceedings as described in subsection (3) of this section;**

31 **(b) Impose sanctions of up to a total of 30 days of imprisonment[,]; or**

1 (c) Resume the criminal proceedings and may find the defendant guilty  
2 of the offenses in the accusatory instrument in accordance with the waiver  
3 of rights in the probation agreement. The defendant may not contest the  
4 sufficiency of the evidence establishing the defendant's guilt of the offenses  
5 in the accusatory instrument.

6 (3) Upon fulfillment of the terms and conditions of the probation agree-  
7 ment, the court shall discharge the person and dismiss the proceedings  
8 against the person. Discharge and dismissal under this section shall be  
9 without adjudication of guilt and is not a conviction for purposes of this  
10 section or for purposes of disqualifications or disabilities imposed by law  
11 upon conviction of a crime. There may be only one discharge and dismissal  
12 under this section with respect to any person.

13 (4) In the event that the period of probation under this section expires,  
14 but the terms and conditions of the probation agreement have not been ful-  
15 filled and no probation violation proceeding was initiated prior to the expi-  
16 ration of the period of probation, the court may not discharge the person and  
17 dismiss the proceedings against the person. The court shall instead issue an  
18 order requiring the person to appear and to show cause why the court should  
19 not enter an adjudication of guilt as described in subsection (2) of this sec-  
20 tion due to the failure of the person to fulfill the terms and conditions of the  
21 probation agreement prior to expiration of the period of probation. At the  
22 hearing on the order to show cause, after considering any evidence or argu-  
23 ment from the district attorney and the person, the court may:

24 (a) Order a new period of probation to allow the person to fulfill the  
25 terms and conditions of the probation agreement; or

26 (b) Enter an adjudication of guilt as described in subsection (2) of this  
27 section.

28 (5) This section applies to the following offenses:

29 (a) Possession of a controlled substance under ORS 475.752 (3), 475.814,  
30 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894 **or section 2 of this 2025**  
31 **Act;**

1 (b) Unlawfully possessing a prescription drug under ORS 689.527 (6);

2 (c) Unlawfully possessing marijuana plants, usable marijuana,  
3 cannabinoid products, cannabinoid concentrates or cannabinoid extracts as  
4 described in ORS 475C.337 or 475C.341, if the offense is a misdemeanor or  
5 felony;

6 (d) Endangering the welfare of a minor under ORS 163.575 (1)(b);

7 (e) Frequenting a place where controlled substances are used under ORS  
8 167.222; and

9 (f) A property offense that is motivated by a dependence on a controlled  
10 substance or a marijuana item as defined in ORS 475C.009.

11 **SECTION 14.** ORS 423.478, as amended by section 2, chapter 58, Oregon  
12 Laws 2024, and section 47, chapter 70, Oregon Laws 2024, is amended to read:

13 423.478. (1) The Department of Corrections shall:

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

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

17 (A) Allow tracking of offenders; and

18 (B) Permit analysis of correlations between sanctions, supervision, ser-  
19 vices and programs, and future criminal conduct; and

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

21 (2) Subject to ORS 423.483, each county, in partnership with the depart-  
22 ment, shall assume responsibility for community-based supervision, sanctions  
23 and services for offenders convicted of felonies, designated drug-related  
24 misdemeanors or designated person misdemeanors, or persons who have en-  
25 tered into a probation agreement on a drug enforcement misdemeanor pur-  
26 suant to section 52, chapter 70, Oregon Laws 2024, who are:

27 (a) On parole;

28 (b) On probation;

29 (c) On post-prison supervision;

30 (d) Sentenced, on or after January 1, 1997, to 12 months or less incarcer-  
31 ation;

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

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

5 (3) Notwithstanding the fact that the court has sentenced a person to a  
6 term of incarceration, when an offender is committed to the custody of the  
7 supervisory authority of a county under ORS 137.124 (2) or (4), the supervi-  
8 sory authority may execute the sentence by imposing sanctions other than  
9 incarceration if deemed appropriate by the supervisory authority. If the su-  
10 pervisory authority releases a person from custody under this subsection and  
11 the person is required to report as a sex offender under ORS 163A.010, the  
12 supervisory authority, as a condition of release, shall order the person to  
13 report to the Department of State Police, a city police department or a  
14 county sheriff's office or to the supervising agency, if any:

15 (a) When the person is released;

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

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

18 (d) Within 10 days of the first day the person works at, carries on a vo-  
19 cation at or attends an institution of higher education; and

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

22 (4) As used in this section:

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

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

26 (A) Unlawful possession of a Schedule I controlled substance under ORS  
27 475.752 (3)(a);

28 (B) Unlawful possession of a Schedule II controlled substance under ORS  
29 475.752 (3)(b);

30 (C) Unlawful possession of a Schedule III controlled substance under ORS  
31 475.752 (3)(c);

1 (D) Unlawful possession of a Schedule IV controlled substance under ORS  
2 475.752 (3)(d);

3 (E) Unlawful possession of a Schedule I controlled substance under ORS  
4 475.752 (7)(a);

5 (F) Unlawful possession of fentanyl under [*ORS 475.752 (8)(a)*] **section 2**  
6 **(2)(a) of this 2025 Act;**

7 **(G) Unlawful possession of fentanyl under section 2 (2)(b) of this**  
8 **2025 Act;**

9 [(G)] **(H)** Unlawful possession of hydrocodone under ORS 475.814 (2)(a);

10 [(H)] **(I)** Unlawful possession of hydrocodone under ORS 475.814 (2)(b);

11 [(I)] **(J)** Unlawful possession of methadone under ORS 475.824 (2)(a);

12 [(J)] **(K)** Unlawful possession of methadone under ORS 475.824 (2)(b);

13 [(K)] **(L)** Unlawful possession of oxycodone under ORS 475.834 (2)(a);

14 [(L)] **(M)** Unlawful possession of oxycodone under ORS 475.834 (2)(b);

15 [(M)] **(N)** Unlawful possession of heroin under ORS 475.854 (2)(a);

16 [(N)] **(O)** Unlawful possession of heroin under ORS 475.854 (2)(b);

17 [(O)] **(P)** Unlawful possession of 3,4-methylenedioxymethamphetamine un-  
18 der ORS 475.874 (2)(a);

19 [(P)] **(Q)** Unlawful possession of 3,4-methylenedioxymethamphetamine un-  
20 der ORS 475.874 (2)(b);

21 [(Q)] **(R)** Unlawful possession of cocaine under ORS 475.884 (2)(a);

22 [(R)] **(S)** Unlawful possession of cocaine under ORS 475.884 (2)(b);

23 [(S)] **(T)** Unlawful possession of methamphetamine under ORS 475.894  
24 (2)(a);

25 [(T)] **(U)** Unlawful possession of methamphetamine under ORS 475.894  
26 (2)(b); or

27 [(U)] **(V)** Interfering with public transportation under ORS 166.116 (1)(e).

