

House Bill 2973

Sponsored by Representative MORGAN; Representatives CATE, SCHARF, Senator THATCHER (Presession 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**.

Repeals Drug Addiction Treatment and Recovery Act of 2020 (Ballot Measure 110 (2020)) and provisions related to decriminalization of possession of drugs, creation of Oversight and Accountability Council and grants and funding for Behavioral Health Resource Networks to provide drug treatment.

Refers Act to people for their approval or rejection at next regular general election.

A BILL FOR AN ACT

1
2 Relating to drugs; creating new provisions; amending ORS 51.050, 137.300, 153.012, 153.018, 153.019,
3 153.021, 153.064, 153.992, 161.570, 221.339, 244.050, 413.017, 419C.370, 423.478, 475.235, 475.752,
4 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894, 475.900, 475C.726, 670.280 and 675.664
5 and section 6, chapter 63, Oregon Laws 2022; repealing ORS 153.043, 153.062, 293.665, 305.231,
6 419C.460, 430.383, 430.384, 430.386, 430.387, 430.388, 430.389, 430.390, 430.391, 430.392, 430.393 and
7 475.237 and sections 2a, 24a, 30 and 48, chapter 591, Oregon Laws 2021; and providing that this
8 Act shall be referred to the people for their approval or rejection.

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

SECTION 1. ORS 51.050 is amended to read:

9
10
11 51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction
12 of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of
13 all offenses committed or triable in their respective counties. The jurisdiction conveyed by this
14 section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal
15 court.

16 (2) In any justice court that has not become a court of record under ORS 51.025, a defendant
17 charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the
18 right of the defendant to have the matter transferred to the circuit court for the county where the
19 justice court is located. The election shall be made within 10 days after the plea of not guilty is
20 entered, and the justice shall immediately transfer the case to the appropriate court.

21 (3) A justice court does not have jurisdiction over the trial of any felony or a designated drug-
22 related misdemeanor as defined in ORS 423.478. [*A justice court does not have jurisdiction over Class*
23 *E violations.*] Except as provided in ORS 51.037, a justice court does not have jurisdiction over of-
24 fenses created by the charter or ordinance of any city.

SECTION 2. ORS 137.300 is amended to read:

25
26 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
27 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
28 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
29 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
30 in this section. The Department of Revenue shall keep a record of moneys transferred into and out

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 of the account.

2 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
 3 following purposes, in the following order of priority:

4 (a) Allocations for public safety standards, training and facilities.

5 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
 6 dren reasonably suspected of being victims of crime.

7 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
 8 limited to, services of the Chief Medical Examiner.

9 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

10 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
 11 allocate moneys from the Criminal Fine Account for the following purposes:

12 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
 13 414.815.

14 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

15 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
 16 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
 17 programs.

18 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
 19 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
 20 vention and treatment services provided through a county.

21 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
 22 ing to driving under the influence of intoxicants.

23 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

24 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

25 (h) Allocations to the State Court Technology Fund established under ORS 1.012.

26 *[(4) Notwithstanding subsections (2) and (3) of this section, the Legislative Assembly shall allocate*
 27 *all moneys deposited into the Criminal Fine Account as payment of fines on Class E violations to the*
 28 *Drug Treatment and Recovery Services Fund established under ORS 430.384.]*

29 *[(5)]* (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine
 30 Account under subsection (3) of this section be consistent with historical funding of the entities,
 31 programs and accounts listed in subsection (3) of this section from monetary obligations imposed in
 32 criminal proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be
 33 distributed to counties based on the amounts that were transferred to counties by circuit courts
 34 during the 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

35 *[(6)]* (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt
 36 service obligations.

37 *[(7)]* (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in
 38 the Criminal Fine Account after the distributions listed in subsections (2)[,] **and** (3) [*and* (4)] of this
 39 section have been made.

40 *[(8)]* (7) The Department of Revenue shall establish by rule a process for distributing moneys in
 41 the Criminal Fine Account. The department may not distribute more than one-eighth of the total
 42 biennial allocation to an entity during a calendar quarter.

43 **SECTION 3.** ORS 153.012 is amended to read:

44 153.012. Violations are classified for the purpose of sentencing into the following categories:

45 (1) Class A violations.

1 (2) Class B violations.

2 (3) Class C violations.

3 (4) Class D violations.

4 [(5) Class E violations.]

5 [(6)] (5) Unclassified violations as described in ORS 153.015.

6 [(7)] (6) Specific fine violations as described in ORS 153.015.

7 **SECTION 4.** ORS 153.018 is amended to read:

8 153.018. (1) The penalty for committing a violation is a fine. The law creating a violation may
9 impose other penalties in addition to a fine but may not impose a term of imprisonment.

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

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

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

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

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

16 [(e) \$100 for a Class E violation.]

17 [(f)] (e) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law
18 for the specific fine violation.

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

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

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

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

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

27 **SECTION 5.** ORS 153.019 is amended to read:

28 153.019. (1) Except as provided in ORS 153.020, [153.062 and 430.391,] the presumptive fines for
29 violations are:

30 (a) \$440 for a Class A violation.

31 (b) \$265 for a Class B violation.

32 (c) \$165 for a Class C violation.

33 (d) \$115 for a Class D violation.

34 [(e) \$100 for a Class E violation.]

35 (2) The presumptive fine for a specific fine violation is:

36 (a) The amount specified by statute as the presumptive fine for the violation; or

37 (b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the vio-
38 lation, or the minimum fine prescribed by statute for the violation.

39 (3) Any surcharge imposed under ORS 1.188 shall be added to and made a part of the
40 presumptive fine.

41 **SECTION 6.** ORS 153.021, as amended by section 1, chapter 68, Oregon Laws 2022, is amended
42 to read:

43 153.021. (1) Unless a specific minimum fine is prescribed for a violation, and except as otherwise
44 provided by law, the minimum fine a court shall impose for a violation that is subject to the
45 presumptive fines established by ORS 153.019 (1) or 153.020 are as follows:

1 (a) \$225 for a Class A violation.

2 (b) \$135 for a Class B violation.

3 (c) \$85 for a Class C violation.

4 (d) \$65 for a Class D violation.

5 [(e) \$45 for a Class E violation.]

6 (2) Notwithstanding subsection (1) of this section, a court may waive payment of the minimum
7 fine described in this section, in whole or in part, if the court determines that requiring payment
8 of the minimum fine would be inconsistent with justice in the case. In making its determination
9 under this subsection, the court shall consider:

10 (a) The financial resources of the defendant and the burden that payment of the minimum fine
11 would impose, with due regard to the other obligations of the defendant; and

12 (b) The extent to which that burden could be alleviated by allowing the defendant to pay the
13 fine in installments or subject to other conditions set by the court.

14 (3) This section does not affect the manner in which a court imposes or reduces monetary obli-
15 gations other than fines.

16 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
17 the court is complying with the requirements of this section. In addition, the Department of Revenue
18 or Secretary of State may audit any court to determine whether the court is complying with the
19 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-
20 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this
21 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

22 **SECTION 7.** ORS 153.064 is amended to read:

23 153.064. (1) Except as provided in subsection (2) of this section, a warrant for arrest may be is-
24 sued against a person who fails to make a first appearance on a citation for a violation, or fails to
25 appear at any other subsequent time set for trial or other appearance, only if the person is charged
26 with failure to appear in a violation proceeding under ORS 153.992.

27 (2) If a person fails to make a first appearance on a citation for a violation [*other than a Class*
28 *E violation*], or fails to appear at any other subsequent time set for trial or other appearance on a
29 violation [*other than a Class E violation*], the court may issue an order that requires the defendant
30 to appear and show cause why the defendant should not be held in contempt. The show cause order
31 may be mailed to the defendant by certified mail, return receipt requested. If service cannot be ac-
32 complished by mail, the defendant must be personally served. If the defendant is served and fails to
33 appear at the time specified in the show cause order, the court may issue an arrest warrant for the
34 defendant for the purpose of bringing the defendant before the court.

