

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 4002**

1 In line 2 of the printed bill, after “state” insert “creating new provisions;
2 amending ORS 51.050, 137.300, 153.012, 153.018, 153.019, 153.021, 153.064,
3 153.992, 161.570, 221.339, 244.050, 316.502, 413.017, 419C.370, 423.478, 430.383,
4 430.384, 430.387, 430.389, 430.390, 430.391, 430.392, 430.393, 430.394, 475.005,
5 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884, 475.894,
6 475.900 and 670.280 and section 6, chapter 63, Oregon Laws 2022; and re-
7 pealing ORS 153.043, 153.062, 293.665, 305.231, 419C.460, 430.388 and 475.237
8 and section 6, chapter 248, Oregon Laws 2023”.

9 Delete lines 4 through 8 and insert:
10

11 **“RECRIMINALIZING DRUG POSSESSION**
12 **“(Restoring Misdemeanor and Felony Penalties)”**
13

14 **“SECTION 1.** ORS 475.752 is amended to read:

15 “475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752
16 to 475.980, it is unlawful for any person to manufacture or deliver a con-
17 trolled substance. Any person who violates this subsection with respect to:

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

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

1 475.906.

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

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

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

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

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

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

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

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

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

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

24 “(a) A controlled substance in Schedule I, is guilty of a [*Class E*
25 *violation*] **Class A misdemeanor**, except as otherwise provided in ORS
26 475.854, 475.874 and 475.894 [*and*] **or** subsection (7) of this section.

27 “(b) A controlled substance in Schedule II, is guilty of a [*Class E*
28 *violation*] **Class A misdemeanor**, except as otherwise provided in ORS
29 475.814, 475.824, 475.834 or 475.884 or subsection (8) of this section.

30 “(c) A controlled substance in Schedule III, is guilty of a [*Class E vio-*

1 *lation*] **Class A misdemeanor.**

2 “(d) A controlled substance in Schedule IV, is guilty of a [*Class E vio-*
3 *lation*] **Class C misdemeanor.**

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

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

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

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

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

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

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

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

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

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

25 “(a) The person possesses **a usable quantity of the controlled sub-**
26 **stance and:**

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

29 “(B) **At the time of the possession, the person has two or more prior**
30 **convictions for unlawful possession of a usable quantity of a controlled**

1 **substance; or**

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

4 **“(b) The person possesses:**

5 **“(A) Forty or more user units of a mixture or substance containing a de-**
6 **tectable amount of lysergic acid diethylamide; or**

7 **“(B) Twelve grams or more of a mixture or substance containing a de-**
8 **tectable amount of psilocybin or psilocin.**

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

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

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

15 **“(8) Notwithstanding subsection (3)(b) of this section[:],**

16 **“(a) unlawful possession of a controlled substance in Schedule II is a**
17 **[Class A misdemeanor] Class C felony if:**

18 **“(a) The person possesses a usable quantity of the controlled sub-**
19 **stance and:**

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

22 **“(B) At the time of the possession, the person has two or more prior**
23 **convictions for unlawful possession of a usable quantity of a controlled**
24 **substance; or**

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

27 **“(b) The person possesses one gram or more or five or more user units**
28 **of a mixture or substance containing a detectable amount of fentanyl, or any**
29 **substituted derivative of fentanyl as defined by the rules of the State Board**
30 **of Pharmacy.**

1 “[*b*) Unlawful possession of a controlled substance in Schedule II is a
2 Class C felony if:]

3 “[*A*) The possession is a commercial drug offense under ORS 475.900
4 (*1*)(*b*); or]

5 “[*B*) The person possesses a substantial quantity under ORS 475.900
6 (*2*)(*b*).]

7 **“SECTION 2.** ORS 475.814 is amended to read:

8 “475.814. (1) It is unlawful for any person knowingly or intentionally to
9 possess hydrocodone unless the hydrocodone was obtained directly from, or
10 pursuant to a valid prescription or order of, a practitioner while acting in
11 the course of professional practice, or except as otherwise authorized by ORS
12 475.005 to 475.285 and 475.752 to 475.980.

13 “[*2*)(*a*)] Unlawful possession of hydrocodone is a [*Class E violation*] **Class**
14 **A misdemeanor.**

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

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

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

21 **“SECTION 3.** ORS 475.824 is amended to read:

22 “475.824. (1) It is unlawful for any person knowingly or intentionally to
23 possess methadone unless the methadone was obtained directly from, or
24 pursuant to a valid prescription or order of, a practitioner while acting in
25 the course of professional practice, or except as otherwise authorized by ORS
26 475.005 to 475.285 and 475.752 to 475.980.

27 “[*2*)(*a*)] Unlawful possession of methadone is a [*Class E violation*] **Class**
28 **A misdemeanor.**

29 “[*b*) Notwithstanding paragraph (*a*) of this subsection, unlawful possession
30 of methadone is a Class A misdemeanor if the person possesses 40 or more user

1 *units of a mixture or substance containing a detectable amount of*
2 *methadone.]*

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

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

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

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

11 **“(ii) At the time of the possession, the person has two or more prior**
12 **convictions for unlawful possession of a usable quantity of a controlled**
13 **substance; or**

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

16 **“(B) The person possesses 40 or more user units of a mixture or**
17 **substance containing a detectable amount of methadone.**

18 **“SECTION 4.** ORS 475.834 is amended to read:

19 **“475.834. (1) It is unlawful for any person knowingly or intentionally to**
20 **possess oxycodone unless the oxycodone was obtained directly from, or pur-**
21 **suant to a valid prescription or order of, a practitioner while acting in the**
22 **course of professional practice, or except as otherwise authorized by ORS**
23 **475.005 to 475.285 and 475.752 to 475.980.**

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

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

30 *“(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful*

1 *possession of oxycodone is a Class C felony if the possession is a commercial*
2 *drug offense under ORS 475.900 (1)(b).]*

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

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

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

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

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

13 **“(B) The person possesses 40 or more pills, tablets, capsules or user**
14 **units of a mixture or substance containing a detectable amount of**
15 **oxycodone.**

16 **“SECTION 5.** ORS 475.854 is amended to read:

17 **“475.854. (1) It is unlawful for any person knowingly or intentionally to**
18 **possess heroin.**

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

21 **“[(b) Notwithstanding paragraph (a) of this subsection, unlawful possession**
22 **of heroin is a Class A misdemeanor if the person possesses one gram or more**
23 **of a mixture or substance containing a detectable amount of heroin.]**

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

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

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

30 **“(b) Notwithstanding paragraph (a) of this subsection, unlawful**

1 **possession of heroin is a Class B felony if:**

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

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

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

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

10 **“(B) The person possesses one gram or more of a mixture or sub-**
11 **stance containing a detectable amount of heroin.**