28 (c) “Designated person misdemeanor” means:

29 (A) Assault in the fourth degree constituting domestic violence if the  
30 judgment document is as described in ORS 163.160 (4);

31 (B) Menacing constituting domestic violence if the judgment document is

1 as described in ORS 163.190 (3); or

2 (C) Sexual abuse in the third degree under ORS 163.415.

3 **SECTION 15.** Section 35, chapter 70, Oregon Laws 2024, is amended to  
4 read:

5 **Sec. 35.** (1) Unlawful possession of a controlled substance constituting a  
6 drug enforcement misdemeanor under ORS 475.752 (3)(a), (b), (c) or (d),  
7 475.814 (2)(a), 475.824 (2)(a), 475.834 (2)(a), 475.854 (2)(a), 475.874 (2)(a), 475.884  
8 (2)(a) or 475.894 (2)(a) **or section 2 (2)(a) of this 2025 Act** is punishable as  
9 described in this section.

10 (2)(a) When imposing a sentence for the crime described in this section:

11 (A) The court may decide to not suspend the imposition or execution of  
12 any part of the sentence, and impose a term of incarceration in accordance  
13 with ORS 137.010 (7) of up to 180 days, only upon the request of the defend-  
14 ant.

15 (B) If the defendant has not requested to be sentenced under subparagraph  
16 (A) of this paragraph, or if the court has decided not to sentence the de-  
17 fendant under subparagraph (A) of this paragraph, the court shall suspend  
18 the imposition of any sentence of incarceration and, notwithstanding ORS  
19 137.010 (4), impose a sentence of supervised probation of a definite period of  
20 up to 18 months.

21 (b) When imposing a sentence of probation under this section, the court  
22 may not order as a condition of probation that the defendant serve a sen-  
23 tence of incarceration or confinement in the county jail.

24 (c) Notwithstanding ORS 135.050, 137.010 (7), 161.635 and 161.665, the  
25 court may not include in the judgment of conviction for the crime described  
26 in this section a requirement that the defendant pay a fine, cost, assessment  
27 or attorney fee.

28 (d) ORS 137.540 (2)(a) does not apply to sentences imposed under this  
29 section.

30 (3)(a) Structured, intermediate sanctions as described in ORS 137.593 may  
31 be imposed in accordance with rules adopted under ORS 137.595 when a

1 condition of a term of probation imposed under this section has been vio-  
2 lated.

3 (b) Upon a finding that the person on probation has violated a condition  
4 of probation imposed under this section, the court may impose a sanction,  
5 which may include days in jail.

6 (c) The total amount of jail that a person may receive pursuant to struc-  
7 tured, intermediate sanctions, or a court-imposed sanctions, on a probation  
8 imposed under this section is 30 days. Any term of incarceration imposed  
9 as a sanction must allow for early release to a treatment facility.

10 (d) The court may extend the length of a probation sentence imposed un-  
11 der this section if the person on probation consents to the extension. The  
12 total term of probation may not exceed five years.

13 (4)(a) Notwithstanding ORS 137.545 (5)(a)(B) and 137.593, upon the court's  
14 revocation of a sentence of probation imposed under this section, the court  
15 may impose as a revocation sentence up to 180 days' incarceration. For any  
16 sentence of incarceration imposed under this paragraph, the court shall au-  
17 thorize early release to an inpatient or outpatient drug and alcohol treat-  
18 ment program as described in paragraph (b) of this subsection.

19 (b) Upon imposing a revocation sentence of incarceration under this sub-  
20 section, the court shall commit the person to the custody of the supervisory  
21 authority under ORS 137.124. The county community corrections agency shall  
22 monitor when an inpatient or outpatient drug and alcohol treatment program  
23 becomes available for the person and shall notify the person when a program  
24 is available. In order to be released early to the program, the person must  
25 enter into a revocation release agreement subject to such conditions as de-  
26 termined by the county community corrections agency. If the person violates  
27 the terms of the revocation release agreement, the county community cor-  
28 rections agency may cause the person to return to jail to serve the remainder  
29 of the incarceration sentence originally imposed.

30 (c) When a person has been released to an inpatient or outpatient drug  
31 and alcohol treatment program under paragraph (b) of this subsection, each

1 day that the person is in the community and subject to the revocation release  
2 agreement shall count toward the total term of incarceration imposed as a  
3 revocation sentence.

4 (d) When imposing a revocation sentence of incarceration under this sec-  
5 tion, the court shall order, and may not deny, that the person receive credit  
6 for time served for any day that the person was previously incarcerated on  
7 the charge.

8 **SECTION 16. The amendments to ORS 475.907 and 475.924 by**  
9 **sections 9 and 10 of this 2025 Act apply to conduct occurring on or af-**  
10 **ter the effective date of this 2025 Act.**

11

12 **OPIOID USE DISORDER MEDICATIONS GRANT PROGRAM**  
13 **CHANGES**

14

15 **SECTION 17.** Section 81, chapter 70, Oregon Laws 2024, is amended to  
16 read:

17 **Sec. 81.** As used in sections 81 to 86 [*of this 2024 Act*], **chapter 70,**  
18 **Oregon Laws 2024:**

19 (1) “Commission” means the Oregon Criminal Justice Commission.

20 (2) “Local correctional facility” has the meaning given that term in ORS  
21 169.005 **and also means any facility operated by a county supervisory**  
22 **authority, as defined in ORS 144.087, including facilities for providing**  
23 **corrections supervision services or custodial services.**

24 (3) “Tribal correctional facility” means a jail or prison in Oregon that is  
25 operated by a federally recognized tribe and confines persons for more than  
26 36 hours.

27

28 **OPIOID USE DISORDER MEDICATION PRESCRIPTION CHANGES**

29

30 **SECTION 18.** Section 7, chapter 70, Oregon Laws 2024, is amended to  
31 read:



1       **Sec. 7.** *[(1) As used in this section:]*

2       *[(a) “Early refill” means:]*

3       *[(A) Up to three refills of a current prescription for a medication that a*  
4 *patient has lost or that has been stolen or destroyed; or]*

5       *[(B) One refill in a 12-month period of a medication for which the previous*  
6 *prescription expired in the prior 12-month period.]*

7       *[(b) “Refill” means a supply of a medication consistent with the amount*  
8 *specified in the most recent prescription for the medication.]*

9       [(2)] (1) A pharmacist may prescribe, *[and]* dispense **and administer** to  
10 a patient<sup>1</sup>, *[to the extent permitted by federal law, an early refill of a]*  
11 medication for the treatment of opioid use disorder in accordance with  
12 *[subsection (3) of this section.]:*

13       **(a) A statewide drug therapy management protocol developed by the**  
14 **Public Health and Pharmacy Formulary Advisory Committee convened**  
15 **under ORS 689.649 and adopted by State Board of Pharmacy rule pur-**  
16 **suant to ORS 689.645; or**

17       **(b) A collaborative drug therapy management agreement.**

18       *[(3) A pharmacist who prescribes and dispenses early refills under this*  
19 *section shall:]*