35 **SECTION 8.** ORS 153.992 is amended to read:

36 153.992. (1) A person commits the offense of failure to appear in a violation proceeding if the
37 person has been served with a citation issued under this chapter for a violation [*other than a Class*
38 *E violation*] and the person knowingly fails to do any of the following:

39 (a) Make a first appearance in the manner required by ORS 153.061 within the time allowed.

40 (b) Make appearance at the time set for trial in the violation proceeding.

41 (c) Appear at any other time required by the court or by law.

42 (2) Failure to appear on a violation citation is a Class A misdemeanor.

43 **SECTION 9.** ORS 161.570 is amended to read:

44 161.570. (1) As used in this section, “nonperson felony” has the meaning given that term in the
45 rules of the Oregon Criminal Justice Commission.

1 (2) A district attorney may elect to treat a Class C nonperson felony or a violation of ORS
 2 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874 [(2)(c)] (2)(b) as a Class A misdemeanor. The
 3 election must be made by the district attorney orally or in writing at the time of the first appear-
 4 ance of the defendant. If a district attorney elects to treat a Class C felony or a violation of ORS
 5 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874 [(2)(c)] (2)(b) as a Class A misdemeanor under this
 6 subsection, the court shall amend the accusatory instrument to reflect the charged offense as a
 7 Class A misdemeanor.

8 (3) If, at some time after the first appearance of a defendant charged with a Class C nonperson
 9 felony or a violation of ORS 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874 [(2)(c)] (2)(b), the
 10 district attorney and the defendant agree to treat the charged offense as a Class A misdemeanor,
 11 the court may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.

12 (4) If a Class C felony or a violation of ORS 475.752 [(7)(b)] (7), 475.854 [(2)(c)] (2)(b) or 475.874
 13 [(2)(c)] (2)(b) is treated as a Class A misdemeanor under this section, the court shall clearly de-
 14 nominate the offense as a Class A misdemeanor in any judgment entered in the matter.

15 (5) If no election or stipulation is made under this section, the case proceeds as a felony.

16 (6) Before a district attorney may make an election under subsection (2) of this section, the
 17 district attorney shall adopt written guidelines for determining when and under what circumstances
 18 the election may be made. The district attorney shall apply the guidelines uniformly.

19 (7) Notwithstanding ORS 161.635, the fine that a court may impose upon conviction of a
 20 misdemeanor under this section may not:

21 (a) Be less than the minimum fine established by ORS 137.286 for a felony; or

22 (b) Exceed the amount provided in ORS 161.625 for the class of felony receiving Class A
 23 misdemeanor treatment.

24 **SECTION 10.** ORS 221.339 is amended to read:

25 221.339. (1) A municipal court has concurrent jurisdiction with circuit courts and justice courts
 26 over all violations committed or triable in the city where the court is located.

27 (2) Except as provided in subsections (3) and (4) of this section, municipal courts have concu-
 28 rrent jurisdiction with circuit courts and justice courts over misdemeanors committed or triable in
 29 the city. Municipal courts may exercise the jurisdiction conveyed by this section without a charter
 30 provision or ordinance authorizing that exercise.

31 (3) Municipal courts have no jurisdiction over felonies[,] **or** designated drug-related
 32 misdemeanors as defined in ORS 423.478 [*or Class E violations*].

33 (4) A city may limit the exercise of jurisdiction over misdemeanors by a municipal court under
 34 this section by the adoption of a charter provision or ordinance, except that municipal courts must
 35 retain concurrent jurisdiction with circuit courts over:

36 (a) Misdemeanors created by the city's own charter or by ordinances adopted by the city, as
 37 provided in ORS 3.132; and

38 (b) Traffic crimes as defined by ORS 801.545.

39 (5) Subject to the powers and duties of the Attorney General under ORS 180.060, the city at-
 40 torney has authority to prosecute a violation of any offense created by statute that is subject to the
 41 jurisdiction of a municipal court, including any appeal, if the offense is committed or triable in the
 42 city. The prosecution shall be in the name of the state. The city attorney shall have all powers of
 43 a district attorney in prosecutions under this subsection.

44 **SECTION 11.** ORS 244.050, as amended by section 1, chapter 66, Oregon Laws 2022, is amended
 45 to read:

1 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 2 Government Ethics Commission a verified statement of economic interest as required under this
 3 chapter:

4 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 5 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

6 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 7 judicial officer who does not otherwise serve as a judicial officer.

8 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

9 (d) The Deputy Attorney General.

10 (e) The Deputy Secretary of State.

11 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 12 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 13 of Representatives and the Legislative Equity Officer.

14 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 15 versity listed in ORS 352.002.

16 (h) The following state officers:

17 (A) Adjutant General.

18 (B) Director of Agriculture.

19 (C) Manager of **the** State Accident Insurance Fund Corporation.

20 (D) Water Resources Director.

21 (E) Director of the Department of Environmental Quality.

22 (F) Director of the Oregon Department of Administrative Services.

23 (G) State Fish and Wildlife Director.

24 (H) State Forester.

25 (I) State Geologist.

26 (J) Director of Human Services.

27 (K) Director of the Department of Consumer and Business Services.

28 (L) Director of the Department of State Lands.

29 (M) State Librarian.

30 (N) Administrator of the Oregon Liquor and Cannabis Commission.

31 (O) Superintendent of State Police.

32 (P) Director of the Public Employees Retirement System.

33 (Q) Director of **the** Department of Revenue.

34 (R) Director of Transportation.

35 (S) Public Utility Commissioner.

36 (T) Director of Veterans' Affairs.

37 (U) Executive director of **the** Oregon Government Ethics Commission.

38 (V) Director of the State Department of Energy.

39 (W) Director and each assistant director of the Oregon State Lottery.

40 (X) Director of the Department of Corrections.

41 (Y) Director of the Oregon Department of Aviation.

42 (Z) Executive director of the Oregon Criminal Justice Commission.

43 (AA) Director of the Oregon Business Development Department.

44 (BB) Director of the Oregon Department of Emergency Management.

45 (CC) Director of the Employment Department.

- 1 (DD) State Fire Marshal.
- 2 (EE) Chief of staff for the Governor.
- 3 (FF) Director of the Housing and Community Services Department.
- 4 (GG) State Court Administrator.
- 5 (HH) Director of the Department of Land Conservation and Development.
- 6 (II) Board chairperson of the Land Use Board of Appeals.
- 7 (JJ) State Marine Director.
- 8 (KK) Executive director of the Oregon Racing Commission.
- 9 (LL) State Parks and Recreation Director.
- 10 (MM) Public defense services executive director.
- 11 (NN) Chairperson of the Public Employees' Benefit Board.
- 12 (OO) Director of the Department of Public Safety Standards and Training.
- 13 (PP) Executive director of the Higher Education Coordinating Commission.
- 14 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 15 (RR) Director of the Oregon Youth Authority.
- 16 (SS) Director of the Oregon Health Authority.
- 17 (TT) Deputy Superintendent of Public Instruction.
- 18 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 19 the Governor's office.
- 20 (j) Every elected city or county official.
- 21 (k) Every member of a city or county planning, zoning or development commission.
- 22 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 23 cipal administrator of the city or county.
- 24 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 25 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 26 executive officer thereof.
- 27 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 28 (p) The chief administrative officer and the financial officer of each common and union high
- 29 school district, education service district and community college district.
- 30 (q) Every member of the following state boards, commissions and councils:
- 31 (A) Governing board of the State Department of Geology and Mineral Industries.
- 32 (B) Oregon Business Development Commission.
- 33 (C) State Board of Education.
- 34 (D) Environmental Quality Commission.
- 35 (E) Fish and Wildlife Commission of the State of Oregon.
- 36 (F) State Board of Forestry.
- 37 (G) Oregon Government Ethics Commission.
- 38 (H) Oregon Health Policy Board.
- 39 (I) Oregon Investment Council.
- 40 (J) Land Conservation and Development Commission.
- 41 (K) Oregon Liquor and Cannabis Commission.
- 42 (L) Oregon Short Term Fund Board.
- 43 (M) State Marine Board.
- 44 (N) Mass transit district boards.
- 45 (O) Energy Facility Siting Council.

