

House Bill 2645

Sponsored by Representative MORGAN; Representative WRIGHT (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 **as introduced**.

Provides that "attempted transfer," for purposes of Uniform Controlled Substances Act, includes possession of controlled substance with intent to transfer to another person.

Increases penalties for possession of certain amounts of fentanyl. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Increases sentencing guidelines crime category level for delivery of fentanyl for consideration. Adds alternative manner of measuring fentanyl for purposes of calculating crime category level for certain offenses involving possession, delivery or manufacture of fentanyl.

Prescribes sentence of 58 to 130 months' imprisonment if person is convicted of unlawful manufacture or delivery for consideration of controlled substance that results in death of another person from use of controlled substance. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both. Provides for immunity from prosecution if evidence of offense was discovered as result of person requesting medical assistance.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to controlled substances; creating new provisions; amending ORS 475.005, 475.752, 475.898
3 and 475.900; and prescribing an effective date.

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

5 **SECTION 1.** ORS 475.005 is amended to read:

6 475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires
7 otherwise:

8 (1) "Abuse" means the repetitive excessive use of a drug short of dependence, without legal or
9 medical supervision, which may have a detrimental effect on the individual or society.

10 (2) "Administer" means the direct application of a controlled substance, whether by injection,
11 inhalation, ingestion or any other means, to the body of a patient or research subject by:

12 (a) A practitioner or an authorized agent thereof; or

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

14 (3) "Administration" means the Drug Enforcement Administration of the United States Depart-
15 ment of Justice, or its successor agency.

16 (4) "Agent" means an authorized person who acts on behalf of or at the direction of a man-
17 ufacturer, distributor or dispenser. It does not include a common or contract carrier, public
18 warehouseman or employee of the carrier or warehouseman.

19 (5) "Board" means the State Board of Pharmacy.

20 (6) "Controlled substance":

21 (a) Means a drug or its immediate precursor classified in Schedules I through V under the fed-
22 eral Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the
23 term "precursor" in this paragraph does not control and is not controlled by the use of the term
24 "precursor" in ORS 475.752 to 475.980.

25 (b) Does not include:

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 (A) The plant Cannabis family Cannabaceae;

2 (B) Any part of the plant Cannabis family Cannabaceae, whether growing or not;

3 (C) Resin extracted from any part of the plant Cannabis family Cannabaceae;

4 (D) The seeds of the plant Cannabis family Cannabaceae;

5 (E) Any compound, manufacture, salt, derivative, mixture or preparation of a plant, part of a
6 plant, resin or seed described in this paragraph; or

7 (F) Psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers[,]
8 or possesses psilocybin, psilocin[,] or psilocybin products in accordance with the provisions of ORS
9 475A.210 to 475A.722 and rules adopted under ORS 475A.210 to 475A.722.

10 (7) "Counterfeit substance" means a controlled substance or its container or labeling, which,
11 without authorization, bears the trademark, trade name, or other identifying mark, imprint, number
12 or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person
13 who in fact manufactured, delivered or dispensed the substance.

14 (8) "Deliver" or "delivery" means the actual, constructive or attempted transfer, other than by
15 administering or dispensing, from one person to another of a controlled substance, whether or not
16 there is an agency relationship. **As used in this subsection, "attempted transfer" includes the**
17 **possession of a controlled substance with intent to transfer the controlled substance to an-**
18 **other person.**

19 (9) "Device" means instruments, apparatus or contrivances, including their components, parts
20 or accessories, intended:

21 (a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or
22 animals; or

23 (b) To affect the structure of any function of the body of humans or animals.

24 (10) "Dispense" means to deliver a controlled substance to an ultimate user or research subject
25 by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering,
26 packaging, labeling or compounding necessary to prepare the substance for that delivery.

27 (11) "Dispenser" means a practitioner who dispenses.

28 (12) "Distributor" means a person who delivers.

29 (13) "Drug" means:

30 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official
31 Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement
32 to any of them;

33 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of
34 disease in humans or animals;

35 (c) Substances (other than food) intended to affect the structure or any function of the body of
36 humans or animals; and

37 (d) Substances intended for use as a component of any article specified in paragraph (a), (b) or
38 (c) of this subsection; however, the term does not include devices or their components, parts or ac-
39 cessories.