20       *[(a) Complete a patient assessment to determine whether the prescription is*  
21 *appropriate;]*

22       *[(b) Document the patient visit and include notations regarding evidence*  
23 *of the patient’s previous prescription from the patient’s licensed health care*  
24 *provider, information relating to the patient’s treatment and other relevant*  
25 *information; and]*

26       *[(c) Notify the patient’s primary care provider, and the licensed health care*  
27 *provider who made the previous prescription, of the pharmacist’s dispensing*  
28 *of early refills, to the extent permitted by state and federal law.]*

29       *[(4) Notations in a record documenting evidence of a patient’s previous*  
30 *prescription under subsection (3)(b) of this section constitute verification of a*  
31 *valid prescription.]*

1       **(2) For the purpose of the prescription, administration and dispen-**  
2 **sation by a pharmacist of a controlled substance in Schedule II, III,**  
3 **IV or V that is a medication for the treatment of opioid use disorder,**  
4 **pursuant to the provisions of this section, ORS 475.185 and any other**  
5 **relevant provision in ORS 475.005 to 475.285, and notwithstanding ORS**  
6 **475.005, “practitioner” means physician, dentist, veterinarian, scien-**  
7 **tific investigator, licensed nurse practitioner, pharmacist, pharmacy,**  
8 **physician associate or other person licensed, registered or otherwise**  
9 **permitted by law to dispense, conduct research with respect to or to**  
10 **administer a controlled substance in the course of professional prac-**  
11 **tice or research in this state.**

12       [(5)] **(3)** The State Board of Pharmacy shall adopt rules to carry out this  
13 section, including but not limited to rules to allow a[.]

14       [(a)] pharmacist to [*apply for and obtain a registration number from*] **be**  
15 **recognized by** the Drug Enforcement Administration of the United States  
16 Department of Justice as a mid-level practitioner[;] and **to obtain a regis-**  
17 **tration number as a mid-level practitioner.**

18       [(b) *Pharmacy to store on the premises medications for the treatment of*  
19 *opioid use disorder.*]

20       [(6)] **(4)** In adopting rules to carry out this section, the board shall con-  
21 sult with the Public Health and Pharmacy Formulary Advisory Committee  
22 described in ORS 689.649.

23       **SECTION 19.** Section 8, chapter 70, Oregon Laws 2024, is amended to  
24 read:

25       **Sec. 8.** (1) As used in this section, “prescription drug locker” means a  
26 mechanical device that serves as an extension of a retail drug outlet’s will  
27 call or point of sale area in which completed patient-specific prescription  
28 drugs, devices and related supplies and nonprescription drugs, devices and  
29 related supplies are stored for pickup.

30       [(2) *A prescription drug locker located within this state and at the same*  
31 *physical address as the retail drug outlet with which the prescription drug*

1 *locker is associated:]*

2 *[(a) Is considered part of the retail drug outlet and is not required to obtain*  
3 *a license or registration from the State Board of Pharmacy; and]*

4 *[(b) Is not required to obtain a registration from the Drug Enforcement*  
5 *Administration of the United States Department of Justice.]*

6 *[(3) A prescription drug locker located within this state but at a physical*  
7 *address other than the physical address of the retail drug outlet with which*  
8 *the prescription drug locker is associated is considered a remote dispensing*  
9 *site pharmacy and must obtain a registration from the Drug Enforcement Ad-*  
10 *ministration in order to dispense controlled substances.]*

11 **(2) A retail drug outlet may operate one or more prescription drug**  
12 **lockers located within this state that need not be at the same physical**  
13 **address as the retail drug outlet. A prescription drug locker operated**  
14 **pursuant to this section is considered part of the retail drug outlet,**  
15 **and a separate license or registration from the State Board of Phar-**  
16 **macy is not required.**

17 **(3) A retail drug outlet may store controlled substances for pickup**  
18 **in a prescription drug locker if the retail drug outlet has a valid con-**  
19 **trolled substance registration required under ORS 475.125 in the name**  
20 **of and at the principal place of business of the retail drug outlet.**

21 (4) The board may adopt rules to carry out this section.

22 **SECTION 20.** Section 2, chapter 70, Oregon Laws 2024, is amended to  
23 read:

24 **Sec. 2.** (1) As used in this section:

25 (a) “Group health insurance” has the meaning given that term in ORS  
26 731.098.

27 (b) “Health benefit plan” has the meaning given that term in ORS  
28 743B.005.

29 (c) “Substance use disorder” has the meaning given that term in the fifth  
30 edition of the Diagnostic and Statistical Manual of Mental Disorders pub-  
31 lished by the American Psychiatric Association.

1 (d) “Utilization review” has the meaning given that term in ORS 743B.001.

2 (2) Notwithstanding any provision of ORS 743A.168, an issuer of group  
3 health insurance or an individual health benefit plan, other than a health  
4 plan that is subject to 42 U.S.C. 18011:

5 (a) May not impose a requirement for prior authorization or any other  
6 form of utilization review for the reimbursement of a covered medication  
7 approved by the United States Food and Drug Administration that is pre-  
8 scribed for the purpose of treating a substance use disorder, including but  
9 not limited to opioid addiction and opioid withdrawal.

10 (b) Shall reimburse the cost of refills of medications described in para-  
11 graph (a) of this subsection if dispensed by a licensed health care profes-  
12 sional who is legally authorized to dispense such medications, including  
13 [early] refills [described in section 7 of this 2024 Act] **dispensed pursuant**  
14 **to section 7, chapter 70, Oregon Laws 2024.**

15 (3) Subsection (2) of this section applies to any form of buprenorphine,  
16 including but not limited to sublingual, tablet or injectable forms.

17 (4) This section does not prohibit prior authorization or other utilization  
18 review for opioids or opiates prescribed for a purpose other than  
19 medication-assisted treatment or the treatment of opiate abuse or addiction.

20 (5) This section does not prohibit utilization review for the purpose of:

21 (a) Auditing claims for improper payments, fraud or abuse; or

22 (b) Reasonable periodic redeterminations about the need for continuing  
23 care.

24 (6) Coverage under this section may be subject to the same terms and  
25 conditions that apply to other benefits under the plan except for utilization  
26 review as provided in subsection (2) of this section.

27 (7) This section is exempt from ORS 743A.001.