- 1 (P) Board of Commissioners of the Port of Portland.
- 2 (Q) Employment Relations Board.
- 3 (R) Public Employees Retirement Board.
- 4 (S) Oregon Racing Commission.
- 5 (T) Oregon Transportation Commission.
- 6 (U) Water Resources Commission.
- 7 (V) Workers' Compensation Board.
- 8 (W) Oregon Facilities Authority.
- 9 (X) Oregon State Lottery Commission.
- 10 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 11 (Z) Columbia River Gorge Commission.
- 12 (AA) Oregon Health and Science University Board of Directors.
- 13 (BB) Capitol Planning Commission.
- 14 (CC) Higher Education Coordinating Commission.
- 15 (DD) Oregon Growth Board.
- 16 (EE) Early Learning Council.
- 17 [(FF) *The Oversight and Accountability Council.*]
- 18 (r) The following officers of the State Treasurer:
 - 19 (A) Deputy State Treasurer.
 - 20 (B) Chief of staff for the office of the State Treasurer.
 - 21 (C) Director of the Investment Division.
 - 22 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 - 23 or 777.915 to 777.953.
 - 24 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 - 25 (u) Every member of a governing board of a public university listed in ORS 352.002.
 - 26 (v) Every member of the district school board of a common school district or union high school
 - 27 district.
 - 28 (w) Every member of the board of directors of an authority created under ORS 465.600 to
 - 29 465.621.
- 30 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 31 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 32 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 33 and 244.090.
- 34 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 35 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 36 required under ORS 244.060, 244.070 and 244.090.
- 37 (4) Not later than the 40th day before the date of the statewide general election, each candidate
- 38 described in subsection (1) of this section who will appear on the statewide general election ballot
- 39 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
- 40 section shall file with the commission a statement of economic interest as required under ORS
- 41 244.060, 244.070 and 244.090.
- 42 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
- 43 appointed public officials as of April 15 and to persons who are candidates on April 15.
- 44 (6) If a statement required to be filed under this section has not been received by the commis-
- 45 sion within five days after the date the statement is due, the commission shall notify the public of-

1 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 2 requirements of this section. If the public official or candidate fails to comply by the date set by the
 3 commission, the commission may impose a civil penalty as provided in ORS 244.350.

4 **SECTION 12.** ORS 413.017 is amended to read:

5 413.017. (1) The Oregon Health Policy Board shall establish the committees described in sub-
 6 sections (2) to (5) of this section.

7 (2)(a) The Public Health Benefit Purchasers Committee shall include individuals who purchase
 8 health care for the following:

9 (A) The Public Employees' Benefit Board.

10 (B) The Oregon Educators Benefit Board.

11 (C) Trustees of the Public Employees Retirement System.

12 (D) A city government.

13 (E) A county government.

14 (F) A special district.

15 (G) Any private nonprofit organization that receives the majority of its funding from the state
 16 and requests to participate on the committee.

17 (b) The Public Health Benefit Purchasers Committee shall:

18 (A) Identify and make specific recommendations to achieve uniformity across all public health
 19 benefit plan designs based on the best available clinical evidence, recognized best practices for
 20 health promotion and disease management, demonstrated cost-effectiveness and shared demographics
 21 among the enrollees within the pools covered by the benefit plans.

22 (B) Develop an action plan for ongoing collaboration to implement the benefit design alignment
 23 described in subparagraph (A) of this paragraph and shall leverage purchasing to achieve benefit
 24 uniformity if practicable.

25 (C) Continuously review and report to the Oregon Health Policy Board on the committee's
 26 progress in aligning benefits while minimizing the cost shift to individual purchasers of insurance
 27 without shifting costs to the private sector or the health insurance exchange.

28 (c) The Oregon Health Policy Board shall work with the Public Health Benefit Purchasers
 29 Committee to identify uniform provisions for state and local public contracts for health benefit plans
 30 that achieve maximum quality and cost outcomes. The board shall collaborate with the committee
 31 to develop steps to implement joint contract provisions. The committee shall identify a schedule for
 32 the implementation of contract changes. The process for implementation of joint contract provisions
 33 must include a review process to protect against unintended cost shifts to enrollees or agencies.

34 (3)(a) The Health Care Workforce Committee shall include individuals who have the collective
 35 expertise, knowledge and experience in a broad range of health professions, health care education
 36 and health care workforce development initiatives.

37 (b) The Health Care Workforce Committee shall coordinate efforts to recruit and educate health
 38 care professionals and retain a quality workforce to meet the demand that will be created by the
 39 expansion in health care coverage, system transformations and an increasingly diverse population.

40 (c) The Health Care Workforce Committee shall conduct an inventory of all grants and other
 41 state resources available for addressing the need to expand the health care workforce to meet the
 42 needs of Oregonians for health care.

43 (4)(a) The Health Plan Quality Metrics Committee shall include the following members appointed
 44 by the Oregon Health Policy Board:

45 (A) An individual representing the Oregon Health Authority;

- 1 (B) An individual representing the Oregon Educators Benefit Board;
- 2 (C) An individual representing the Public Employees' Benefit Board;
- 3 (D) An individual representing the Department of Consumer and Business Services;
- 4 (E) Two health care providers;
- 5 (F) One individual representing hospitals;
- 6 (G) One individual representing insurers, large employers or multiple employer welfare ar-
- 7 rangements;
- 8 (H) Two individuals representing health care consumers;
- 9 (I) Two individuals representing coordinated care organizations;
- 10 (J) One individual with expertise in health care research;
- 11 (K) One individual with expertise in health care quality measures; and
- 12 (L) One individual with expertise in mental health and addiction services.

13 (b) The committee shall work collaboratively with the Oregon Educators Benefit Board, the
 14 Public Employees' Benefit Board, the authority and the department to adopt health outcome and
 15 quality measures that are focused on specific goals and provide value to the state, employers,
 16 insurers, health care providers and consumers. The committee shall be the single body to align
 17 health outcome and quality measures used in this state with the requirements of health care data
 18 reporting to ensure that the measures and requirements are coordinated, evidence-based and focused
 19 on a long term statewide vision.

20 (c) The committee shall use a public process that includes an opportunity for public comment
 21 to identify health outcome and quality measures that may be applied to services provided by coor-
 22 dinated care organizations or paid for by health benefit plans sold through the health insurance
 23 exchange or offered by the Oregon Educators Benefit Board or the Public Employees' Benefit Board.
 24 The authority, the department, the Oregon Educators Benefit Board and the Public Employees'
 25 Benefit Board are not required to adopt all of the health outcome and quality measures identified
 26 by the committee but may not adopt any health outcome and quality measures that are different
 27 from the measures identified by the committee. The measures must take into account the recom-
 28 mendations of the metrics and scoring subcommittee created in ORS 414.638 and the differences in
 29 the populations served by coordinated care organizations and by commercial insurers.