40 (14) "Electronically transmitted" or "electronic transmission" means a communication sent or
41 received through technological apparatuses, including computer terminals or other equipment or
42 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,
43 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

44 (15) "Manufacture" means the production, preparation, propagation, compounding, conversion
45 or processing of a controlled substance, either directly or indirectly by extraction from substances

1 of natural origin, or independently by means of chemical synthesis, or by a combination of extraction
 2 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or
 3 relabeling of its container, except that this term does not include the preparation or compounding
 4 of a controlled substance:

5 (a) By a practitioner as an incident to administering or dispensing of a controlled substance in
 6 the course of professional practice; or

7 (b) By a practitioner, or by an authorized agent under the practitioner’s supervision, for the
 8 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

9 (16) “Person” includes a government subdivision or agency, business trust, estate, trust or any
 10 other legal entity.

11 (17) “Practitioner” means physician, dentist, veterinarian, scientific investigator, licensed nurse
 12 practitioner, physician assistant or other person licensed, registered or otherwise permitted by law
 13 to dispense, conduct research with respect to or to administer a controlled substance in the course
 14 of professional practice or research in this state but does not include a pharmacist or a pharmacy.

15 (18) “Prescription” means a written, oral or electronically transmitted direction, given by a
 16 practitioner for the preparation and use of a drug. When the context requires, “prescription” also
 17 means the drug prepared under such written, oral or electronically transmitted direction. Any label
 18 affixed to a drug prepared under written, oral or electronically transmitted direction shall promi-
 19 nently display a warning that the removal thereof is prohibited by law.

20 (19) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a
 21 controlled substance.

22 (20) “Research” means an activity conducted by the person registered with the federal Drug
 23 Enforcement Administration pursuant to a protocol approved by the United States Food and Drug
 24 Administration.

25 (21) “Ultimate user” means a person who lawfully possesses a controlled substance for the use
 26 of the person or for the use of a member of the household of the person or for administering to an
 27 animal owned by the person or by a member of the household of the person.

28 (22) “Usable quantity” means:

29 (a) An amount of a controlled substance that is sufficient to physically weigh independent of its
 30 packaging and that does not fall below the uncertainty of the measuring scale; or

31 (b) An amount of a controlled substance that has not been deemed unweighable, as determined
 32 by a Department of State Police forensic laboratory, due to the circumstances of the controlled
 33 substance.

34 (23) “Within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet
 35 or less in every direction from a specified location or from any point on the boundary line of a
 36 specified unit of property.

37 **SECTION 2.** ORS 475.752 is amended to read:

38 475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful
 39 for any person to manufacture or deliver a controlled substance. Any person who violates this sub-
 40 section with respect to:

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

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

45 (c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise

1 provided in ORS 475.904 and 475.906.

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

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

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

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

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

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

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

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

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

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

19 (b) A controlled substance in Schedule II, is guilty of a Class E violation, except as otherwise
20 provided in ORS 475.814, 475.824, 475.834 or 475.884 or subsection (8) of this section.

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

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

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

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

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

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

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

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

33 (6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or
34 delivers a controlled substance in Schedule IV and who thereby causes death to another person is
35 guilty of a Class C felony.

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

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

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

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

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

45 (b) Unlawful possession of a controlled substance in Schedule I is a Class B felony if:

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

2 (B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

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

4 (a) **Unlawful possession of a controlled substance in Schedule II is a Class A**
5 **misdemeanor if the person possesses one gram or more or five or more user units of**
6 **fentanyl.**

7 (b) Unlawful possession of a controlled substance in Schedule II is a Class C felony if:

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

9 [(b)] (B) The person possesses a substantial quantity under ORS 475.900 (2)(b).

10 **SECTION 3.** ORS 475.900 is amended to read:

11 475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or 475.906 shall be classified
12 as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

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

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

17 (B) Five grams or more **or 25 or more user units** of a mixture or substance containing a de-
18 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the
19 Oregon Board of Pharmacy;

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

21 (D) Ten grams or more of a mixture or substance containing a detectable amount of metham-
22 phetamine, its salts, isomers or salts of its isomers;

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

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

27 (G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-
28 taining a detectable amount of:

29 (i) 3,4-methylenedioxyamphetamine;

30 (ii) 3,4-methylenedioxymethamphetamine; or

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

32 (b) The violation constitutes possession, delivery or manufacture of a controlled substance and
33 the possession, delivery or manufacture is a commercial drug offense. A possession, delivery or
34 manufacture is a commercial drug offense for purposes of this subsection if it is accompanied by at
35 least three of the following factors:

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

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

39 (C) The offender was unlawfully in possession of a firearm or other weapon as described in ORS
40 166.270 (2), or the offender used, attempted to use or threatened to use a deadly or dangerous
41 weapon as defined in ORS 161.015, or the offender was in possession of a firearm or other deadly
42 or dangerous weapon as defined in ORS 161.015 for the purpose of using it in connection with a
43 controlled substance offense;

44 (D) The offender was in possession of materials being used for the packaging of controlled sub-
45 stances such as scales, wrapping or foil, other than the material being used to contain the substance

- 1 that is the subject of the offense;
- 2 (E) The offender was in possession of drug transaction records or customer lists;
- 3 (F) The offender was in possession of stolen property;
- 4 (G) Modification of structures by painting, wiring, plumbing or lighting to facilitate a controlled
5 substance offense;
- 6 (H) The offender was in possession of manufacturing paraphernalia, including recipes, precursor
7 chemicals, laboratory equipment, lighting, ventilating or power generating equipment;
- 8 (I) The offender was using public lands for the manufacture of controlled substances;
- 9 (J) The offender had constructed fortifications or had taken security measures with the potential
10 of injuring persons; or
- 11 (K) The offender was in possession of controlled substances in an amount greater than:
- 12 (i) Three grams or more of a mixture or substance containing a detectable amount of heroin;
- 13 (ii) Three grams or more **or 15 or more user units** of a mixture or substance containing a de-
14 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the
15 Oregon Board of Pharmacy;
- 16 (iii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;
- 17 (iv) Eight grams or more of a mixture or substance containing a detectable amount of metham-
18 phetamine;
- 19 (v) Twenty or more user units of a mixture or substance containing a detectable amount of
20 lysergic acid diethylamide;
- 21 (vi) Ten grams or more of a mixture or substance containing a detectable amount of psilocybin
22 or psilocin; or
- 23 (vii) Four grams or more or 20 or more pills, tablets or capsules of a mixture or substance
24 containing a detectable amount of:
- 25 (I) 3,4-methylenedioxyamphetamine;
- 26 (II) 3,4-methylenedioxymethamphetamine; or
- 27 (III) 3,4-methylenedioxy-N-ethylamphetamine.
- 28 (c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868, 475.872, 475.878,
29 475.882, 475.888, 475.892 or 475.904.
- 30 (d) The violation constitutes manufacturing methamphetamine and the manufacturing consists
31 of:
- 32 (A) A chemical reaction involving one or more precursor substances for the purpose of manu-
33 facturing methamphetamine; or
- 34 (B) Grinding, soaking or otherwise breaking down a precursor substance for the purpose of
35 manufacturing methamphetamine.
- 36 (e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is not described in ORS
37 475.907.
- 38 (2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 6 of
39 the sentencing guidelines grid of the Oregon Criminal Justice Commission if:
- 40 (a) The violation constitutes delivery of heroin, cocaine, **fentanyl**, methamphetamine or
41 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or
42 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.
- 43 (b) The violation constitutes possession of substantial quantities of a controlled substance. For
44 purposes of this paragraph, the following amounts constitute substantial quantities of the following
45 controlled substances:

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

2 (B) Five grams or more **or 25 or more user units** of a mixture or substance containing a de-
3 tectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the
4 Oregon Board of Pharmacy;

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

6 (D) Ten grams or more of a mixture or substance containing a detectable amount of metham-
7 phetamine;

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

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

12 (G) Five grams or more or 25 or more pills, tablets or capsules of a mixture or substance con-
13 taining a detectable amount of:

14 (i) 3,4-methylenedioxyamphetamine;

15 (ii) 3,4-methylenedioxymethamphetamine; or

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

17 (3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1) or
18 (2) of this section shall be classified as crime category 4 of the sentencing guidelines grid of the
19 Oregon Criminal Justice Commission if the violation involves delivery or manufacture of a con-
20 trolled substance.

21 (4) In order to prove a commercial drug offense, the state shall plead in the accusatory instru-
22 ment sufficient factors of a commercial drug offense under subsections (1) and (2) of this section.
23 The state has the burden of proving each factor beyond a reasonable doubt.