12 **“SECTION 6.** ORS 475.874 is amended to read:

13 **“475.874. (1) It is unlawful for any person knowingly or intentionally to**
14 **possess 3,4-methylenedioxymethamphetamine.**

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

17 **“(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-**
18 **session of 3,4-methylenedioxymethamphetamine is a [Class A misdemeanor]**
19 **Class B felony if:**

20 **“(A) The person possesses a usable quantity of**
21 **3,4-methylenedioxymethamphetamine and:**

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

24 **“(ii) At the time of the possession, the person has two or more prior**
25 **convictions for unlawful possession of a usable quantity of a controlled**
26 **substance; or**

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

29 **“(B) The person possesses one gram or more or five or more pills, tablets**
30 **or capsules of a mixture or substance containing a detectable amount of:**

1 “[(A)] (i) 3,4-methylenedioxyamphetamine;
2 “[(B)] (ii) 3,4-methylenedioxymethamphetamine; or
3 “[(C)] (iii) 3,4-methylenedioxy-N-ethylamphetamine.

4 “[(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful
5 possession of 3,4-methylenedioxymethamphetamine is a Class B felony if:]

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

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

10 “**SECTION 7.** ORS 475.884 is amended to read:

11 “475.884. (1) It is unlawful for any person knowingly or intentionally to
12 possess cocaine unless the substance was obtained directly from, or pursuant
13 to, a valid prescription or order of a practitioner while acting in the course
14 of professional practice, or except as otherwise authorized by ORS 475.005
15 to 475.285 and 475.752 to 475.980.

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

18 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
19 session of cocaine is a [*Class A misdemeanor*] **Class C felony** if:

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

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

23 “**(ii) At the time of the possession, the person has two or more prior**
24 **convictions for unlawful possession of a usable quantity of a controlled**
25 **substance; or**

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

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

30 “[(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful

1 *possession of cocaine is a Class C felony if:]*

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

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

6 “**SECTION 8.** ORS 475.894 is amended to read:

7 “475.894. (1) It is unlawful for any person knowingly or intentionally to
8 possess methamphetamine unless the substance was obtained directly from,
9 or pursuant to, a valid prescription or order of a practitioner while acting
10 in the course of professional practice, or except as otherwise authorized by
11 ORS 475.005 to 475.285 and 475.752 to 475.980.

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

14 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
15 session of methamphetamine is a [*Class A misdemeanor*] **Class C felony if:**

16 “(A) **The person possesses a usable quantity of methamphetamine**
17 **and:**

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

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

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

25 “(B) The person possesses two grams or more of a mixture or substance
26 containing a detectable amount of methamphetamine.

27 “[*(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful*
28 *possession of methamphetamine is a Class C felony if:]*

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

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

3 **“SECTION 9.** ORS 475.900 is amended to read:

4 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or
5 475.906 shall be classified as crime category 8 of the sentencing guidelines
6 grid of the Oregon Criminal Justice Commission if:

7 “(a) The violation constitutes delivery or manufacture of a controlled
8 substance and involves substantial quantities of a controlled substance. For
9 purposes of this paragraph, the following amounts constitute substantial
10 quantities of the following controlled substances:

11 “(A) Five grams or more of a mixture or substance containing a detect-
12 able amount of heroin;

13 “(B) Five grams or more or 25 or more user units of a mixture or sub-
14 stance containing a detectable amount of fentanyl, or any substituted deriv-
15 ative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

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

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

22 “(F) Sixty grams or more of a mixture or substance containing a detect-
23 able amount of psilocybin or psilocin; or

24 “(G) Five grams or more or 25 or more pills, tablets or capsules of a
25 mixture or substance containing a detectable amount of:

26 “(i) 3,4-methylenedioxyamphetamine;

27 “(ii) 3,4-methylenedioxymethamphetamine; or

28 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

29 “(b) The violation constitutes possession, delivery or manufacture of a
30 controlled substance and the possession, delivery or manufacture is a com-

1 commercial drug offense. A possession, delivery or manufacture is a commercial
2 drug offense for purposes of this subsection if it is accompanied by at least
3 three of the following factors:

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

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

7 “(C) The offender was unlawfully in possession of a firearm or other
8 weapon as described in ORS 166.270 (2), or the offender used, attempted to
9 use or threatened to use a deadly or dangerous weapon as defined in ORS
10 161.015, or the offender was in possession of a firearm or other deadly or
11 dangerous weapon as defined in ORS 161.015 for the purpose of using it in
12 connection with a controlled substance offense;

13 “(D) The offender was in possession of materials being used for the
14 packaging of controlled substances such as scales, wrapping or foil, other
15 than the material being used to contain the substance that is the subject of
16 the offense;

17 “(E) The offender was in possession of drug transaction records or cus-
18 tomer lists;

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

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

22 “(H) The offender was in possession of manufacturing paraphernalia, in-
23 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-
24 lating or power generating equipment;

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

27 “(J) The offender had constructed fortifications or had taken security
28 measures with the potential of injuring persons; or

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

1 “(i) Three grams or more of a mixture or substance containing a detect-
2 able amount of heroin;

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

6 “(iii) Eight grams or more of a mixture or substance containing a de-
7 tectable amount of cocaine;

8 “(iv) Eight grams or more of a mixture or substance containing a detect-
9 able amount of methamphetamine;

10 “(v) Twenty or more user units of a mixture or substance containing a
11 detectable amount of lysergic acid diethylamide;

12 “(vi) Ten grams or more of a mixture or substance containing a detectable
13 amount of psilocybin or psilocin; or

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

16 “(I) 3,4-methylenedioxyamphetamine;

17 “(II) 3,4-methylenedioxymethamphetamine; or

18 “(III) 3,4-methylenedioxy-N-ethylamphetamine.