30 (d) In identifying health outcome and quality measures, the committee shall prioritize measures
 31 that:

32 (A) Utilize existing state and national health outcome and quality measures, including measures
 33 adopted by the Centers for Medicare and Medicaid Services, that have been adopted or endorsed
 34 by other state or national organizations and have a relevant state or national benchmark;

35 (B) Given the context in which each measure is applied, are not prone to random variations
 36 based on the size of the denominator;

37 (C) Utilize existing data systems, to the extent practicable, for reporting the measures to mini-
 38 mize redundant reporting and undue burden on the state, health benefit plans and health care pro-
 39 viders;

40 (D) Can be meaningfully adopted for a minimum of three years;

41 (E) Use a common format in the collection of the data and facilitate the public reporting of the
 42 data; and

43 (F) Can be reported in a timely manner and without significant delay so that the most current
 44 and actionable data is available.

45 (e) The committee shall evaluate on a regular and ongoing basis the health outcome and quality

1 measures adopted under this section.

2 (f) The committee may convene subcommittees to focus on gaining expertise in particular areas
3 such as data collection, health care research and mental health and substance use disorders in order
4 to aid the committee in the development of health outcome and quality measures. A subcommittee
5 may include stakeholders and staff from the authority, the Department of Human Services, the De-
6 partment of Consumer and Business Services, the Early Learning Council or any other agency staff
7 with the appropriate expertise in the issues addressed by the subcommittee.

8 (g) This subsection does not prevent the authority, the Department of Consumer and Business
9 Services, commercial insurers, the Public Employees' Benefit Board or the Oregon Educators Benefit
10 Board from establishing programs that provide financial incentives to providers for meeting specific
11 health outcome and quality measures adopted by the committee.

12 (5)(a) The Behavioral Health Committee shall include the following members appointed by the
13 Director of the Oregon Health Authority:

14 (A) The chairperson of the Health Plan Quality Metrics Committee;

15 (B) The chairperson of the committee appointed by the board to address health equity, if any;

16 (C) A behavioral health director for a coordinated care organization;

17 (D) A representative of a community mental health program;

18 (E) An individual with expertise in data analysis;

19 (F) A member of the Consumer Advisory Council, established under ORS 430.073, that represents
20 adults with mental illness;

21 (G) A representative of the System of Care Advisory Council established in ORS 418.978;

22 [(H) A member of the Oversight and Accountability Council, described in ORS 430.389, who re-
23 presents adults with addictions or co-occurring conditions;]

24 [(I) (H) One member representing a system of care, as defined in ORS 418.976;

25 [(J) (I) One consumer representative;

26 [(K) (J) One representative of a tribal government;

27 [(L) (K) One representative of an organization that advocates on behalf of individuals with in-
28 tellectual or developmental disabilities;

29 [(M) (L) One representative of providers of behavioral health services;

30 [(N) (M) The director of the division of the authority responsible for behavioral health services,
31 as a nonvoting member;

32 [(O) (N) The Director of the Alcohol and Drug Policy Commission appointed under ORS 430.220,
33 as a nonvoting member;

34 [(P) (O) The authority's Medicaid director, as a nonvoting member;

35 [(Q) (P) A representative of the Department of Human Services, as a nonvoting member; and

36 [(R) (Q) Any other member that the director deems appropriate.

37 (b) The board may modify the membership of the committee as needed.

38 (c) The division of the authority responsible for behavioral health services and the director of
39 the division shall staff the committee.

40 (d) The committee, in collaboration with the Health Plan Quality Metrics Committee, as needed,
41 shall:

42 (A) Establish quality metrics for behavioral health services provided by coordinated care or-
43 ganizations, health care providers, counties and other government entities; and

44 (B) Establish incentives to improve the quality of behavioral health services.

45 (e) The quality metrics and incentives shall be designed to:

- 1 (A) Improve timely access to behavioral health care;
- 2 (B) Reduce hospitalizations;
- 3 (C) Reduce overdoses;
- 4 (D) Improve the integration of physical and behavioral health care; and
- 5 (E) Ensure individuals are supported in the least restrictive environment that meets their be-
- 6 havioral health needs.

7 (6) Members of the committees described in subsections (2) to (5) of this section who are not
8 members of the Oregon Health Policy Board are not entitled to compensation but shall be reim-
9 bursed from funds available to the board for actual and necessary travel and other expenses in-
10 curred by them by their attendance at committee meetings, in the manner and amount provided in
11 ORS 292.495.

12 **SECTION 13.** ORS 419C.370 is amended to read:

13 419C.370. (1) The juvenile court may enter an order directing that all cases involving:

14 (a) Violation of a law or ordinance relating to the use or operation of a motor vehicle, boating
15 laws or game laws be waived to criminal or municipal court;

16 (b) An offense classified as a violation [*other than a Class E violation*] under the laws of this
17 state or a political subdivision of this state be waived to municipal court if the municipal court has
18 agreed to accept jurisdiction; and

19 (c) A misdemeanor that entails theft, destruction, tampering with or vandalism of property be
20 waived to municipal court if the municipal court has agreed to accept jurisdiction.

21 (2) Cases waived under subsection (1) of this section are subject to the following:

22 (a) That the criminal or municipal court prior to hearing a case, other than a case involving a
23 parking violation, in which the defendant is or appears to be under 18 years of age notify the juve-
24 nile court of that fact; and

25 (b) That the juvenile court may direct that any such case be waived to the juvenile court for
26 further proceedings.

27 (3)(a) When a person who has been waived under subsection (1)(c) of this section is convicted
28 of a property offense, the municipal court may impose any sanction authorized for the offense except
29 for incarceration. The municipal court shall notify the juvenile court of the disposition of the case.

30 (b) When a person has been waived under subsection (1) of this section and fails to appear as
31 summoned or is placed on probation and is alleged to have violated a condition of the probation, the
32 juvenile court may recall the case to the juvenile court for further proceedings. When a person has
33 been returned to juvenile court under this paragraph, the juvenile court may proceed as though the
34 person had failed to appear as summoned to the juvenile court or had violated a juvenile court
35 probation order under ORS 419C.446.

36 (4) Records of cases waived under subsection (1)(c) of this section are juvenile records for pur-
37 poses of expunction under ORS 419A.260 to 419A.271.

38 **SECTION 14.** ORS 423.478 is amended to read:

39 423.478. (1) The Department of Corrections shall:

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

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

42 (A) Allow tracking of offenders; and

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

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

1 (2) Subject to ORS 423.483, each county, in partnership with the department, shall assume re-
 2 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-
 3 nies, designated drug-related misdemeanors or designated person misdemeanors who are:

4 (a) On parole;

5 (b) On probation;

6 (c) On post-prison supervision;

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

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

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

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

20 (a) When the person is released;

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

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

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

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

27 (4) As used in this section:

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

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

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

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

33 **[(A)] (C) Unlawful possession of methadone under ORS 475.824 [(2)(b)] (2)(a);**

34 **[(B)] (D) Unlawful possession of oxycodone under ORS 475.834 [(2)(b)] (2)(a);**

35 **[(C)] (E) Unlawful possession of heroin under ORS 475.854 [(2)(b)] (2)(a);**

36 **[(D)] (F) Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 [(2)(b)]**
 37 **(2)(a);**

38 **[(E)] (G) Unlawful possession of cocaine under ORS 475.884 [(2)(b)] (2)(a); or**

39 **[(F)] (H) Unlawful possession of methamphetamine under ORS 475.894 [(2)(b)] (2)(a).**

40 (c) "Designated person misdemeanor" means:

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

43 (B) Menacing constituting domestic violence if the judgment document is as described in ORS
 44 163.190 (3); or

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

SECTION 15. ORS 475.235 is amended to read:

475.235. (1) It is not necessary for the state to negate any exemption or exception in ORS 475.005 to 475.285 and 475.752 to 475.980 in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980. The burden of proof of any exemption or exception is upon the person claiming it.

(2) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under ORS 475.005 to 475.285 and 475.752 to 475.980, the person is presumed not to be the holder of the registration or form. The burden of proof is upon the person to rebut the presumption.