24 (5) As used in this section, "mixture or substance" means any mixture or substance, whether
25 or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

26 **SECTION 4. Section 5 of this 2023 Act is added to and made a part of ORS 475.752 to**
27 **475.980.**

28 **SECTION 5. (1) Notwithstanding ORS 475.752 to 475.980:**

29 **(a) Unlawful manufacture of a controlled substance that results in the death of another**
30 **person from the use of the controlled substance is a Class A felony.**

31 **(b) Unlawful delivery for consideration of a controlled substance that results in the death**
32 **of another person from the use of the controlled substance is a Class A felony.**

33 **(2) Each person who commits unlawful manufacture or delivery for consideration of a**
34 **controlled substance that results in the death of another person from the use of the con-**
35 **trolled substance is criminally liable under this section, regardless of whether the deceased**
36 **person received the controlled substance directly from the person.**

37 **(3) Unlawful manufacture or delivery for consideration of a controlled substance is con-**
38 **sidered to result in the death of another person from the use of the controlled substance if**
39 **the use of the controlled substance was a substantial factor in causing the death of the other**
40 **person.**

41 **(4) When a person is convicted of an offense described in this section, the court shall**
42 **sentence the person to a term of incarceration ranging from 58 months to 130 months, de-**
43 **pending on the person's criminal history. The court shall use crime category 10 of the sen-**
44 **tencing guidelines grid of the Oregon Criminal Justice Commission and shall determine the**
45 **sentence by using the criminal history scale of the sentencing guidelines grid.**

SECTION 6. ORS 475.898 is amended to read:

475.898. (1) A person who contacts emergency medical services or a law enforcement agency to obtain medical assistance for another person who needs medical assistance due to a drug-related overdose is immune from arrest or prosecution for an offense listed in subsection (3) of this section if the evidence of the offense was obtained because the person contacted emergency medical services or a law enforcement agency.

(2) A person who is in need of medical assistance due to a drug-related overdose is immune from arrest or prosecution for an offense listed in subsection (3) of this section if the evidence of the offense was obtained because any person contacted emergency medical services or a law enforcement agency to obtain medical assistance for the person.

(3) The immunity conferred under subsections (1) and (2) of this section applies to arrest and prosecution for:

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

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

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

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

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

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

(g) Unlawful possession of 3,4-methylenedioxymethamphetamine as described in ORS 475.874;

(h) Unlawful possession of cocaine as described in ORS 475.884;

(i) Unlawful possession of methamphetamine as described in ORS 475.894;

(j) Unlawfully possessing a prescription drug as described in ORS 689.527 (6); *[and]*

(k) Unlawful possession of drug paraphernalia with intent to sell or deliver as described in ORS 475.525[.]; **and**

(L) Unlawful manufacture or delivery for consideration of a controlled substance that results in the death of another person under section 5 of this 2023 Act.

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

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

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

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

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

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

(5)(a) A person may not be arrested on an outstanding warrant for any of the offenses listed in subsection (3) of this section, or on an outstanding warrant for a violation, other than commission of a new crime, of the conditions of the person's probation, post-prison supervision or parole for conduct that would constitute an offense listed in subsection (3) of this section, if the location of the person was obtained because the person contacted emergency medical services or a law enforcement

1 agency to obtain medical assistance for another person who needed medical assistance due to a
2 drug-related overdose.

3 (b) A person may not be arrested on an outstanding warrant for any of the offenses listed in
4 subsection (3) of this section, or on an outstanding warrant for a violation, other than commission
5 of a new crime, of the conditions of the person's probation, post-prison supervision or parole for
6 conduct that would constitute an offense listed in subsection (3) of this section, if the location of the
7 person was obtained because the person was in need of medical assistance due to a drug-related
8 overdose and any person contacted emergency medical services or a law enforcement agency to
9 obtain medical assistance for the person.

10 (c) This subsection does not apply to outstanding federal warrants or outstanding warrants is-
11 sued from other states.

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

15 (7) As used in this section:

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

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

21 **SECTION 7. Section 5 of this 2023 Act and the amendments to ORS 475.005, 475.752,**
22 **475.898 and 475.900 by sections 1 to 3 and 6 of this 2023 Act apply to conduct occurring on**
23 **or after the effective date of this 2023 Act.**

24 **SECTION 8. This 2023 Act takes effect on the 91st day after the date on which the 2023**
25 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

26