19 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868,
20 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

21 “(d) The violation constitutes manufacturing methamphetamine and the
22 manufacturing consists of:

23 “(A) A chemical reaction involving one or more precursor substances for
24 the purpose of manufacturing methamphetamine; or

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

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

29 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified
30 as crime category 6 of the sentencing guidelines grid of the Oregon Criminal

1 Justice Commission if:

2 “(a) The violation constitutes delivery of heroin, cocaine, fentanyl, meth-
3 amphetamine or 3,4-methylenedioxyamphetamine,
4 3,4-methylenedioxymethamphetamine or
5 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

6 “(b) The violation constitutes possession of substantial quantities of a
7 controlled substance. For purposes of this paragraph, the following amounts
8 constitute substantial quantities of the following controlled substances:

9 “(A) Five grams or more of a mixture or substance containing a detect-
10 able amount of heroin;

11 “(B) Five grams or more or 25 or more user units of a mixture or sub-
12 stance containing a detectable amount of fentanyl, or any substituted deriv-
13 ative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

16 “(D) Ten grams or more of a mixture or substance containing a detectable
17 amount of methamphetamine;

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

20 “(F) Sixty grams or more of a mixture or substance containing a detect-
21 able amount of psilocybin or psilocin; or

22 “(G) Five grams or more or 25 or more pills, tablets or capsules of a
23 mixture or substance containing a detectable amount of:

24 “(i) 3,4-methylenedioxyamphetamine;

25 “(ii) 3,4-methylenedioxymethamphetamine; or

26 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

27 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not con-
28 tained in subsection (1) or (2) of this section shall be classified as:

29 “(a) Crime category 4 of the sentencing guidelines grid of the Oregon
30 Criminal Justice Commission if the violation involves delivery or manufac-

1 ture of a controlled substance; or

2 **“(b) Crime category 1 of the sentencing guidelines grid of the**
3 **Oregon Criminal Justice Commission if the violation involves pos-**
4 **session of a controlled substance.**

5 “(4) In order to prove a commercial drug offense, the state shall plead in
6 the accusatory instrument sufficient factors of a commercial drug offense
7 under subsections (1) and (2) of this section. The state has the burden of
8 proving each factor beyond a reasonable doubt.

9 “(5) As used in this section, ‘mixture or substance’ means any mixture or
10 substance, whether or not the mixture or substance is in an ingestible or
11 marketable form at the time of the offense.

12 **“SECTION 10.** ORS 161.570 is amended to read:

13 “161.570. (1) As used in this section, ‘nonperson felony’ has the meaning
14 given that term in the rules of the Oregon Criminal Justice Commission.

15 “(2) A district attorney may elect to treat a Class C nonperson felony or
16 a violation of ORS 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874
17 [(2)(c)] **(2)(b)** as a Class A misdemeanor. The election must be made by the
18 district attorney orally or in writing at the time of the first appearance of
19 the defendant. If a district attorney elects to treat a Class C felony or a vi-
20 olation of ORS 475.752 [(7)(b)] **(7)**, 475.854 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)]
21 **(2)(b)** as a Class A misdemeanor under this subsection, the court shall amend
22 the accusatory instrument to reflect the charged offense as a Class A
23 misdemeanor.

24 “(3) If, at some time after the first appearance of a defendant charged
25 with a Class C nonperson felony or a violation of ORS 475.752 [(7)(b)] **(7)**,
26 475.854 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)] **(2)(b)**, the district attorney and the
27 defendant agree to treat the charged offense as a Class A misdemeanor, the
28 court may allow the offense to be treated as a Class A misdemeanor by
29 stipulation of the parties.

30 “(4) If a Class C felony or a violation of ORS 475.752 [(7)(b)] **(7)**, 475.854

1 [(2)(c)] **(2)(b)** or 475.874 [(2)(c)] **(2)(b)** is treated as a Class A misdemeanor
2 under this section, the court shall clearly denominate the offense as a Class
3 A misdemeanor in any judgment entered in the matter.

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

6 “(6) Before a district attorney may make an election under subsection (2)
7 of this section, the district attorney shall adopt written guidelines for de-
8 termining when and under what circumstances the election may be made.
9 The district attorney shall apply the guidelines uniformly.

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

12 “(a) Be less than the minimum fine established by ORS 137.286 for a fel-
13 ony; or

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

16 **“SECTION 11.** ORS 423.478 is amended to read:

17 “423.478. (1) The Department of Corrections shall:

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

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

21 “(A) Allow tracking of offenders; and

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

24 “(c) Provide interstate compact administration and jail inspections.

25 “(2) Subject to ORS 423.483, each county, in partnership with the depart-
26 ment, shall assume responsibility for community-based supervision, sanctions
27 and services for offenders convicted of felonies, designated drug-related
28 misdemeanors or designated person misdemeanors who are:

29 “(a) On parole;

30 “(b) On probation;

1 “(c) On post-prison supervision;

2 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-
3 ceration;

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

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

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

18 “(a) When the person is released;

19 “(b) Within 10 days of a change of residence;

20 “(c) Once each year within 10 days of the person’s birth date;

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

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

25 “(4) As used in this section:

26 “(a) ‘Attends,’ ‘institution of higher education,’ ‘works’ and ‘carries on a
27 vocation’ have the meanings given those terms in ORS 163A.005.

28 “(b) ‘Designated drug-related misdemeanor’ means:

29 “(A) Unlawful possession of [*fentanyl under*] **a controlled substance**
30 **constituting a Class A misdemeanor under ORS 475.752 [(8)(a)];**

1 “(B) Unlawful possession of methadone under ORS 475.824 [(2)(b)] **(2)(a)**;
2 “(C) Unlawful possession of oxycodone under ORS 475.834 [(2)(b)] **(2)(a)**;
3 “(D) Unlawful possession of heroin under ORS 475.854 [(2)(b)] **(2)(a)**;
4 “(E) Unlawful possession of 3,4-methylenedioxymethamphetamine under
5 ORS 475.874 [(2)(b)] **(2)(a)**;
6 “(F) Unlawful possession of cocaine under ORS 475.884 [(2)(b)] **(2)(a)**; or
7 “(G) Unlawful possession of methamphetamine under ORS 475.894 [(2)(b)]
8 **(2)(a)**.

9 “(c) ‘Designated person misdemeanor’ means:

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

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

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

15

16 **“(Repealing Class E Violation Provisions)”**

17

18 **“SECTION 12.** ORS 51.050 is amended to read:

19 “51.050. (1) Except as otherwise provided in this section, in addition to
20 the criminal jurisdiction of justice courts already conferred upon and exer-
21 cised by them, justice courts have jurisdiction of all offenses committed or
22 triable in their respective counties. The jurisdiction conveyed by this section
23 is concurrent with any jurisdiction that may be exercised by a circuit court
24 or municipal court.

25 “(2) In any justice court that has not become a court of record under ORS
26 51.025, a defendant charged with a misdemeanor shall be notified immediately
27 after entering a plea of not guilty of the right of the defendant to have the
28 matter transferred to the circuit court for the county where the justice court
29 is located. The election shall be made within 10 days after the plea of not
30 guilty is entered, and the justice shall immediately transfer the case to the

1 appropriate court.

2 “(3) A justice court does not have jurisdiction over the trial of any felony
3 or a designated drug-related misdemeanor as defined in ORS 423.478. [*A jus-
4 tice court does not have jurisdiction over Class E violations.*] Except as pro-
5 vided in ORS 51.037, a justice court does not have jurisdiction over offenses
6 created by the charter or ordinance of any city.