(3)(a) When a controlled substance is at issue in a criminal proceeding before a grand jury, at a preliminary hearing, in a proceeding on a district attorney's information[, *during a proceeding on a Class E violation*] or for purposes of an early disposition program, it is prima facie evidence of the identity of the controlled substance if:

(A) A sample of the controlled substance is tested using a presumptive test for controlled substances;

(B) The test is conducted by a law enforcement officer trained to use the test or by a forensic scientist; and

(C) The test is positive for the particular controlled substance.

(b) When the identity of a controlled substance is established using a presumptive test for purposes of a criminal proceeding before a grand jury, a preliminary hearing, a proceeding on a district attorney's information or an early disposition program, the defendant, upon notice to the district attorney, may request that the controlled substance be sent to a state police forensic laboratory for analysis. [*The defendant may not make a request under this paragraph concerning a controlled substance at issue in a proceeding on a Class E violation.*]

(4) Notwithstanding any other provision of law, in all prosecutions in which an analysis of a controlled substance or sample was conducted, a certified copy of the analytical report signed by the director of a state police forensic laboratory or the analyst or forensic scientist conducting the analysis shall be admitted as prima facie evidence of the results of the analytical findings unless the defendant has provided notice of an objection in accordance with subsection (5) of this section.

(5) If the defendant intends to object at trial to the admission of a certified copy of an analytical report as provided in subsection (4) of this section, not less than 15 days prior to trial the defendant shall file written notice of the objection with the court and serve a copy on the district attorney.

(6) As used in this section:

(a) "Analyst" means a person employed by the Department of State Police to conduct analysis in forensic laboratories established by the department under ORS 181A.150.

(b) "Presumptive test" includes, but is not limited to, chemical tests using Marquis reagent, Duquenois-Levine reagent, Scott reagent system or modified Chen's reagent.

SECTION 16. ORS 475.752 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (a) A controlled substance in Schedule I, is guilty of a Class *[E violation]* **A misdemeanor**, ex-
 19 cept as otherwise provided in ORS 475.854, 475.874 *[and]* **or** 475.894 *[and]* **or** subsection (7) of this
 20 section.

21 (b) A controlled substance in Schedule II, is guilty of a Class *[E violation]* **A misdemeanor**,
 22 except as otherwise provided in ORS *[475.814,]* 475.824, 475.834 or 475.884 or subsection (8) of this
 23 section.

24 (c) A controlled substance in Schedule III, is guilty of a Class *[E violation]* **A misdemeanor**.

25 (d) A controlled substance in Schedule IV, is guilty of a Class *[E violation]* **C misdemeanor**.

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

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

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

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

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

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

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

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

41 (7) Notwithstanding subsection (3)(a) of this section,[:]

42 *[(a)]* unlawful possession of a controlled substance in Schedule I is a Class *[A misdemeanor]* **B**
 43 **felony** if:

44 (a) The person possesses a **usable quantity of the controlled substance and:**

45 (A) **At the time of the possession, the person has a prior felony conviction;**

1 **(B) At the time of the possession, the person has two or more prior convictions for un-**
 2 **lawful possession of a usable quantity of a controlled substance; or**

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

4 **(b) The person possesses:**

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

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

9 *[(b) Unlawful possession of a controlled substance in Schedule I is a Class B felony if:]*

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

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

12 (8) Notwithstanding subsection (3)(b) of this section, unlawful possession of a controlled sub-
 13 stance in Schedule II is a Class C felony if **the person possesses a usable quantity of the con-**
 14 **trolled substance and:**

15 **(a) At the time of the possession, the person has a prior felony conviction;**

16 **(b) At the time of the possession, the person has two or more prior convictions for un-**
 17 **lawful possession of a usable quantity of a controlled substance; or**

18 *[(a)] (c) The possession is a commercial drug offense under ORS 475.900 (1)(b).; or]*

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

20 **SECTION 17.** ORS 475.814 is amended to read:

21 475.814. (1) It is unlawful for any person knowingly or intentionally to possess hydrocodone un-
 22 less the hydrocodone was obtained directly from, or pursuant to a valid prescription or order of, a
 23 practitioner while acting in the course of professional practice, or except as otherwise authorized
 24 by ORS 475.005 to 475.285 and 475.752 to 475.980.

25 (2)*[(a)]* Unlawful possession of hydrocodone is a Class *[E violation]* **A misdemeanor.**

26 *[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of hydrocodone is a*
 27 *Class A misdemeanor if:]*

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

29 *[(B) The person possesses 40 or more pills, tablets, capsules or user units of a mixture or substance*
 30 *containing a detectable amount of hydrocodone.]*

31 **SECTION 18.** ORS 475.824 is amended to read:

32 475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone unless
 33 the methadone was obtained directly from, or pursuant to a valid prescription or order of, a prac-
 34 titioner while acting in the course of professional practice, or except as otherwise authorized by
 35 ORS 475.005 to 475.285 and 475.752 to 475.980.

36 (2)(a) Unlawful possession of methadone is a Class *[E violation]* **A misdemeanor.**

37 *[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone is a Class*
 38 *A misdemeanor if the person possesses 40 or more user units of a mixture or substance containing a*
 39 *detectable amount of methadone.]*

40 *[(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of methadone*
 41 *is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).]*

42 **(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methadone**
 43 **is a Class C felony if:**

44 **(A) The person possesses a usable quantity of methadone and:**

45 **(i) At the time of the possession, the person has a prior felony conviction;**

1 (ii) At the time of the possession, the person has two or more prior convictions for un-
2 lawful possession of a usable quantity of a controlled substance; or

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

4 (B) The person possesses 40 or more user units of a mixture or substance containing a
5 detectable amount of methadone.

6 **SECTION 19.** ORS 475.834 is amended to read:

7 475.834. (1) It is unlawful for any person knowingly or intentionally to possess oxycodone unless
8 the oxycodone was obtained directly from, or pursuant to a valid prescription or order of, a practi-
9 tioner while acting in the course of professional practice, or except as otherwise authorized by ORS
10 475.005 to 475.285 and 475.752 to 475.980.

11 (2)(a) Unlawful possession of oxycodone is a Class [*E violation*] **A misdemeanor.**

12 [(b) *Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone is a Class*
13 *A misdemeanor if the person possesses 40 or more pills, tablets, capsules or user units of a mixture*
14 *or substance containing a detectable amount of oxycodone.*]

15 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of oxycodone*
16 *is a Class C felony if the possession is a commercial drug offense under ORS 475.900 (1)(b).*]

17 (b) **Notwithstanding paragraph (a) of this subsection, unlawful possession of oxycodone**
18 **is a Class C felony if:**

19 (A) **The person possesses a usable quantity of oxycodone and:**

20 (i) **At the time of the possession, the person has a prior felony conviction;**

21 (ii) **At the time of the possession, the person has two or more prior convictions for un-**
22 **lawful possession of a usable quantity of a controlled substance; or**

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

24 (B) **The person possesses 40 or more pills, tablets or capsules of a mixture or substance**
25 **containing a detectable amount of oxycodone.**

26 **SECTION 20.** ORS 475.854 is amended to read:

27 475.854. (1) It is unlawful for any person knowingly or intentionally to possess heroin.

28 (2)(a) Unlawful possession of heroin is a Class [*E violation*] **A misdemeanor.**

29 [(b) *Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a Class A*
30 *misdemeanor if the person possesses one gram or more of a mixture or substance containing a detect-*
31 *able amount of heroin.*]

32 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of heroin is a*
33 *Class B felony if:*]

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

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

36 (b) **Notwithstanding paragraph (a) of this subsection, unlawful possession of heroin is a**
37 **Class B felony if:**

38 (A) **The person possesses a usable quantity of heroin and:**

39 (i) **At the time of the possession, the person has a prior felony conviction;**

40 (ii) **At the time of the possession, the person has two or more prior convictions for un-**
41 **lawful possession of a usable quantity of a controlled substance; or**

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

43 (B) **The person possesses one gram or more of a mixture or substance containing a de-**
44 **tectable amount of heroin.**

45 **SECTION 21.** ORS 475.874 is amended to read:

1 475.874. (1) It is unlawful for any person knowingly or intentionally to possess
2 3,4-methylenedioxyamphetamine.