28 **SECTION 21.** ORS 414.766, as amended by section 4, chapter 70, Oregon  
29 Laws 2024, is amended to read:

30 414.766. (1) Notwithstanding ORS 414.065 and 414.690, a coordinated care  
31 organization must provide behavioral health services to its members that

1 include but are not limited to all of the following:

2 (a) For a member who is experiencing a behavioral health crisis:

3 (A) A behavioral health assessment; and

4 (B) Services that are medically necessary to transition the member to a  
5 lower level of care;

6 (b) At least the minimum level of services that are medically necessary  
7 to treat a member's underlying behavioral health condition rather than a  
8 mere amelioration of current symptoms, such as suicidal ideation or  
9 psychosis, as determined in a behavioral health assessment of the member  
10 or specified in the member's care plan;

11 (c) Treatment of co-occurring behavioral health disorders or medical  
12 conditions in a coordinated manner;

13 (d) Treatment at the least intensive and least restrictive level of care that  
14 is safe and effective and meets the needs of the individual's condition;

15 (e) For all level of care placement decisions, placement at the level of  
16 care consistent with a member's score or assessment using the relevant level  
17 of care placement criteria and guidelines;

18 (f) If the level of placement described in paragraph (e) of this subsection  
19 is not available, placement at the next higher level of care;

20 (g) Treatment to maintain functioning or prevent deterioration;

21 (h) Treatment for an appropriate duration based on the individual's par-  
22 ticular needs;

23 (i) Treatment appropriate to the unique needs of children and adolescents;

24 (j) Treatment appropriate to the unique needs of older adults;

25 (k) Treatment that is culturally and linguistically appropriate;

26 (L) Treatment that is appropriate to the unique needs of gay, lesbian,  
27 bisexual and transgender individuals and individuals of any other minority  
28 gender identity or sexual orientation;

29 (m) Coordinated care and case management as defined by the Department  
30 of Consumer and Business Services by rule;

31 (n) Mental health wellness appointments as prescribed by the Oregon

1 Health Authority by rule; and

2 (o) Medications and refills of medications prescribed for the treatment of  
3 opioid use disorder and any co-occurring substance use disorder or mental  
4 health condition, including *[early refills as described in]* **medications and**  
5 **refills of medications prescribed pursuant to** section 7, chapter 70,  
6 Oregon Laws 2024.

7 (2) If there is a disagreement about the level of care required by sub-  
8 section (1)(e) or (f) of this section, a coordinated care organization shall  
9 provide to the behavioral health treatment provider full details of the coor-  
10 dinated care organization’s scoring or assessment, to the extent permitted  
11 by the federal Health Insurance Portability and Accountability Act privacy  
12 regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other state  
13 or federal laws limiting the disclosure of health information.

14 (3) The Oregon Health Authority shall adopt by rule a list of behavioral  
15 health services that may not be subject to prior authorization.

16 **SECTION 22.** ORS 689.005, as amended by section 5, chapter 17, Oregon  
17 Laws 2024, and section 9, chapter 70, Oregon Laws 2024, is amended to read:  
18 689.005. As used in this chapter:

19 (1) “Administer” means the direct application of a drug or device whether  
20 by injection, inhalation, ingestion, or any other means, to the body of a pa-  
21 tient or research subject by:

22 (a) A practitioner or the practitioner’s authorized agent; or

23 (b) The patient or research subject at the direction of the practitioner.

24 (2) “Approved continuing pharmacy education program” means those  
25 seminars, classes, meetings, workshops and other educational programs on  
26 the subject of pharmacy approved by the State Board of Pharmacy.

27 (3) “Clinical pharmacy agreement” means an agreement between a  
28 pharmacist or pharmacy and a health care organization or a physician as  
29 defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010  
30 that permits the pharmacist to engage in the practice of clinical pharmacy  
31 for the benefit of the patients of the health care organization, physician or

1 naturopathic physician.

2 (4) “Continuing pharmacy education” means:

3 (a) Professional, pharmaceutical post-graduate education in the general  
4 areas of socio-economic and legal aspects of health care;

5 (b) The properties and actions of drugs and dosage forms; and

6 (c) The etiology, characteristics and therapeutics of the disease state.

7 (5) “Continuing pharmacy education unit” means the unit of measurement  
8 of credits for approved continuing education courses and programs.

9 (6) “Deliver” or “delivery” means the actual, constructive or attempted  
10 transfer of a drug or device other than by administration from one person  
11 to another, whether or not for a consideration.

12 (7) “Device” means an instrument, apparatus, implement, machine,  
13 contrivance, implant, in vitro reagent or other similar or related article, in-  
14 cluding any component part or accessory, which is required under federal  
15 or state law to be prescribed by a practitioner and dispensed by a  
16 pharmacist.

17 (8) “Dispense” or “dispensing” means the preparation and delivery of a  
18 prescription drug pursuant to a lawful order of a practitioner in a suitable  
19 container appropriately labeled for subsequent administration to or use by  
20 a patient or other individual entitled to receive the prescription drug.

21 (9) “Distribute” means the delivery of a drug other than by administering  
22 or dispensing.

23 (10) “Drug” means:

24 (a) Articles recognized as drugs in the official United States  
25 Pharmacopoeia, official National Formulary, official Homeopathic  
26 Pharmacopoeia, other drug compendium or any supplement to any of them;

27 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment  
28 or prevention of disease in a human or other animal;

29 (c) Articles, other than food, intended to affect the structure or any  
30 function of the body of humans or other animals; and

31 (d) Articles intended for use as a component of any articles specified in

1 paragraph (a), (b) or (c) of this subsection.

2 (11) “Drug order” means a written order, in a hospital or other inpatient  
3 care facility, for an ultimate user of any drug or device issued and signed  
4 by a practitioner, or an order transmitted by other means of communication  
5 from a practitioner, that is immediately reduced to writing by a pharmacist,  
6 licensed nurse or other practitioner.

7 (12) “Drug outlet” means a pharmacy, nursing home, shelter home,  
8 convalescent home, extended care facility, drug abuse treatment center, penal  
9 institution, hospital, family planning clinic, student health center, retail  
10 store, wholesaler, manufacturer, mail-order vendor or other establishment  
11 with facilities located within or out of this state that is engaged in dis-  
12 pensing, delivery or distribution of drugs within this state.

13 (13) “Drug room” means a secure and lockable location within an inpa-  
14 tient care facility that does not have a licensed pharmacy.

15 (14) “Electronically transmitted” or “electronic transmission” means a  
16 communication sent or received through technological apparatuses, including  
17 computer terminals or other equipment or mechanisms linked by telephone  
18 or microwave relays, or similar apparatus having electrical, digital, mag-  
19 netic, wireless, optical, electromagnetic or similar capabilities.

20 (15) “Injectable hormonal contraceptive” means a drug composed of a  
21 hormone or a combination of hormones that is approved by the United States  
22 Food and Drug Administration to prevent pregnancy and that a health care  
23 practitioner administers to the patient by injection.

24 (16) “Institutional drug outlet” means hospitals and inpatient care facili-  
25 ties where medications are dispensed to another health care professional for  
26 administration to patients served by the hospitals or facilities.

27 (17) “Intern” means a person who is enrolled in or has completed a course  
28 of study at a school or college of pharmacy approved by the board and who  
29 is licensed with the board as an intern.

30 (18) “Internship” means a professional experiential program approved by  
31 the board under the supervision of a licensed pharmacist registered with the



1 board as a preceptor.

2 (19) "Labeling" means the process of preparing and affixing of a label to  
3 any drug container exclusive, however, of the labeling by a manufacturer,  
4 packer or distributor of a nonprescription drug or commercially packaged  
5 legend drug or device.