7 **“SECTION 13.** ORS 137.300 is amended to read:

8 “137.300. (1) The Criminal Fine Account is established in the General
9 Fund. Except as otherwise provided by law, all amounts collected in state
10 courts as monetary obligations in criminal actions shall be deposited by the
11 courts in the account. All moneys in the account are continuously appro-
12 priated to the Department of Revenue to be distributed by the Department
13 of Revenue as provided in this section. The Department of Revenue shall
14 keep a record of moneys transferred into and out of the account.

15 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
16 inal Fine Account for the following purposes, in the following order of pri-
17 ority:

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

19 “(b) Allocations for criminal injuries compensation and assistance to
20 victims of crime and children reasonably suspected of being victims of crime.

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

23 “(d) Allocations for the maintenance and operation of the Law Enforce-
24 ment Data System.

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

28 “(a) Allocations to the Law Enforcement Medical Liability Account es-
29 tablished under ORS 414.815.

30 “(b) Allocations to the State Court Facilities and Security Account es-

1 tablished under ORS 1.178.

2 “(c) Allocations to the Department of Corrections for the purpose of
3 planning, operating and maintaining county juvenile and adult corrections
4 programs and facilities and drug and alcohol programs.

5 “(d) Allocations to the Oregon Health Authority for the purpose of grants
6 under ORS 430.345 for the establishment, operation and maintenance of al-
7cohol and drug abuse prevention, early intervention and treatment services
8 provided through a county.

9 “(e) Allocations to the Oregon State Police for the purpose of the
10 enforcement of the laws relating to driving under the influence of
11 intoxicants.

12 “(f) Allocations to the Arrest and Return Account established under ORS
13 133.865.

14 “(g) Allocations to the Intoxicated Driver Program Fund established un-
15 der ORS 813.270.

16 “(h) Allocations to the State Court Technology Fund established under
17 ORS 1.012.

18 “[4] *Notwithstanding subsections (2) and (3) of this section, the Legislative*
19 *Assembly shall allocate all moneys deposited into the Criminal Fine Account*
20 *as payment of fines on Class E violations to the Drug Treatment and Recovery*
21 *Services Fund established under ORS 430.384.]*

22 “[5] (4) It is the intent of the Legislative Assembly that allocations from
23 the Criminal Fine Account under subsection (3) of this section be consistent
24 with historical funding of the entities, programs and accounts listed in sub-
25 section (3) of this section from monetary obligations imposed in criminal
26 proceedings. Amounts that are allocated under subsection (3)(c) of this sec-
27 tion shall be distributed to counties based on the amounts that were trans-
28 ferred to counties by circuit courts during the 2009-2011 biennium under the
29 provisions of ORS 137.308, as in effect January 1, 2011.

30 “[6] (5) Moneys in the Criminal Fine Account may not be allocated for

1 the payment of debt service obligations.

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

5 “[8] (7) The Department of Revenue shall establish by rule a process for
6 distributing moneys in the Criminal Fine Account. The department may not
7 distribute more than one-eighth of the total biennial allocation to an entity
8 during a calendar quarter.

9 **“SECTION 14.** ORS 153.012 is amended to read:

10 “153.012. Violations are classified for the purpose of sentencing into the
11 following categories:

12 “(1) Class A violations.

13 “(2) Class B violations.

14 “(3) Class C violations.

15 “(4) Class D violations.

16 “[5] *Class E violations.*]

17 “[6] (5) Unclassified violations as described in ORS 153.015.

18 “[7] (6) Specific fine violations as described in ORS 153.015.

19 **“SECTION 15.** ORS 153.018 is amended to read:

20 “153.018. (1) The penalty for committing a violation is a fine. The law
21 creating a violation may impose other penalties in addition to a fine but may
22 not impose a term of imprisonment.

23 “(2) Except as otherwise provided by law, the maximum fine for a vio-
24 lation committed by an individual is:

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

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

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

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

29 “[e] *\$100 for a Class E violation.*]

30 “[f] (e) \$2,000 for a specific fine violation, or the maximum amount

1 otherwise established by law for the specific fine violation.

2 “(3) If a special corporate fine is specified in the law creating the vio-
3 lation, the sentence to pay a fine shall be governed by the law creating the
4 violation. Except as otherwise provided by law, if a special corporate fine is
5 not specified in the law creating the violation, the maximum fine for a vio-
6 lation committed by a corporation is:

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

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

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

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

11 **“SECTION 16.** ORS 153.019 is amended to read:

12 “153.019. (1) Except as provided in ORS 153.020, [*153.062 and 430.391,*] the
13 presumptive fines for violations are:

14 “(a) \$440 for a Class A violation.

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

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

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

18 “[*(e) \$100 for a Class E violation.*]

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

20 “(a) The amount specified by statute as the presumptive fine for the vio-
21 lation; or

22 “(b) An amount equal to the greater of 20 percent of the maximum fine
23 prescribed for the violation, or the minimum fine prescribed by statute for
24 the violation.

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

27 **“SECTION 17.** ORS 153.021 is amended to read:

28 “153.021. (1) Unless a specific minimum fine is prescribed for a violation,
29 and except as otherwise provided by law, the minimum fine a court shall
30 impose for a violation that is subject to the presumptive fines established

1 by ORS 153.019 (1) or 153.020 are as follows:

2 “(a) \$225 for a Class A violation.

3 “(b) \$135 for a Class B violation.

4 “(c) \$85 for a Class C violation.

5 “(d) \$65 for a Class D violation.

6 “[*(e) \$45 for a Class E violation.*]

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

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

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

18 “(3) This section does not affect the manner in which a court imposes or
19 reduces monetary obligations other than fines.

20 “(4) The Department of Revenue or Secretary of State may audit any
21 court to determine whether the court is complying with the requirements of
22 this section. In addition, the Department of Revenue or Secretary of State
23 may audit any court to determine whether the court is complying with the
24 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Depart-
25 ment of Revenue or Secretary of State may file an action under ORS 34.105
26 to 34.240 to enforce the requirements of this section and of ORS 137.145 to
27 137.159 and 153.640 to 153.680.

28 “**SECTION 18.** ORS 153.064 is amended to read:

29 “153.064. (1) Except as provided in subsection (2) of this section, a warrant
30 for arrest may be issued against a person who fails to make a first appear-

1 ance on a citation for a violation, or fails to appear at any other subsequent
2 time set for trial or other appearance, only if the person is charged with
3 failure to appear in a violation proceeding under ORS 153.992.