3 (2)(a) Unlawful possession of 3,4-methylenedioxyamphetamine is a Class [*E violation*] **A**
4 **misdemeanor**.

5 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of
6 3,4-methylenedioxyamphetamine is a Class [*A misdemeanor*] **B felony** if:

7 **(A) The person possesses a usable quantity of 3,4-methylenedioxyamphetamine and:**

8 **(i) At the time of the possession, the person has a prior felony conviction;**

9 **(ii) At the time of the possession, the person has two or more prior convictions for un-**
10 **lawful possession of a usable quantity of a controlled substance; or**

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

12 **(B) The person possesses one gram or more or five or more pills, tablets or capsules of a mix-**
13 **ture or substance containing a detectable amount of:**

14 [(A)] **(i) 3,4-methylenedioxyamphetamine;**

15 [(B)] **(ii) 3,4-methylenedioxyamphetamine; or**

16 [(C)] **(iii) 3,4-methylenedioxy-N-ethylamphetamine.**

17 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of*
18 *3,4-methylenedioxyamphetamine is a Class B felony if:*]

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

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

21 **SECTION 22.** ORS 475.884 is amended to read:

22 475.884. (1) It is unlawful for any person knowingly or intentionally to possess cocaine unless
23 the substance was obtained directly from, or pursuant to[,] a valid prescription or order of, a prac-
24 titioner while acting in the course of professional practice, or except as otherwise authorized by
25 ORS 475.005 to 475.285 and 475.752 to 475.980.

26 (2)(a) Unlawful possession of cocaine is a Class [*E violation*] **A misdemeanor**.

27 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of cocaine is a Class
28 [*A misdemeanor*] **C felony** if:

29 **(A) The person possesses a usable quantity of cocaine and:**

30 **(i) At the time of the possession, the person has a prior felony conviction;**

31 **(ii) At the time of the possession, the person has two or more prior convictions for un-**
32 **lawful possession of a usable quantity of a controlled substance; or**

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

34 **(B) The person possesses two grams or more of a mixture or substance containing a detectable**
35 **amount of cocaine.**

36 [(c) *Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of cocaine is*
37 *a Class C felony if:*]

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

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

40 **SECTION 23.** ORS 475.894 is amended to read:

41 475.894. (1) It is unlawful for any person knowingly or intentionally to possess methamphetamine
42 unless the substance was obtained directly from, or pursuant to[,] a valid prescription or order of,
43 a practitioner while acting in the course of professional practice, or except as otherwise authorized
44 by ORS 475.005 to 475.285 and 475.752 to 475.980.

45 (2)(a) Unlawful possession of methamphetamine is a Class [*E violation*] **A misdemeanor**.

1 (b) Notwithstanding paragraph (a) of this subsection, unlawful possession of methamphetamine
 2 is a Class [A *misdemeanor*] **C felony** if:

3 **(A) The person possesses a usable quantity of methamphetamine and:**

4 **(i) At the time of the possession, the person has a prior felony conviction;**

5 **(ii) At the time of the possession, the person has two or more prior convictions for un-**
 6 **lawful possession of a usable quantity of a controlled substance; or**

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

8 **(B) The person possesses two grams or more of a mixture or substance containing a detectable**
 9 **amount of methamphetamine.**

10 *[(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of metham-*
 11 *phetamine is a Class C felony if:]*

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

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

14 **SECTION 24.** ORS 475.900 is amended to read:

15 475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or 475.906 shall be classified
 16 as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if:

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

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

21 (B) Five grams or more of a mixture or substance containing a detectable amount of fentanyl,
 22 or any substituted derivative of fentanyl as defined by the rules of the Oregon Board of Pharmacy;

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

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

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

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

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

32 (i) 3,4-methylenedioxyamphetamine;

33 (ii) 3,4-methylenedioxymethamphetamine; or

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

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

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

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

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

1 controlled substance offense;

2 (D) The offender was in possession of materials being used for the packaging of controlled sub-
 3 stances such as scales, wrapping or foil, other than the material being used to contain the substance
 4 that is the subject of the offense;

5 (E) The offender was in possession of drug transaction records or customer lists;

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

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

9 (H) The offender was in possession of manufacturing paraphernalia, including recipes, precursor
 10 chemicals, laboratory equipment, lighting, ventilating or power generating equipment;

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

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

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

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

16 (ii) Three grams or more of a mixture or substance containing a detectable amount of fentanyl,
 17 or any substituted derivative of fentanyl as defined by the rules of the Oregon Board of Pharmacy;

18 (iii) Eight grams or more of a mixture or substance containing a detectable amount of cocaine;

19 (iv) Eight grams or more of a mixture or substance containing a detectable amount of metham-
 20 phetamine;

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

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

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

27 (I) 3,4-methylenedioxyamphetamine;

28 (II) 3,4-methylenedioxymethamphetamine; or

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

30 (c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868, 475.872, 475.878,
 31 475.882, 475.888, 475.892 or 475.904.

32 (d) The violation constitutes manufacturing methamphetamine and the manufacturing consists
 33 of:

34 (A) A chemical reaction involving one or more precursor substances for the purpose of manu-
 35 facturing methamphetamine; or

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

38 (e) The violation constitutes a violation of ORS 475.906 (1) or (2) that is not described in ORS
 39 475.907.

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

42 (a) The violation constitutes delivery of heroin, cocaine, methamphetamine or
 43 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or
 44 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

45 (b) The violation constitutes possession of substantial quantities of a controlled substance. For

1 purposes of this paragraph, the following amounts constitute substantial quantities of the following
 2 controlled substances:

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

4 (B) Five grams or more of a mixture or substance containing a detectable amount of fentanyl,
 5 or any substituted derivative of fentanyl as defined by the rules of the Oregon Board of Pharmacy;

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

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

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

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

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

15 (i) 3,4-methylenedioxyamphetamine;

16 (ii) 3,4-methylenedioxymethamphetamine; or

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

18 (3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsection (1) or
 19 (2) of this section shall be classified as:

20 (a) Crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commis-
 21 sion if the violation involves delivery or manufacture of a controlled substance; or

22 (b) **Crime category 1 of the sentencing guidelines grid of the Oregon Criminal Justice**
 23 **Commission if the violation involves possession of a controlled substance.**

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

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

29 **SECTION 25.** ORS 475C.726, as amended by section 1, chapter 15, Oregon Laws 2022, is
 30 amended to read:

31 475C.726. [(1) As used in this section, "U.S. City Average Consumer Price Index" means the U.S.
 32 City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau
 33 of Labor Statistics of the United States Department of Labor.]

34 [(2)] (1) There is established the Oregon Marijuana Account, separate and distinct from the
 35 General Fund.

36 (2) The account consists of moneys transferred to the account under ORS 475C.734.

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

39 [(b)(A) Before making other transfers of moneys required by this section, the department shall
 40 transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon
 41 Marijuana Account in excess of \$11,250,000.]