6 (20) "Manufacture" means the production, preparation, propagation, com-  
7 pounding, conversion or processing of a device or a drug, either directly or  
8 indirectly by extraction from substances of natural origin or independently  
9 by means of chemical synthesis or by a combination of extraction and  
10 chemical synthesis and includes any packaging or repackaging of the sub-  
11 stances or labeling or relabeling of its container, except that this term does  
12 not include the preparation or compounding of a drug by an individual for  
13 their own use or the preparation, compounding, packaging or labeling of a  
14 drug:

15 (a) By a practitioner as an incident to administering or dispensing of a  
16 drug in the course of professional practice; or

17 (b) By a practitioner or by the practitioner's authorization under super-  
18 vision of the practitioner for the purpose of or as an incident to research,  
19 teaching or chemical analysis and not for sale.

20 (21) "Manufacturer" means a person engaged in the manufacture of drugs.

21 (22) "Nonprescription drug outlet" means a business or other establish-  
22 ment that is open to the general public for the sale or nonprofit distribution  
23 of nonprescription drugs and is registered under ORS 689.305.

24 (23) "Nonprescription drugs" means drugs that may be sold without a  
25 prescription and that are prepackaged for use by the consumer and labeled  
26 in accordance with the requirements of the statutes and regulations of this  
27 state and the federal government.

28 (24) "Person" means an individual, corporation, partnership, association  
29 or other legal entity.

30 (25) "Pharmacist" means an individual licensed by this state to engage in  
31 the practice of pharmacy or to engage in the practice of clinical pharmacy.

1 (26) "Pharmacy" means a place that meets the requirements of rules of  
2 the board, is licensed and approved by the board where the practice of  
3 pharmacy may lawfully occur and includes apothecaries, drug stores,  
4 dispensaries, hospital outpatient pharmacies, pharmacy departments and  
5 prescription laboratories but does not include a place used by a manufacturer  
6 or wholesaler.

7 (27) "Pharmacy technician" means a person licensed by the board who  
8 assists in the practice of pharmacy pursuant to rules of the board.

9 (28) "Practice of clinical pharmacy" means:

10 (a) The health science discipline in which, in conjunction with the  
11 patient's other practitioners, a pharmacist provides patient care to optimize  
12 medication therapy and to promote disease prevention and the patient's  
13 health and wellness;

14 (b) The provision of patient care services, including but not limited to  
15 post-diagnostic disease state management services; and

16 (c) The practice of pharmacy by a pharmacist pursuant to a clinical  
17 pharmacy agreement.

18 (29) "Practice of pharmacy" means:

19 (a) The interpretation and evaluation of prescription orders;

20 (b) The compounding, dispensing and labeling of drugs and devices, except  
21 labeling by a manufacturer, packer or distributor of nonprescription drugs  
22 and commercially packaged legend drugs and devices;

23 (c) The prescribing and administering of vaccines and immunizations and  
24 the providing of patient care services pursuant to ORS 689.645;

25 (d) The administering of drugs and devices to the extent permitted under  
26 ORS 689.655;

27 (e) The participation in drug selection and drug utilization reviews;

28 (f) The proper and safe storage of drugs and devices and the maintenance  
29 of proper records regarding the safe storage of drugs and devices;

30 (g) The responsibility for advising, where necessary or where regulated,  
31 of therapeutic values, content, hazards and use of drugs and devices;

1 (h) The monitoring of therapeutic response or adverse effect to drug  
2 therapy;

3 (i) The optimizing of drug therapy through the practice of clinical phar-  
4 macy;

5 (j) Patient care services, including medication therapy management and  
6 comprehensive medication review;

7 (k) The offering or performing of those acts, services, operations or  
8 transactions necessary in the conduct, operation, management and control  
9 of pharmacy;

10 (L) The prescribing and administering of injectable hormonal  
11 contraceptives and the prescribing and dispensing of self-administered  
12 hormonal contraceptives pursuant to ORS 689.689;

13 (m) The prescribing and dispensing of emergency refills of insulin and  
14 associated insulin-related devices and supplies pursuant to ORS 689.696;

15 (n) The prescribing, dispensing and administering of preexposure  
16 prophylactic antiretroviral therapies and post-exposure prophylactic  
17 antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the  
18 board under ORS 689.645 and 689.704;

19 (o) The delegation of tasks to other health care providers who are ap-  
20 propriately trained and authorized to perform the delegated tasks;

21 (p) The prescribing, [*and*] dispensing **and administering** of [*early refills*  
22 *of*] medication for the treatment of opioid use disorder pursuant to section  
23 7, chapter 70, Oregon Laws 2024; and

24 (q) The testing for severe acute respiratory syndrome coronavirus 2  
25 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment  
26 for SARS-CoV-2 pursuant to section 4, chapter 17, Oregon Laws 2024, and  
27 rules adopted by the board pursuant to section 4, chapter 17, Oregon Laws  
28 2024.

29 (30) “Practitioner” means a person licensed and operating within the  
30 scope of such license to prescribe, dispense, conduct research with respect  
31 to or administer drugs in the course of professional practice or research:

1 (a) In this state; or

2 (b) In another state or territory of the United States if the person does  
3 not reside in Oregon and is registered under the federal Controlled Sub-  
4 stances Act.

5 (31) “Preceptor” means a pharmacist or a person licensed by the board to  
6 supervise the internship training of a licensed intern.

7 (32) “Prescription drug” or “legend drug” means a drug that is:

8 (a) Required by federal law, prior to being dispensed or delivered, to be  
9 labeled with either of the following statements:

10 (A) “Caution: Federal law prohibits dispensing without prescription”; or

11 (B) “Caution: Federal law restricts this drug to use by or on the order  
12 of a licensed veterinarian”; or

13 (b) Required by any applicable federal or state law or regulation to be  
14 dispensed on prescription only or is restricted to use by practitioners only.

15 (33) “Prescription” or “prescription drug order” means a written, oral or  
16 electronically transmitted direction, given by a practitioner authorized to  
17 prescribe drugs, for the preparation and use of a drug. When the context  
18 requires, “prescription” also means the drug prepared under such written,  
19 oral or electronically transmitted direction.

20 (34) “Retail drug outlet” means a place used for the conduct of the retail  
21 sale, administering or dispensing or compounding of drugs or chemicals or  
22 for the administering or dispensing of prescriptions and licensed by the board  
23 as a place where the practice of pharmacy may lawfully occur.

24 (35) “Self-administered hormonal contraceptive” means a drug composed  
25 of a hormone or a combination of hormones that is approved by the United  
26 States Food and Drug Administration to prevent pregnancy and that the  
27 patient to whom the drug is prescribed may administer to oneself. “Self-  
28 administered hormonal contraceptive” includes, but is not limited to,  
29 hormonal contraceptive patches and hormonal contraceptive pills.

30 (36) “Third-party logistics provider” means an entity that:

31 (a) Provides or coordinates warehousing of, or other logistics services for,

1 a product in interstate commerce on behalf of a manufacturer, wholesale  
2 distributor or dispenser of the product; and

3 (b) Does not take ownership of, or have responsibility to direct the sale  
4 or disposition of, the product.