4 “(2) If a person fails to make a first appearance on a citation for a vio-
5 lation [*other than a Class E violation*], or fails to appear at any other sub-
6 sequent time set for trial or other appearance on a violation [*other than a*
7 *Class E violation*], the court may issue an order that requires the defendant
8 to appear and show cause why the defendant should not be held in contempt.
9 The show cause order may be mailed to the defendant by certified mail, re-
10 turn receipt requested. If service cannot be accomplished by mail, the de-
11 fendant must be personally served. If the defendant is served and fails to
12 appear at the time specified in the show cause order, the court may issue
13 an arrest warrant for the defendant for the purpose of bringing the defendant
14 before the court.

15 “**SECTION 19.** ORS 153.992 is amended to read:

16 “153.992. (1) A person commits the offense of failure to appear in a vio-
17 lation proceeding if the person has been served with a citation issued under
18 this chapter for a violation [*other than a Class E violation*] and the person
19 knowingly fails to do any of the following:

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

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

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

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

25 “**SECTION 20.** ORS 221.339 is amended to read:

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

29 “(2) Except as provided in subsections (3) and (4) of this section, munici-
30 pal courts have concurrent jurisdiction with circuit courts and justice courts

1 over misdemeanors committed or triable in the city. Municipal courts may
2 exercise the jurisdiction conveyed by this section without a charter provision
3 or ordinance authorizing that exercise.

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

6 “(4) A city may limit the exercise of jurisdiction over misdemeanors by
7 a municipal court under this section by the adoption of a charter provision
8 or ordinance, except that municipal courts must retain concurrent jurisdic-
9 tion with circuit courts over:

10 “(a) Misdemeanors created by the city’s own charter or by ordinances
11 adopted by the city, as provided in ORS 3.132; and

12 “(b) Traffic crimes as defined by ORS 801.545.

13 “(5) Subject to the powers and duties of the Attorney General under ORS
14 180.060, the city attorney has authority to prosecute a violation of any of-
15 fense created by statute that is subject to the jurisdiction of a municipal
16 court, including any appeal, if the offense is committed or triable in the city.
17 The prosecution shall be in the name of the state. The city attorney shall
18 have all powers of a district attorney in prosecutions under this subsection.

19 **“SECTION 21.** ORS 419C.370 is amended to read:

20 “419C.370. (1) The juvenile court may enter an order directing that all
21 cases involving:

22 “(a) Violation of a law or ordinance relating to the use or operation of
23 a motor vehicle, boating laws or game laws be waived to criminal or mu-
24 nicipal court;

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

29 “(c) A misdemeanor that entails theft, destruction, tampering with or
30 vandalism of property be waived to municipal court if the municipal court

1 has agreed to accept jurisdiction.

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

4 “(a) That the criminal or municipal court prior to hearing a case, other
5 than a case involving a parking violation, in which the defendant is or ap-
6 pears to be under 18 years of age notify the juvenile court of that fact; and

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

9 “(3)(a) When a person who has been waived under subsection (1)(c) of this
10 section is convicted of a property offense, the municipal court may impose
11 any sanction authorized for the offense except for incarceration. The munic-
12 ipal court shall notify the juvenile court of the disposition of the case.

13 “(b) When a person has been waived under subsection (1) of this section
14 and fails to appear as summoned or is placed on probation and is alleged to
15 have violated a condition of the probation, the juvenile court may recall the
16 case to the juvenile court for further proceedings. When a person has been
17 returned to juvenile court under this paragraph, the juvenile court may
18 proceed as though the person had failed to appear as summoned to the ju-
19 venile court or had violated a juvenile court probation order under ORS
20 419C.446.

21 “(4) Records of cases waived under subsection (1)(c) of this section are
22 juvenile records for purposes of expunction under ORS 419A.260 to 419A.271.

23 **“SECTION 22.** ORS 475.235 is amended to read:

24 “475.235. (1) It is not necessary for the state to negate any exemption or
25 exception in ORS 475.005 to 475.285 and 475.752 to 475.980 in any complaint,
26 information, indictment or other pleading or in any trial, hearing or other
27 proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980. The burden
28 of proof of any exemption or exception is upon the person claiming it.

29 “(2) In the absence of proof that a person is the duly authorized holder
30 of an appropriate registration or order form issued under ORS 475.005 to

1 475.285 and 475.752 to 475.980, the person is presumed not to be the holder
2 of the registration or form. The burden of proof is upon the person to rebut
3 the presumption.

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

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

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

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

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

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

29 “(5) If the defendant intends to object at trial to the admission of a cer-
30 tified copy of an analytical report as provided in subsection (4) of this sec-

1 tion, not less than 15 days prior to trial the defendant shall file written
2 notice of the objection with the court and serve a copy on the district at-
3 torney.

4 “(6) As used in this section:

5 “(a) ‘Analyst’ means a person employed by the Department of State Police
6 to conduct analysis in forensic laboratories established by the department
7 under ORS 181A.150.

8 “(b) ‘Presumptive test’ includes, but is not limited to, chemical tests using
9 Marquis reagent, Duquenois-Levine reagent, Scott reagent system or modi-
10 fied Chen’s reagent.

11 **“SECTION 23.** ORS 670.280 is amended to read:

12 “670.280. (1) As used in this section:

13 “(a) ‘License’ includes a registration, certification or permit.

14 “(b) ‘Licensee’ includes a registrant or a holder of a certification or per-
15 mit.

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

28 “(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing
29 board, commission or agency may deny an occupational or professional li-
30 cense or impose discipline on a licensee based on conduct that is not

1 undertaken directly in the course of the licensed activity, but that is sub-
2 stantially related to the fitness and ability of the applicant or licensee to
3 engage in the activity for which the license is required. In determining
4 whether the conduct is substantially related to the fitness and ability of the
5 applicant or licensee to engage in the activity for which the license is re-
6 quired, the licensing board, commission or agency shall consider the re-
7 lationship of the facts with respect to the conduct and all intervening
8 circumstances to the specific occupational or professional standards. [*There*
9 *is a rebuttable presumption as to each individual applicant or licensee that an*
10 *existing or prior conviction for conduct that has been classified or reclassified*
11 *as a Class E violation is not related to the fitness and ability of the applicant*
12 *or licensee to engage in the activity for which the license is required.*]

13 **SECTION 24. ORS 153.043, 153.062, 419C.460 and 475.237 are repealed.**

14
15 **“RESTORATION OF STATE V. BOYD DELIVERY DEFINITION**

16
17 **SECTION 25.** ORS 475.005 is amended to read:

18 “475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless
19 the context requires otherwise:

20 “(1) ‘Abuse’ means the repetitive excessive use of a drug short of de-
21 pendence, without legal or medical supervision, which may have a detri-
22 mental effect on the individual or society.

23 “(2) ‘Administer’ means the direct application of a controlled substance,
24 whether by injection, inhalation, ingestion or any other means, to the body
25 of a patient or research subject by:

26 “(a) A practitioner or an authorized agent thereof; or

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

28 “(3) ‘Administration’ means the Drug Enforcement Administration of the
29 United States Department of Justice, or its successor agency.