42 [(B) The department shall annually adjust the limitation in subparagraph (A) of this paragraph.
 43 The department shall multiply \$11,250,000 by the percentage, if any, by which the monthly averaged
 44 U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior
 45 calendar year exceeds the monthly index for the fourth quarter of the calendar year 2020, and shall

1 *add that product to \$11,250,000. Any increase in the limitation shall apply beginning with transfers*
 2 *made in July of each year, based upon receipts in the second calendar quarter of each year.]*

3 [(c)] (b) Subject to subsection (4) of this section, [*and after making the transfer of moneys re-*
 4 *quired by paragraph (b) of this subsection,]* the department shall transfer quarterly 20 percent of the
 5 moneys in the Oregon Marijuana Account as follows:

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

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

13 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
 14 of licenses held pursuant to ORS 475C.065, 475C.085, 475C.093 and 475C.097 on the last business day
 15 of the calendar quarter preceding the date of the transfer for premises located in each city compared
 16 to the number of licenses held pursuant to ORS 475C.065, 475C.085, 475C.093 and 475C.097 on the
 17 last business day of that calendar quarter for all premises in this state located in cities; and

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

20 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-
 21 cially available area of all grow canopies associated with marijuana producer licenses held pursuant
 22 to ORS 475C.065 on the last business day of the calendar quarter preceding the date of the transfer
 23 for all premises located in each county compared to the total commercially available area of all
 24 grow canopies associated with marijuana producer licenses held pursuant to ORS 475C.065 on the
 25 last business day of that calendar quarter for all premises located in this state; and

26 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
 27 censes held pursuant to ORS 475C.085, 475C.093 and 475C.097 on the last business day of the cal-
 28 endar quarter preceding the date of the transfer for premises located in each county compared to
 29 the number of licenses held pursuant to ORS 475C.085, 475C.093 and 475C.097 on the last business
 30 day of that calendar quarter for all premises in this state.

31 [(d)] (c) [*After making the transfer of moneys required by paragraph (b) of this subsection, 80]*
 32 **Eighty** percent of the remaining moneys in the Oregon Marijuana Account must be used as follows:

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

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

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

39 (D) Five percent of the moneys in the account must be used solely for purposes related to al-
 40 cohool and drug abuse prevention, early intervention and treatment services.

41 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
 42 ance of a license under ORS 475C.065, 475C.085, 475C.093 or 475C.097 is required is not eligible to
 43 receive transfers of moneys under subsection [(3)(c)(A)] **(3)(b)(A)** of this section.

44 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-
 45 ance of a license under ORS 475C.065 is required is not eligible to receive transfers of moneys under

1 subsection [(3)(c)(B)(i)] **(3)(b)(B)(i)** of this section.

2 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
 3 ance of a license under ORS 475C.085, 475C.093 or 475C.097 is required is not eligible to receive
 4 transfers of moneys under subsection [(3)(c)(B)(ii)] **(3)(b)(B)(ii)** of this section.

5 (d)(A) Paragraphs (b) and (c) of this subsection do not apply to a county ordinance adopted on
 6 or after January 1, 2018, that prohibits the establishment of a premises for which a license under
 7 ORS 475C.065, 475C.085, 475C.093 or 475C.097 is required but allows in the unincorporated area of
 8 the county the continued operation of an existing premises for which a license under ORS 475C.065,
 9 475C.085, 475C.093 or 475C.097 is required.

10 (B) A county that adopts an ordinance described in subparagraph (A) of this paragraph shall
 11 certify the adoption of the ordinance under subsection (6) of this section.

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

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

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

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

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

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

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

40 (6)(a) Not later than July 1 of each year, each city and county in this state shall certify with
 41 the Oregon Department of Administrative Services whether the city or county has an ordinance
 42 prohibiting the establishment of a premises for which issuance of a license under ORS 475C.065,
 43 475C.085, 475C.093 or 475C.097 is required and whether the county has an ordinance described in
 44 subsection (4)(d) of this section. The certification shall be made concurrently with the certifications
 45 under ORS 221.770, in a form and manner prescribed by the Oregon Department of Administrative

1 Services.

2 (b) If a city fails to comply with this subsection, the city is not eligible to receive transfers of
3 moneys under subsection [(3)(c)(A)] **(3)(b)(A)** of this section. If a county fails to comply with this
4 subsection, the county is not eligible to receive transfers of moneys under subsection [(3)(c)(B)]
5 **(3)(b)(B)** of this section.

6 (c) A city or county that repeals an ordinance as provided in ORS 475C.457 shall file an updated
7 certification with the Oregon Department of Administrative Services in a form and manner pre-
8 scribed by the department, noting the effective date of the change. A city or county that repeals an
9 ordinance as provided in ORS 475C.457 is eligible to receive quarterly transfers of moneys under
10 this section for quarters where the repeal is effective for the entire quarter and the updated certi-
11 fication was filed at least 30 days before the date of transfer.

12 **SECTION 26.** ORS 670.280 is amended to read:

13 670.280. (1) As used in this section:

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

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

16 (2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency
17 may not deny, suspend or revoke an occupational or professional license solely for the reason that
18 the applicant or licensee has been convicted of a crime, but it may consider the relationship of the
19 facts which support the conviction and all intervening circumstances to the specific occupational
20 or professional standards in determining the fitness of the person to receive or hold the license.
21 *[There is a rebuttable presumption as to each individual applicant or licensee that an existing or prior*
22 *conviction for conduct that has been classified or reclassified as a Class E violation does not make an*
23 *applicant for an occupational or professional license or a licensee with an occupational or professional*
24 *license unfit to receive or hold the license.]*

25 (3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or
26 agency may deny an occupational or professional license or impose discipline on a licensee based
27 on conduct that is not undertaken directly in the course of the licensed activity, but that is sub-
28 stantially related to the fitness and ability of the applicant or licensee to engage in the activity for
29 which the license is required. In determining whether the conduct is substantially related to the
30 fitness and ability of the applicant or licensee to engage in the activity for which the license is re-
31 quired, the licensing board, commission or agency shall consider the relationship of the facts with
32 respect to the conduct and all intervening circumstances to the specific occupational or professional
33 standards. *[There is a rebuttable presumption as to each individual applicant or licensee that an ex-*
34 *isting or prior conviction for conduct that has been classified or reclassified as a Class E violation is*
35 *not related to the fitness and ability of the applicant or licensee to engage in the activity for which the*
36 *license is required.]*

37 **SECTION 27.** ORS 675.664 is amended to read:

38 675.664. (1) The Oregon Health Authority shall coordinate with systems of higher education and
39 with the Higher Education Coordinating Commission in considering workforce investments under
40 ORS 675.655 and 675.658.

41 (2) The authority shall ensure that investments made in accordance with ORS 675.655 and
42 675.658 are aligned and coordinated with other state investments that are intended to improve be-
43 havioral health outcomes for residents of this state, *including but not limited to investments made*
44 *from moneys in the Drug Treatment and Recovery Services Fund established in ORS 430.384].*

45 **SECTION 28.** Section 6, chapter 63, Oregon Laws 2022, is amended to read:

1 **Sec. 6.** (1) The Opioid Settlement Prevention, Treatment and Recovery Board is created in the
 2 Oregon Health Authority for the purpose of determining the allocation of funding from the Opioid
 3 Settlement Prevention, Treatment and Recovery Fund established in section 5, **chapter 63, Oregon**
 4 **Laws 2022** [of this 2022 Act]. The board consists of:

5 (a) The following members appointed by the Governor:

6 (A) A policy advisor to the Governor;

7 (B) A representative of the Department of Justice;

8 (C) A representative of the Oregon Health Authority; and

9 (D) A representative of the Department of Human Services;

10 (b) The Director of the Alcohol and Drug Policy Commission or the director's designee;

11 [(c) *The chairperson of the Oversight and Accountability Council established in ORS 430.388 or*
 12 *the chairperson's designee;*]

13 [(d)] (c) The following members appointed by the Governor from a list of candidates provided
 14 by the Association of Oregon Counties and the League of Oregon Cities or the successor organiza-
 15 tions to the Association of Oregon Counties and the League of Oregon Cities:

16 (A) An individual representing Clackamas, Washington or Multnomah County;