5 (37) “Unit dose” means a sealed single-unit container so designed that the  
6 contents are administered to the patient as a single dose, direct from the  
7 container. Each unit dose container must bear a separate label, be labeled  
8 with the name and strength of the medication, the name of the manufacturer  
9 or distributor, an identifying lot number and, if applicable, the expiration  
10 date of the medication.

11 (38) “Wholesale distributor drug outlet” means a person, other than a  
12 manufacturer, manufacturer’s colicensed partner, third-party logistics pro-  
13 vider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in  
14 wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

15 **SECTION 23.** ORS 689.005, as amended by sections 5 and 6, chapter 17,  
16 Oregon Laws 2024, and section 9, chapter 70, Oregon Laws 2024, is amended  
17 to read:

18 689.005. As used in this chapter:

19 (1) “Administer” means the direct application of a drug or device whether  
20 by injection, inhalation, ingestion, or any other means, to the body of a pa-  
21 tient or research subject by:

22 (a) A practitioner or the practitioner’s authorized agent; or

23 (b) The patient or research subject at the direction of the practitioner.

24 (2) “Approved continuing pharmacy education program” means those  
25 seminars, classes, meetings, workshops and other educational programs on  
26 the subject of pharmacy approved by the State Board of Pharmacy.

27 (3) “Clinical pharmacy agreement” means an agreement between a  
28 pharmacist or pharmacy and a health care organization or a physician as  
29 defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010  
30 that permits the pharmacist to engage in the practice of clinical pharmacy  
31 for the benefit of the patients of the health care organization, physician or

1 naturopathic physician.

2 (4) “Continuing pharmacy education” means:

3 (a) Professional, pharmaceutical post-graduate education in the general  
4 areas of socio-economic and legal aspects of health care;

5 (b) The properties and actions of drugs and dosage forms; and

6 (c) The etiology, characteristics and therapeutics of the disease state.

7 (5) “Continuing pharmacy education unit” means the unit of measurement  
8 of credits for approved continuing education courses and programs.

9 (6) “Deliver” or “delivery” means the actual, constructive or attempted  
10 transfer of a drug or device other than by administration from one person  
11 to another, whether or not for a consideration.

12 (7) “Device” means an instrument, apparatus, implement, machine,  
13 contrivance, implant, in vitro reagent or other similar or related article, in-  
14 cluding any component part or accessory, which is required under federal  
15 or state law to be prescribed by a practitioner and dispensed by a  
16 pharmacist.

17 (8) “Dispense” or “dispensing” means the preparation and delivery of a  
18 prescription drug pursuant to a lawful order of a practitioner in a suitable  
19 container appropriately labeled for subsequent administration to or use by  
20 a patient or other individual entitled to receive the prescription drug.

21 (9) “Distribute” means the delivery of a drug other than by administering  
22 or dispensing.

23 (10) “Drug” means:

24 (a) Articles recognized as drugs in the official United States  
25 Pharmacopoeia, official National Formulary, official Homeopathic  
26 Pharmacopoeia, other drug compendium or any supplement to any of them;

27 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment  
28 or prevention of disease in a human or other animal;

29 (c) Articles, other than food, intended to affect the structure or any  
30 function of the body of humans or other animals; and

31 (d) Articles intended for use as a component of any articles specified in

1 paragraph (a), (b) or (c) of this subsection.

2 (11) “Drug order” means a written order, in a hospital or other inpatient  
3 care facility, for an ultimate user of any drug or device issued and signed  
4 by a practitioner, or an order transmitted by other means of communication  
5 from a practitioner, that is immediately reduced to writing by a pharmacist,  
6 licensed nurse or other practitioner.

7 (12) “Drug outlet” means a pharmacy, nursing home, shelter home,  
8 convalescent home, extended care facility, drug abuse treatment center, penal  
9 institution, hospital, family planning clinic, student health center, retail  
10 store, wholesaler, manufacturer, mail-order vendor or other establishment  
11 with facilities located within or out of this state that is engaged in dis-  
12 pensing, delivery or distribution of drugs within this state.

13 (13) “Drug room” means a secure and lockable location within an inpa-  
14 tient care facility that does not have a licensed pharmacy.

15 (14) “Electronically transmitted” or “electronic transmission” means a  
16 communication sent or received through technological apparatuses, including  
17 computer terminals or other equipment or mechanisms linked by telephone  
18 or microwave relays, or similar apparatus having electrical, digital, mag-  
19 netic, wireless, optical, electromagnetic or similar capabilities.

20 (15) “Injectable hormonal contraceptive” means a drug composed of a  
21 hormone or a combination of hormones that is approved by the United States  
22 Food and Drug Administration to prevent pregnancy and that a health care  
23 practitioner administers to the patient by injection.

24 (16) “Institutional drug outlet” means hospitals and inpatient care facili-  
25 ties where medications are dispensed to another health care professional for  
26 administration to patients served by the hospitals or facilities.

27 (17) “Intern” means a person who is enrolled in or has completed a course  
28 of study at a school or college of pharmacy approved by the board and who  
29 is licensed with the board as an intern.

30 (18) “Internship” means a professional experiential program approved by  
31 the board under the supervision of a licensed pharmacist registered with the

1 board as a preceptor.

2 (19) "Labeling" means the process of preparing and affixing of a label to  
3 any drug container exclusive, however, of the labeling by a manufacturer,  
4 packer or distributor of a nonprescription drug or commercially packaged  
5 legend drug or device.

6 (20) "Manufacture" means the production, preparation, propagation, com-  
7 pounding, conversion or processing of a device or a drug, either directly or  
8 indirectly by extraction from substances of natural origin or independently  
9 by means of chemical synthesis or by a combination of extraction and  
10 chemical synthesis and includes any packaging or repackaging of the sub-  
11 stances or labeling or relabeling of its container, except that this term does  
12 not include the preparation or compounding of a drug by an individual for  
13 their own use or the preparation, compounding, packaging or labeling of a  
14 drug:

15 (a) By a practitioner as an incident to administering or dispensing of a  
16 drug in the course of professional practice; or

17 (b) By a practitioner or by the practitioner's authorization under super-  
18 vision of the practitioner for the purpose of or as an incident to research,  
19 teaching or chemical analysis and not for sale.

20 (21) "Manufacturer" means a person engaged in the manufacture of drugs.

21 (22) "Nonprescription drug outlet" means a business or other establish-  
22 ment that is open to the general public for the sale or nonprofit distribution  
23 of nonprescription drugs and is registered under ORS 689.305.

24 (23) "Nonprescription drugs" means drugs that may be sold without a  
25 prescription and that are prepackaged for use by the consumer and labeled  
26 in accordance with the requirements of the statutes and regulations of this  
27 state and the federal government.

28 (24) "Person" means an individual, corporation, partnership, association  
29 or other legal entity.