30 “(4) ‘Agent’ means an authorized person who acts on behalf of or at the

1 direction of a manufacturer, distributor or dispenser. It does not include a
2 common or contract carrier, public warehouseman or employee of the carrier
3 or warehouseman.

4 “(5) ‘Board’ means the State Board of Pharmacy.

5 “(6) ‘Controlled substance’:

6 “(a) Means a drug or its immediate precursor classified in Schedules I
7 through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812,
8 as modified under ORS 475.035. The use of the term ‘precursor’ in this para-
9 graph does not control and is not controlled by the use of the term
10 ‘precursor’ in ORS 475.752 to 475.980.

11 “(b) Does not include:

12 “(A) The plant Cannabis family Cannabaceae;

13 “(B) Any part of the plant Cannabis family Cannabaceae, whether grow-
14 ing or not;

15 “(C) Resin extracted from any part of the plant Cannabis family
16 Cannabaceae;

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

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

20 “(F) Psilocybin or psilocin, but only if and to the extent that a person
21 manufactures, delivers, or possesses psilocybin, psilocin, or psilocybin pro-
22 ducts in accordance with the provisions of ORS 475A.210 to 475A.722 and
23 rules adopted under ORS 475A.210 to 475A.722.

24 “(7) ‘Counterfeit substance’ means a controlled substance or its container
25 or labeling, which, without authorization, bears the trademark, trade name,
26 or other identifying mark, imprint, number or device, or any likeness thereof,
27 of a manufacturer, distributor or dispenser other than the person who in fact
28 manufactured, delivered or dispensed the substance.

29 “(8) ‘Deliver’ or ‘delivery’ means the actual **transfer**, constructive
30 **transfer** or attempted transfer, **or possession with intent to transfer**,

1 other than by administering or dispensing, from one person to another of a
2 controlled substance, whether or not there is an agency relationship.

3 “(9) ‘Device’ means instruments, apparatus or contrivances, including
4 their components, parts or accessories, intended:

5 “(a) For use in the diagnosis, cure, mitigation, treatment or prevention
6 of disease in humans or animals; or

7 “(b) To affect the structure of any function of the body of humans or
8 animals.

9 “(10) ‘Dispense’ means to deliver a controlled substance to an ultimate
10 user or research subject by or pursuant to the lawful order of a practitioner,
11 and includes the prescribing, administering, packaging, labeling or com-
12 pounding necessary to prepare the substance for that delivery.

13 “(11) ‘Dispenser’ means a practitioner who dispenses.

14 “(12) ‘Distributor’ means a person who delivers.

15 “(13) ‘Drug’ means:

16 “(a) Substances recognized as drugs in the official United States
17 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or
18 official National Formulary, or any supplement to any of them;

19 “(b) Substances intended for use in the diagnosis, cure, mitigation, treat-
20 ment or prevention of disease in humans or animals;

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

23 “(d) Substances intended for use as a component of any article specified
24 in paragraph (a), (b) or (c) of this subsection; however, the term does not
25 include devices or their components, parts or accessories.

26 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
27 communication sent or received through technological apparatuses, including
28 computer terminals or other equipment or mechanisms linked by telephone
29 or microwave relays, or any similar apparatus having electrical, digital,
30 magnetic, wireless, optical, electromagnetic or similar capabilities.

1 “(15) ‘Manufacture’ means the production, preparation, propagation, com-
2 pounding, conversion or processing of a controlled substance, either directly
3 or indirectly by extraction from substances of natural origin, or independ-
4 ently by means of chemical synthesis, or by a combination of extraction and
5 chemical synthesis, and includes any packaging or repackaging of the sub-
6 stance or labeling or relabeling of its container, except that this term does
7 not include the preparation or compounding of a controlled substance:

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

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

13 “(16) ‘Person’ includes a government subdivision or agency, business trust,
14 estate, trust or any other legal entity.

15 “(17) ‘Practitioner’ means physician, dentist, veterinarian, scientific in-
16 vestigator, licensed nurse practitioner, physician assistant or other person
17 licensed, registered or otherwise permitted by law to dispense, conduct re-
18 search with respect to or to administer a controlled substance in the course
19 of professional practice or research in this state but does not include a
20 pharmacist or a pharmacy.

21 “(18) ‘Prescription’ means a written, oral or electronically transmitted
22 direction, given by a practitioner for the preparation and use of a drug.
23 When the context requires, ‘prescription’ also means the drug prepared under
24 such written, oral or electronically transmitted direction. Any label affixed
25 to a drug prepared under written, oral or electronically transmitted direction
26 shall prominently display a warning that the removal thereof is prohibited
27 by law.

28 “(19) ‘Production’ includes the manufacture, planting, cultivation, grow-
29 ing or harvesting of a controlled substance.

30 “(20) ‘Research’ means an activity conducted by the person registered

1 with the federal Drug Enforcement Administration pursuant to a protocol
2 approved by the United States Food and Drug Administration.

3 “(21) ‘Ultimate user’ means a person who lawfully possesses a controlled
4 substance for the use of the person or for the use of a member of the
5 household of the person or for administering to an animal owned by the
6 person or by a member of the household of the person.

7 “(22) ‘Usable quantity’ means:

8 “(a) An amount of a controlled substance that is sufficient to physically
9 weigh independent of its packaging and that does not fall below the uncer-
10 tainty of the measuring scale; or

11 “(b) An amount of a controlled substance that has not been deemed
12 unweighable, as determined by a Department of State Police forensic labo-
13 ratory, due to the circumstances of the controlled substance.

14 “(23) ‘Within 1,000 feet’ means a straight line measurement in a radius
15 extending for 1,000 feet or less in every direction from a specified location
16 or from any point on the boundary line of a specified unit of property.

17

18 **“TREATMENT FUNDING**

19

20 **“SECTION 26.** ORS 430.384 is amended to read:

21 “430.384. (1) The Drug Treatment and Recovery Services Fund is estab-
22 lished in the State Treasury, separate and distinct from the General Fund.
23 Interest earned by the Drug Treatment and Recovery Services Fund shall be
24 credited to the fund.

25 “(2) The Drug Treatment and Recovery Services Fund shall consist of:

26 “[*a*] *Moneys deposited into the fund pursuant to ORS 305.231;*]

27 “[*b*] **(a)** Moneys appropriated or otherwise transferred to the fund by the
28 Legislative Assembly;

29 “[*c*] **(b)** Moneys allocated from the Oregon Marijuana Account, pursuant
30 to ORS 475C.726 (3)(b); **and**

1 “[d) Moneys allocated from the Criminal Fine Account pursuant to ORS
2 137.300 (4); and]

3 “[e)] (c) All other moneys deposited into the fund from any source.