17 (B) An individual representing Clatsop, Columbia, Coos, Curry, Jackson, Josephine, Lane or
 18 Yamhill County;

19 (C) An individual representing the City of Portland;

20 (D) An individual representing a city with a population above 10,000 residents as of July 21,
 21 2021;

22 (E) An individual representing a city with a population at or below 10,000 residents as of July
 23 21, 2021; and

24 (F) A representative of the Oregon Coalition of Local Health Officials or its successor organ-
 25 ization;

26 [(e)] (d) The following members appointed by the Governor from a list of candidates provided
 27 by the members described in paragraphs [(a) to (d)] (a) to (c) of this subsection:

28 (A) A representative of a community mental health program;

29 (B) An individual who has experienced a substance use disorder or a representative of an or-
 30 ganization that advocates on behalf of individuals with substance use disorders; and

31 (C) An individual representing law enforcement, first responders or jail commanders or wardens;

32 [(f)] (e) A member of the House of Representatives appointed by the Speaker of the House of
 33 Representatives, who shall be a nonvoting member of the board;

34 [(g)] (f) A member of the Senate appointed by the President of the Senate, who shall be a non-
 35 voting member of the board; and

36 [(h)] (g) The State Court Administrator or the administrator's designee, who shall be a nonvot-
 37 ing member of the board.

38 (2) The Governor shall select from the members described in subsection [(1)(a), (b) and (c)] (1)(a)
 39 **and (b)** of this section one cochairperson to represent state entities, and the members described in
 40 subsection [(1)(d)] (1)(c) of this section shall select from one of their members a cochairperson to
 41 represent cities or counties.

42 (3) The term of each member of the board who is not an ex officio member is four years, but a
 43 member serves at the pleasure of the appointing authority. Before the expiration of a member's term,
 44 the appointing authority shall appoint a successor whose term begins on January 1 next following.
 45 A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority

1 shall make an appointment to become immediately effective for the unexpired term.

2 (4) Decision-making by the board shall be based on consensus and supported by at least a ma-
3 jority of the members. The board shall document all objections to board decisions.

4 (5) The board shall conduct at least four public meetings in accordance with ORS 192.610 to
5 192.690, which shall be publicized to facilitate attendance at the meetings and during which the
6 board shall receive testimony and input from the community. The board shall also establish a pro-
7 cess for the public to provide written comments and proposals at each meeting of the board.

8 (6) In determining the allocation of moneys from the Opioid Settlement Prevention, Treatment
9 and Recovery Fund:

10 (a) No more than five percent of the moneys may be spent on administering the board and the
11 fund.

12 (b) A portion of the moneys shall be allocated toward a unified and evidence-based state system
13 for collecting, analyzing and publishing data about the availability and efficacy of substance use
14 prevention, treatment and recovery services statewide.

15 (c) Moneys remaining after allocations in accordance with paragraphs (a) and (b) of this sub-
16 section shall be allocated for funding statewide and regional programs identified in the Distributor
17 Settlement Agreement, the Janssen Settlement Agreement and any other judgment or settlement
18 described in section 5 (1)(c), **chapter 63, Oregon Laws 2022** [of this 2022 Act], including but not
19 limited to:

20 (A) Programs that use evidence-based or evidence-informed strategies to treat opioid use disor-
21 ders and any co-occurring substance use disorders or mental health conditions;

22 (B) Programs that use evidence-based or evidence-informed strategies to support individuals in
23 recovery from opioid use disorders and any co-occurring substance use disorders or mental health
24 conditions;

25 (C) Programs that use evidence-based or evidence-informed strategies to provide connections to
26 care for individuals who have or are at risk of developing opioid use disorders and any co-occurring
27 substance use disorders or mental health conditions;

28 (D) Programs that use evidence-based or evidence-informed strategies to address the needs of
29 individuals with opioid use disorders and any co-occurring substance use disorders or mental health
30 conditions and who are involved in, at risk of becoming involved in, or in transition from, the
31 criminal justice system;

32 (E) Programs that use evidence-based or evidence-informed strategies to address the needs of
33 pregnant or parenting women with opioid use disorders and any co-occurring substance use disor-
34 ders or mental health conditions, and the needs of their families, including babies with neonatal
35 abstinence syndrome;

36 (F) Programs that use evidence-based or evidence-informed strategies to support efforts to pre-
37 vent over-prescribing of opioids and ensure appropriate prescribing and dispensing of opioids;

38 (G) Programs that use evidence-based or evidence-informed strategies to support efforts to dis-
39 courage or prevent misuse of opioids;

40 (H) Programs that use evidence-based or evidence-informed strategies to support efforts to pre-
41 vent or reduce overdose deaths or other opioid-related harms;

42 (I) Programs to educate law enforcement or other first responders regarding appropriate prac-
43 tices and precautions when dealing with users of fentanyl or other opioids;

44 (J) Programs to provide wellness and support services for first responders and others who ex-
45 perience secondary trauma associated with opioid-related emergency events;

1 (K) Programs to support efforts to provide leadership, planning, coordination, facilitation,
2 training and technical assistance to abate the opioid epidemic through activities, programs or
3 strategies; or

4 (L) Funding to support opioid abatement research.

5 (d) The board shall be guided and informed by:

6 (A) The comprehensive addiction, prevention, treatment and recovery plan developed by the
7 Alcohol and Drug Policy Commission in accordance with ORS 430.223;

8 (B) The board's ongoing evaluation of the efficacy of the funding allocations;

9 (C) Evidence-based and evidence-informed strategies and best practices;

10 (D) Input the board receives from the public;

11 (E) Equity considerations for underserved populations; and

12 (F) The terms of the settlement agreements.

13 (7) The Oregon Health Authority shall provide staff support to the board.

14 **SECTION 29.** (1) Sections 2a, 24a, 30 and 48, chapter 591, Oregon Laws 2021, are repealed.

15 (2) ORS 153.043, 153.062, 293.665, 305.231, 419C.460, 430.383, 430.384, 430.386, 430.387, 430.388,
16 430.389, 430.390, 430.391, 430.392, 430.393 and 475.237 are repealed.

17 **SECTION 30.** Any unexpended moneys remaining in the Drug Treatment and Recovery
18 Services Fund on the effective date of this 2023 Act shall be transferred to and deposited in
19 the Criminal Fine Account to be distributed as provided in ORS 137.300.

20 **SECTION 31.** The amendments to statutes and session law by sections 1 to 28 of this 2023
21 Act and the repeal of statutes and session law by section 29 of this 2023 Act:

22 (1) Apply to conduct constituting, or alleged to constitute, an offense occurring on or
23 after the effective date of this 2023 Act.

24 (2) Do not affect proceedings based on conduct constituting, or alleged to constitute, an
25 offense occurring before the effective date of this 2023 Act.

26 (3) Do not release or extinguish any penalty, forfeiture or liability incurred under the
27 statutes and session law amended by sections 1 to 28 of this 2023 Act and the statutes and
28 session law repealed by section 29 of this 2023 Act. The statutes and session law amended
29 by sections 1 to 28 of this 2023 Act and the statutes and session law repealed by section 29
30 of this 2023 Act remain in force for the purpose of maintaining an action or prosecution for
31 the enforcement of such a penalty, forfeiture or liability.

32 (4) Do not relieve a person of any obligation with respect to a fine, penalty or other li-
33 ability, duty or obligation accruing under the statutes and session law amended by sections
34 1 to 28 of this 2023 Act and the statutes and session law repealed by section 29 of this 2023
35 Act. After the effective date of this 2023 Act, a court may undertake the collection or
36 enforcement of such fine, penalty or other liability, duty or obligation.

37 **SECTION 32.** This 2023 Act shall be submitted to the people for their approval or re-
38 jection at the next regular general election held throughout this state.

39