

A-Engrossed
House Bill 2397

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representative DEXTER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Oregon Health Authority to study opioid overdose prevention. Directs authority to submit findings to interim committees of Legislative Assembly related to health care not later than September 15, 2024.] **Establishes Harm Reduction Clearinghouse Project within Oregon Health Authority for purposes of purchasing in bulk harm reduction supplies for use by entities that serve populations vulnerable to overdose, infections or injuries due to opioid use and use of other controlled substances. Defines "harm reduction supplies." Exempts from definition of "drug paraphernalia" certain items designed to prevent or reduce potential harm associated with use of opioids and other controlled substances.**

A BILL FOR AN ACT

1
2 Relating to opioid overdose prevention; creating new provisions; and amending ORS 414.318 and
3 475.525.

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

5 **SECTION 1. (1) As used in this section, "harm reduction supplies" means opioid reversal**
6 **medications, hypodermic syringes or needles, single-use drug test strips, drug testing tools**
7 **or any other item designed to prevent or reduce the potential harm associated with the use**
8 **of opioids and other controlled substances, including but not limited to items that reduce the**
9 **risk of transmission of infectious disease or prevent injury, infection or overdose.**

10 **(2) The Harm Reduction Clearinghouse Project is established in the Oregon Health Au-**
11 **thority to purchase in bulk harm reduction supplies for use throughout this state by com-**
12 **munity organizations, first responders and other entities that serve populations who are**
13 **vulnerable to overdose, infections or injuries due to opioid use and use of other controlled**
14 **substances. Entities that may participate in the project include but are not limited to:**

15 **(a) Hospitals and emergency departments;**

16 **(b) First responders;**

17 **(c) Law enforcement agencies;**

18 **(d) Courts and other departments within the criminal justice system;**

19 **(e) Organizations that provide services to individuals experiencing homelessness;**

20 **(f) Organizations that provide services to individuals at risk of overdose, infections or**
21 **injuries related to opioid use or use of other controlled substances;**

22 **(g) Veterans' organizations;**

23 **(h) Religious organizations;**

24 **(i) Schools and universities;**

25 **(j) Substance use treatment and recovery facilities, including inpatient facilities, outpa-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tient facilities, residential facilities and sobering centers;**

2 **(k) Public libraries;**

3 **(L) Community health centers;**

4 **(m) County public health or behavioral health agencies; and**

5 **(n) Special districts.**

6 **(3) To make the bulk purchases of harm reduction supplies under this section, the ad-**
7 **ministrator of the Harm Reduction Clearinghouse Project may use funds from the Opioid**
8 **Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing Fund established**
9 **in section 2 of this 2023 Act or from transfers of funds or donations from the Prescription**
10 **Drug Purchasing Fund established in ORS 414.318 for the purchase of harm reduction sup-**
11 **plies.**

12 **(4) The authority may adopt rules to carry out this section.**

13 **SECTION 2. (1) The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk**
14 **Purchasing Fund is established in the State Treasury, separate and distinct from the General**
15 **Fund. Interest earned by the Opioid Reversal Medication and Harm Reduction Clearinghouse**
16 **Bulk Purchasing Fund shall be credited to the fund.**

17 **(2) The Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Purchasing**
18 **Fund consists of:**

19 **(a) Moneys received by the Oregon Health Authority from opioid litigation settlements;**

20 **(b) Grants awarded for the purpose of addressing substance use and overdose epidemics;**

21 **(c) Other gifts, grants, bequests, endowments or donations made to the fund; and**

22 **(d) Moneys appropriated to the fund by the Legislative Assembly.**

23 **(3) The moneys in the Opioid Reversal Medication and Harm Reduction Clearinghouse**
24 **Bulk Purchasing Fund are continuously appropriated to the Oregon Health Authority for the**
25 **purpose of carrying out section 1 of this 2023 Act.**

26 **SECTION 3. ORS 414.318 is amended to read:**

27 414.318. The Prescription Drug Purchasing Fund is established separate and distinct from the
28 General Fund. The Prescription Drug Purchasing Fund shall consist of moneys appropriated to the
29 fund by the Legislative Assembly and moneys received by the Oregon Health Authority for the
30 purposes established in this section in the form of gifts, grants, bequests, endowments or donations.
31 The moneys in the Prescription Drug Purchasing Fund are continuously appropriated to the au-
32 thority and shall be used to purchase prescription drugs, reimburse pharmacies for prescription
33 drugs and reimburse the authority for the costs of administering the Oregon Prescription Drug
34 Program, including contracted services costs, computer costs, professional dispensing fees paid to
35 retail pharmacies and other reasonable program costs. **Moneys in the fund may be transferred**
36 **or donated to the Opioid Reversal Medication and Harm Reduction Clearinghouse Bulk Pur-**
37 **chasing Fund established under section 2 of this 2023 Act for the purpose of purchasing in**
38 **bulk harm reduction supplies. Interest earned on the Prescription Drug Purchasing Fund shall**
39 **be credited to the fund.**

40 **SECTION 4. ORS 475.525 is amended to read:**

41 475.525. (1) It is unlawful for any person to sell or deliver, possess with intent to sell or deliver
42 or manufacture with intent to sell or deliver drug paraphernalia, knowing that it will be used to
43 unlawfully plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
44 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or other-
45 wise introduce into the human body a controlled substance as defined by ORS 475.005.