4 “(3) Moneys in the fund shall be continuously appropriated to the [Oregon
5 Health Authority] **Alcohol and Drug Policy Commission** for the purposes
6 set forth in ORS 430.389.

7 “(4)(a) Pursuant to subsection [(2)(b)] **(2)(a)** of this section, the Legisla-
8 tive Assembly shall appropriate or transfer to the fund an amount sufficient
9 to fully fund the grants program required by ORS 430.389.

10 “(b) The total amount deposited and transferred into the fund shall not
11 be less than \$57 million for the first year ORS 430.383 to 430.390 and 430.394
12 are in effect.

13 “(c) In each subsequent year, the minimum transfer amount set forth in
14 paragraph (b) of this subsection shall be increased by not less than the sum
15 of:

16 “(A) \$57 million multiplied by the percentage, if any, by which the
17 monthly averaged U.S. City Average Consumer Price Index for the 12 con-
18 secutive months ending August 31 of the prior calendar year exceeds the
19 monthly index for the fourth quarter of the calendar year 2020; and

20 “(B) The annual increase, if any, in moneys distributed pursuant to ORS
21 475C.726 (3)(b).

22 “**SECTION 27.** ORS 430.387 is amended to read:

23 “430.387. The [Oregon Health Authority] **Alcohol and Drug Policy**
24 **Commission** shall cause the moneys in the Drug Treatment and Recovery
25 Services Fund to be distributed as follows:

26 “(1) An amount necessary for the administration of ORS [430.388 to]
27 **430.389 and** 430.390, excluding amounts necessary to establish and maintain
28 the telephone hotline described in ORS 430.391 (1).

29 “(2) After the distribution set forth in subsection (1) of this section, the
30 remaining moneys in the fund shall be distributed to the grants program as

1 set forth in ORS 430.389.

2 **“SECTION 28.** ORS 430.389 is amended to read:

3 “430.389. (1) The [*Oversight and Accountability Council*] **Alcohol and**
4 **Drug Policy Commission** shall approve grants and funding [*provided by the*
5 *Oregon Health Authority in accordance with this section*] to **counties** to im-
6 plement Behavioral Health Resource Networks, **fund treatment programs**
7 and increase access to community care. A Behavioral Health Resource Net-
8 work is an entity or collection of entities that individually or jointly provide
9 some or all of the services described in subsection (2)(e) of this section.

10 “(2)(a) The [*authority*] **commission** shall establish an equitable:

11 “(A) Process for applying for grants and funding [*by agencies or organ-*
12 *izations, whether government or community based,*] **by counties** to **fund**
13 **treatment programs and** establish Behavioral Health Resource Networks
14 for the purposes of immediately screening the acute needs of individuals with
15 substance use, including those who also have a mental illness, and assessing
16 and addressing any ongoing needs through ongoing case management, harm
17 reduction, treatment, housing and linkage to other care and services.

18 “(B) **Process for distributing grants and funding to counties based**
19 **on the population and need of each county.**

20 “[*B*] (C) Evaluation process to assess the effectiveness of **the treatment**
21 **programs and** Behavioral Health Resource Networks that receive grants or
22 funding.

23 “(b) [*Recipients of grants or funding*] **Treatment programs receiving**
24 **funding under this section** must be licensed, certified or credentialed by
25 the state, including certification under ORS 743A.168 (9), or meet criteria
26 prescribed by rule by the [*authority*] **commission** under ORS 430.390. [*A re-*
27 *ipient of a grant or funding under this subsection may not use the grant or*
28 *funding to supplant the recipient’s existing funding.*]

29 “(c) The [*council and the authority*] **commission** shall ensure that resi-
30 dents of each county have access to all of the services described in paragraph

1 (e) of this subsection.

2 “(d) **County** applicants for grants and funding may apply individually or
3 jointly with other [*network participants*] **counties** to provide services in one
4 or more counties.

5 “(e) A network must have the capacity to provide the following services
6 and any other services specified by the [*authority*] **commission** by rule but
7 no individual participant in a network is required to provide all of the ser-
8 vices:

9 “(A) Screening by certified addiction peer support or wellness specialists
10 or other qualified persons designated by the [*council*] **commission** to deter-
11 mine a client’s need for immediate medical or other treatment to determine
12 what acute care is needed and where it can be best provided, identify other
13 needs and link the client to other appropriate local or statewide services,
14 including treatment for substance use and coexisting health problems, hous-
15 ing, employment, training and child care. Networks shall provide this service
16 24 hours a day, seven days a week, every calendar day of the year through
17 a telephone line or other means. Networks may rely on the statewide tele-
18 phone hotline established by the authority under ORS 430.391 for telephone
19 screenings during nonbusiness hours such as evenings, weekends and holi-
20 days. Notwithstanding paragraph (c) of this subsection, only one grantee in
21 each network within each county is required to provide the screenings de-
22 scribed in this subparagraph.

23 “(B) Comprehensive behavioral health needs assessment, including a sub-
24 stance use screening by a certified alcohol and drug counselor or other cre-
25 dentialized addiction treatment professional. The assessment shall prioritize
26 the self-identified needs of a client.

27 “(C) Individual intervention planning, case management and connection
28 to services. If, after the completion of a screening, a client indicates a desire
29 to address some or all of the identified needs, a case manager shall work
30 with the client to design an individual intervention plan. The plan must ad-

1 dress the client’s need for substance use treatment, coexisting health prob-
2 lems, housing, employment and training, child care and other services.

3 “(D) Ongoing peer counseling and support from screening and assessment
4 through implementation of individual intervention plans as well as peer
5 outreach workers to engage directly with marginalized community members
6 who could potentially benefit from the network’s services.

7 “(E) Assessment of the need for, and provision of, mobile or virtual out-
8 reach services to:

9 “(i) Reach clients who are unable to access the network; and

10 “(ii) Increase public awareness of network services.

11 “(F) Harm reduction services and information and education about harm
12 reduction services.

13 “(G) Low-barrier substance use treatment.

14 “(H) Transitional and supportive housing for individuals with substance
15 use.

16 “(f) If [*an*] **a county** applicant **applying** for a grant or funding **for a**
17 **Behavioral Health Resource Network** under this subsection is unable to
18 provide all of the services described in paragraph (e) of this subsection, the
19 applicant may identify how the applicant intends to partner with other [*en-*
20 *tities*] **counties** to provide the services, and the [*authority and the council*]
21 **commission** may facilitate collaboration among applicants.