30 (25) "Pharmacist" means an individual licensed by this state to engage in  
31 the practice of pharmacy or to engage in the practice of clinical pharmacy.



1 (26) "Pharmacy" means a place that meets the requirements of rules of  
2 the board, is licensed and approved by the board where the practice of  
3 pharmacy may lawfully occur and includes apothecaries, drug stores,  
4 dispensaries, hospital outpatient pharmacies, pharmacy departments and  
5 prescription laboratories but does not include a place used by a manufacturer  
6 or wholesaler.

7 (27) "Pharmacy technician" means a person licensed by the board who  
8 assists in the practice of pharmacy pursuant to rules of the board.

9 (28) "Practice of clinical pharmacy" means:

10 (a) The health science discipline in which, in conjunction with the  
11 patient's other practitioners, a pharmacist provides patient care to optimize  
12 medication therapy and to promote disease prevention and the patient's  
13 health and wellness;

14 (b) The provision of patient care services, including but not limited to  
15 post-diagnostic disease state management services; and

16 (c) The practice of pharmacy by a pharmacist pursuant to a clinical  
17 pharmacy agreement.

18 (29) "Practice of pharmacy" means:

19 (a) The interpretation and evaluation of prescription orders;

20 (b) The compounding, dispensing and labeling of drugs and devices, except  
21 labeling by a manufacturer, packer or distributor of nonprescription drugs  
22 and commercially packaged legend drugs and devices;

23 (c) The prescribing and administering of vaccines and immunizations and  
24 the providing of patient care services pursuant to ORS 689.645;

25 (d) The administering of drugs and devices to the extent permitted under  
26 ORS 689.655;

27 (e) The participation in drug selection and drug utilization reviews;

28 (f) The proper and safe storage of drugs and devices and the maintenance  
29 of proper records regarding the safe storage of drugs and devices;

30 (g) The responsibility for advising, where necessary or where regulated,  
31 of therapeutic values, content, hazards and use of drugs and devices;

1 (h) The monitoring of therapeutic response or adverse effect to drug  
2 therapy;

3 (i) The optimizing of drug therapy through the practice of clinical phar-  
4 macy;

5 (j) Patient care services, including medication therapy management and  
6 comprehensive medication review;

7 (k) The offering or performing of those acts, services, operations or  
8 transactions necessary in the conduct, operation, management and control  
9 of pharmacy;

10 (L) The prescribing and administering of injectable hormonal  
11 contraceptives and the prescribing and dispensing of self-administered  
12 hormonal contraceptives pursuant to ORS 689.689;

13 (m) The prescribing and dispensing of emergency refills of insulin and  
14 associated insulin-related devices and supplies pursuant to ORS 689.696;

15 (n) The prescribing, dispensing and administering of preexposure  
16 prophylactic antiretroviral therapies and post-exposure prophylactic  
17 antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the  
18 board under ORS 689.645 and 689.704;

19 (o) The delegation of tasks to other health care providers who are ap-  
20 propriately trained and authorized to perform the delegated tasks; and

21 (p) The prescribing, [*and*] dispensing **and administering** of [*early refills*  
22 *of*] medication for the treatment of opioid use disorder pursuant to section  
23 7, chapter 70, Oregon Laws 2024.

24 (30) “Practitioner” means a person licensed and operating within the  
25 scope of such license to prescribe, dispense, conduct research with respect  
26 to or administer drugs in the course of professional practice or research:

27 (a) In this state; or

28 (b) In another state or territory of the United States if the person does  
29 not reside in Oregon and is registered under the federal Controlled Sub-  
30 stances Act.

31 (31) “Preceptor” means a pharmacist or a person licensed by the board to

1 supervise the internship training of a licensed intern.

2 (32) “Prescription drug” or “legend drug” means a drug that is:

3 (a) Required by federal law, prior to being dispensed or delivered, to be  
4 labeled with either of the following statements:

5 (A) “Caution: Federal law prohibits dispensing without prescription”; or

6 (B) “Caution: Federal law restricts this drug to use by or on the order  
7 of a licensed veterinarian”; or

8 (b) Required by any applicable federal or state law or regulation to be  
9 dispensed on prescription only or is restricted to use by practitioners only.

10 (33) “Prescription” or “prescription drug order” means a written, oral or  
11 electronically transmitted direction, given by a practitioner authorized to  
12 prescribe drugs, for the preparation and use of a drug. When the context  
13 requires, “prescription” also means the drug prepared under such written,  
14 oral or electronically transmitted direction.

15 (34) “Retail drug outlet” means a place used for the conduct of the retail  
16 sale, administering or dispensing or compounding of drugs or chemicals or  
17 for the administering or dispensing of prescriptions and licensed by the board  
18 as a place where the practice of pharmacy may lawfully occur.

19 (35) “Self-administered hormonal contraceptive” means a drug composed  
20 of a hormone or a combination of hormones that is approved by the United  
21 States Food and Drug Administration to prevent pregnancy and that the  
22 patient to whom the drug is prescribed may administer to oneself. “Self-  
23 administered hormonal contraceptive” includes, but is not limited to,  
24 hormonal contraceptive patches and hormonal contraceptive pills.

25 (36) “Third-party logistics provider” means an entity that:

26 (a) Provides or coordinates warehousing of, or other logistics services for,  
27 a product in interstate commerce on behalf of a manufacturer, wholesale  
28 distributor or dispenser of the product; and

29 (b) Does not take ownership of, or have responsibility to direct the sale  
30 or disposition of, the product.

31 (37) “Unit dose” means a sealed single-unit container so designed that the

1 contents are administered to the patient as a single dose, direct from the  
2 container. Each unit dose container must bear a separate label, be labeled  
3 with the name and strength of the medication, the name of the manufacturer  
4 or distributor, an identifying lot number and, if applicable, the expiration  
5 date of the medication.

6 (38) “Wholesale distributor drug outlet” means a person, other than a  
7 manufacturer, manufacturer’s colicensed partner, third-party logistics pro-  
8 vider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in  
9 wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

10

11

## OTHER HOUSE BILL 4002 (2024) MODIFICATIONS

12

13 **SECTION 24.** Section 36, chapter 70, Oregon Laws 2024, is amended to  
14 read:

15 **Sec. 36.** (1) Law enforcement agencies in this state are encouraged to, in  
16 lieu of citation or arrest, or after citation or arrest but before referral to the  
17 district attorney, refer a person to a deflection program when the person is  
18 suspected of committing, or has been cited or arrested for, unlawful pos-  
19 session of a controlled substance constituting a drug enforcement  
20 misdemeanor under section 35, [*of this 2024 Act*] **chapter 70, Oregon Laws**  
21 **2024.**

22 (2) District attorneys in this state are encouraged to divert for assess-  
23 ment, treatment and other services, in lieu of conviction, cases involving  
24 unlawful possession of a controlled substance constituting a drug enforce-  
25 ment misdemeanor under section 35, [*of this 2024 Act*] **chapter 70, Oregon**  
26 **Laws 2024.**