1 (2) For the purposes of this section, “drug paraphernalia” means all equipment, products and
2 materials of any kind that are marketed for use or designed for use in planting, propagating, culti-
3 vating, growing, harvesting, manufacturing, compounding, converting, producing, processing, pre-
4 paring, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting,
5 ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation
6 of ORS 475.752 to 475.980. Drug paraphernalia includes, but is not limited to:

7 (a) Kits marketed for use or designed for use in unlawfully planting, propagating, cultivating,
8 growing or harvesting of any species of plant that is a controlled substance or from which a con-
9 trolled substance can be derived;

10 (b) Kits marketed for use or designed for use in manufacturing, compounding, converting,
11 producing, processing or preparing controlled substances;

12 (c) Isomerization devices marketed for use or designed for use in increasing the potency of any
13 species of plant that is a controlled substance;

14 [(d) *Testing equipment marketed for use or designed for use in identifying or in analyzing the*
15 *strength, effectiveness or purity of controlled substances;*]

16 [(e)] (d) Scales and balances marketed for use or designed for use in weighing or measuring
17 controlled substances;

18 [(f)] (e) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and
19 lactose, marketed for use or designed for use in cutting controlled substances;

20 [(g)] (f) Lighting equipment specifically designed for growing controlled substances;

21 [(h)] (g) Containers and other objects marketed for use or designed for use in storing or con-
22 cealing controlled substances; and

23 [(i)] (h) Objects marketed for use or designed specifically for use in ingesting, inhaling or oth-
24 erwise introducing a controlled substance into the human body, such as:

25 [(A) *Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens;*]

26 [(B) *Water pipes;*]

27 [(C) *Carburetion tubes and devices;*]

28 [(D)] (A) Smoking and carburetion masks;

29 [(E)] (B) Roach clips, meaning objects used to hold burning material that has become too small
30 or too short to be held in the hand; **or**

31 [(F)] (C) Miniature cocaine spoons and cocaine vials[;].

32 [(G) *Chamber pipes;*]

33 [(H) *Carburetor pipes;*]

34 [(I) *Electric pipes;*]

35 [(J) *Air-driven pipes;*]

36 [(K) *Chillums;*]

37 [(L) *Bongs; and*]

38 [(M) *Ice pipes or chillers.*]

39 (3) For purposes of this section, “drug paraphernalia” does not include hypodermic syringes or
40 needles, **single-use drug test strips, drug testing tools or any other item designed to prevent**
41 **or reduce the potential harm associated with the use of opioids and other controlled sub-**
42 **stances, including but not limited to items that reduce the risk of transmission of infectious**
43 **disease or prevent injury, infection or overdose.**

44 (4) The provisions of ORS 475.525 to 475.565 do not apply to persons registered under the pro-
45 visions of ORS 475.125 or to persons specified as exempt from registration under the provisions of

1 that statute.

2 (5)(a) The provisions of ORS 475.525 to 475.565 do not apply to a person who sells or delivers
3 marijuana paraphernalia as defined in ORS 475C.373 to a person 21 years of age or older.

4 (b) In determining whether an object is drug paraphernalia under this section or marijuana
5 paraphernalia under ORS 475C.373, a trier of fact shall consider, in addition to any other relevant
6 factor, the following:

7 (A) Any oral or written instruction provided with the object related to the object's use;

8 (B) Any descriptive material packaged with the object that explains or depicts the object's use;

9 (C) Any national or local advertising related to the object's use;

10 (D) Any proffered expert testimony related to the object's use;

11 (E) The manner in which the object is displayed for sale, if applicable; and

12 (F) Any other proffered evidence substantiating the object's intended use.

13 **(6) A person acting in good faith is immune from civil liability for any act or omission**
14 **of an action committed during the course of distributing an item described in subsection (3)**
15 **of this section.**

16 **SECTION 5. The amendments to ORS 475.525 by section 4 of this 2023 Act apply to con-**
17 **duct occurring on or after the effective date of this 2023 Act.**

18