27 (3) If a deflection program is established, the program coordinator shall  
28 be responsible for providing notification that a person has completed the  
29 program to those entities responsible for sealing records under section 54,  
30 [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, including but not limited  
31 to [*law enforcement agencies, district attorneys and courts*] **a law enforce-**

1 **ment agency, the district attorney and, if requested by the court, the**  
2 **circuit court.**

3 (4) As used in this section, “deflection program” has the meaning given  
4 that term in section 37, [*of this 2024 Act*] **chapter 70, Oregon Laws 2024.**

5 **SECTION 25.** Section 52, chapter 70, Oregon Laws 2024, is amended to  
6 read:

7 **Sec. 52.** (1)(a) When a person is charged with unlawful possession of a  
8 controlled substance under ORS 475.752 (3)(a), (b), (c) or (d), 475.814 (2)(a),  
9 475.824 (2)(a), 475.834 (2)(a), 475.854 (2)(a), 475.874 (2)(a), 475.884 (2)(a) or  
10 475.894 (2)(a) **or section 2 (2)(a) of this 2025 Act** constituting a drug  
11 enforcement misdemeanor as described in section 35 [*of this 2024 Act*],  
12 **chapter 70, Oregon Laws 2024**, the person is eligible to enter, and subject  
13 to paragraphs (b) and (c) of this subsection may request to enter, into a  
14 probation agreement as described in this section.

15 (b) The district attorney may object to the defendant’s entry into a pro-  
16 bation agreement under this section. After hearing the reasons for the ob-  
17 jection, the court may deny the person’s entry if the probation agreement  
18 would not serve the needs of the person or the protection and welfare of the  
19 community.

20 (c) A person may request to enter into a probation agreement under this  
21 section no later than 30 days after the person’s first appearance, unless the  
22 court authorizes a later date for good cause shown. For purposes of this  
23 paragraph, the filing of a demurrer, a motion to suppress or a motion for an  
24 omnibus hearing does not constitute good cause.

25 (d) When a person enters into a probation agreement under this section,  
26 the court shall defer further proceedings on the charge described in para-  
27 graph (a) of this subsection and place the person on probation. The terms  
28 of the probation shall be defined by a probation agreement.

29 (e) A person may enter into a probation agreement under this section on  
30 the charge described in paragraph (a) of this subsection regardless of  
31 whether the person is charged with other offenses within the same charging

1 instrument or as part of a separate charging instrument, but the proceedings  
2 on the other offenses continue in the normal course and are not deferred.

3 (2)(a) A probation agreement described in this section carries the under-  
4 standing that if the defendant fulfills the terms of the agreement, the charge  
5 described in subsection (1)(a) of this section that is the subject of the  
6 agreement will be dismissed with prejudice.

7 (b) The initial term of probation shall be 12 months, subject to early ter-  
8 mination by the court. The terms of the probation shall include the general  
9 conditions of probation described in ORS 137.540 (1) and a requirement that  
10 the defendant complete a substance abuse evaluation and any treatment re-  
11 commended by the evaluator. The court may impose sanctions of up to a total  
12 of 30 days of imprisonment upon finding that the person has violated the  
13 conditions of probation. Structured, intermediate sanctions as described in  
14 ORS 137.593 may be imposed in accordance with rules adopted under ORS  
15 137.595 when the conditions of a term of probation described in this section  
16 have been violated.

17 (c) The agreement must contain a waiver of the following rights of the  
18 defendant with respect to each criminal charge:

19 (A) The right to a speedy trial and trial by jury;

20 (B) The right to present evidence on the defendant's behalf;

21 (C) The right to confront and cross-examine witnesses against the de-  
22 fendant;

23 (D) The right to contest evidence presented against the defendant, in-  
24 cluding the right to object to hearsay evidence; and

25 (E) The right to appeal from a judgment of conviction resulting from an  
26 adjudication of guilt entered under subsection (3) of this section, unless the  
27 appeal is based on an allegation that the sentence exceeds the maximum al-  
28 lowed by law or constitutes cruel and unusual punishment.

29 (d) The agreement may not contain a requirement that the defendant en-  
30 ter a plea of guilty or no contest on any charge in the accusatory instrument.

31 (e) The fact that a person has entered into a probation agreement under

1 this section does not constitute an admission of guilt and is not sufficient  
2 to warrant a finding or adjudication of guilt by a court.

3 (f) Police reports or other documents associated with the criminal charges  
4 in a court file other than the probation agreement may not be admitted into  
5 evidence, and do not establish a factual basis for finding the defendant  
6 guilty, unless the court resumes criminal proceedings [*and enters an adjudi-*  
7 *cation of guilt*] under subsection (3) of this section.

8 (3) Upon violation of a term or condition of the probation agreement, the  
9 court may:

10 **(a) If the court finds that the defendant has fulfilled the terms and**  
11 **conditions of the probation agreement, discharge the person and dis-**  
12 **miss the charge that is the subject of the agreement as described in**  
13 **subsection (4) of this section;**

14 **(b) Impose a sanction; or** [*may*]

15 **(c) Resume the criminal proceedings and may find the defendant guilty**  
16 of the charge that is the subject of the agreement in accordance with the  
17 waiver of rights in the agreement. The defendant may not contest the suffi-  
18 ciency of the evidence establishing the defendant's guilt of the offenses in  
19 the accusatory instrument.

20 (4) Upon the conclusion or early termination of the probation period, if  
21 the court has received notice from the district attorney or a supervising of-  
22 ficer that the person has fulfilled the terms and conditions of the probation  
23 agreement, the court shall discharge the person and dismiss the charge that  
24 is the subject of the agreement. Discharge and dismissal under this section  
25 shall be without adjudication of guilt and is not a conviction for purposes  
26 of this section or for purposes of disqualifications or disabilities imposed by  
27 law upon conviction of a crime.

28 (5) In the event that the period of probation under this section expires,  
29 but the court has not received notice that the terms and conditions of the  
30 probation agreement have been fulfilled and no probation violation proceed-  
31 ing was initiated prior to the expiration of the period of probation, the court

1 may not discharge the person and dismiss the proceedings against the person.  
2 The court shall instead issue an order requiring the person to appear and to  
3 show cause why the court should not enter an adjudication of guilt as de-  
4 scribed in subsection (3) of this section due to the failure of the person to  
5 fulfill the terms and conditions of the probation agreement prior to expira-  
6 tion of the period of probation. At the hearing on the order to show cause,  
7 after considering any evidence or argument from the district attorney and  
8 the person, the court may:

9 (a) Order a new period of probation to allow the person to fulfill the  
10 terms and conditions of the probation agreement; or

11 (b) Enter an adjudication of guilt as described in subsection (3) of this  
12 section.

13

14

#### CAPTIONS

15

16 **SECTION 26. The unit captions used in this 2025 Act are provided**  
17 **only for the convenience of the reader and do not become part of the**  
18 **statutory law of this state or express any legislative intent in the**  
19 **enactment of this 2025 Act.**

20

---