22 “(g) All services provided through the networks must be evidence-
23 informed, trauma-informed, culturally specific, linguistically responsive,
24 person-centered and nonjudgmental. The goal shall be to address effectively
25 the client’s substance use and any other social determinants of health.

26 “(h) The networks must be adequately staffed to address the needs of
27 people with substance use within their regions as prescribed by the authority
28 by rule, including, at a minimum, at least one person in each of the following
29 categories:

30 “(A) Alcohol and drug counselor certified by the authority or other cre-

1 denied addiction treatment professional;

2 “(B) Case manager;

3 “(C) Addiction peer support specialist certified by the [authority] **Oregon**
4 **Health Authority**;

5 “(D) Addiction peer wellness specialist certified by the authority;

6 “(E) Recovery mentor, certified by the Mental Health and Addiction
7 Certification Board of Oregon or its successor organization; and

8 “(F) Youth support specialist certified by the authority.

9 “(i) Verification of a screening by a certified addiction peer support spe-
10 cialist, wellness specialist or other person in accordance with paragraph
11 (e)(A) of this subsection shall promptly be provided to the client by the en-
12 tity conducting the screening. If the client executes a valid release of in-
13 formation, the entity shall provide verification of the screening to the
14 authority or a contractor of the authority and the authority or the
15 authority’s contractor shall forward the verification to [*the court, in the*
16 *manner prescribed by the Chief Justice of the Supreme Court, to satisfy the*
17 *conditions for dismissal under ORS 153.062 or 475.237*] **any entity the client**
18 **has authorized to receive the verification.**

19 “(3)(a) If moneys remain in the Drug Treatment and Recovery Services
20 Fund after the council has committed grants and funding to establish be-
21 havioral health resource networks serving every county in this state, the
22 council shall authorize grants and funding to other agencies or organiza-
23 tions, whether government or community based, and to the nine federally
24 recognized tribes in this state and service providers that are affiliated with
25 the nine federally recognized tribes in this state to increase access to one
26 or more of the following:

27 “(A) Low-barrier substance use treatment that is evidence-informed,
28 trauma-informed, culturally specific, linguistically responsive, person-
29 centered and nonjudgmental;

30 “(B) Peer support and recovery services;

1 “(C) Transitional, supportive and permanent housing for persons with
2 substance use;

3 “(D) Harm reduction interventions including, but not limited to, overdose
4 prevention education, access to short-acting opioid antagonists, as defined in
5 ORS 689.800, and sterile syringes and stimulant-specific drug education and
6 outreach; or

7 “(E) Incentives and supports to expand the behavioral health workforce
8 to support the services delivered by behavioral health resource networks and
9 entities receiving grants or funding under this subsection.

10 “(b) A recipient of a grant or funding under this subsection may not use
11 the grant or funding to supplant the recipient’s existing funding.

12 “(4) In awarding grants and funding under subsections (1) and (3) of this
13 section, the [council] **commission** shall:

14 “(a) Distribute grants and funding to ensure access to:

15 “(A) Historically underserved populations; and

16 “(B) Culturally specific and linguistically responsive services.

17 “(b) Consider any inventories or surveys of currently available behavioral
18 health services.

19 “(c) Consider available regional data related to the substance use treat-
20 ment needs and the access to culturally specific and linguistically responsive
21 services in communities in this state.

22 “(d) Consider the needs of residents of this state for services, supports and
23 treatment at all ages.

24 “(5) The [council] **commission** shall require any [government entity]
25 **county** that applies for a grant to specify in the application details regard-
26 ing subgrantees and how the government entity will fund culturally specific
27 organizations and culturally specific services. A [government entity] **county**
28 receiving a grant must make an explicit commitment not to supplant or de-
29 crease any existing funding used to provide services funded by the grant.

30 “(6) In determining grants and funding to be awarded, the [council]

1 **commission** may consult the comprehensive addiction, prevention, treatment
2 and recovery plan established by the [*Alcohol and Drug Policy Commission*]
3 **commission** under ORS 430.223 and the advice of any other group, agency,
4 organization or individual that desires to provide advice to the [*council*]
5 **commission** that is consistent with the terms of this section.

6 “(7) Services provided by grantees, including services provided by a Be-
7 havioral Health Resource Network, shall be free of charge to the clients re-
8 ceiving the services. Grantees in each network shall seek reimbursement
9 from insurance issuers, the medical assistance program or any other third
10 party responsible for the cost of services provided to a client and grants and
11 funding provided by the [*council or the authority*] **commission** under this
12 section may be used for copayments, deductibles or other out-of-pocket costs
13 incurred by the client for the services.

14 “(8) Subsection (7) of this section does not require the medical assistance
15 program to reimburse the cost of services for which another third party is
16 responsible in violation of 42 U.S.C. 1396a(25).

17 **“SECTION 29.** ORS 430.390 is amended to read:

18 “430.390. (1)[*(a) The Oregon Health Authority*] **The Alcohol and Drug**
19 **Policy Commission** shall adopt rules that establish a grant application
20 process, a process to appeal the denial of a grant and general criteria and
21 requirements for the Behavioral Health Resource Networks, **other treat-**
22 **ment programs** and the grants and funding required by ORS 430.389, in-
23 cluding rules requiring recipients of grants and funding to collect and report
24 information necessary for the Secretary of State to conduct the financial and
25 performance audits required by ORS 430.392.

26 “[*(b) When adopting or amending rules under this subsection, the authority*
27 *shall convene an advisory committee in accordance with ORS 183.333 in which*
28 *members of the Oversight and Accountability Council compose a majority of*
29 *the membership.*]

30 “(2) The [*council*] **commission** shall have and retain the authority to

1 oversee the Behavioral Health Resource Networks established under ORS
2 430.389 and approve the grants and funding under ORS 430.389.

3 “(3) The [*authority*] **commission** shall administer and provide all neces-
4 sary support to ensure the implementation of ORS 430.383 to 430.390 and
5 430.394, and that recipients of grants or funding comply with all applicable
6 rules regulating the provision of behavioral health services.

7 “(4)(a) The [*authority, in consultation with the council,*] **commission** may
8 enter into interagency agreements to ensure proper distribution of funds for
9 the grants required by ORS 430.389.

10 “(b) The [*authority*] **commission** shall encourage and take all reasonable
11 measures to ensure that **county** grant recipients cooperate, coordinate and
12 act jointly with one another to offer the services described in ORS 430.389.

13 “(c) The [*authority*] **commission** shall post to the [*authority’s*]
14 **commission’s** website, at the time a grant or funding is awarded:

15 “(A) The name of the **county** recipient of the grant or funding;

16 “(B) The names of any subgrantees or subcontractors of the recipient of
17 the grant or funding; and

18 “(C) The amount of the grant or funding awarded.

19 “[*(5) The authority shall provide requested technical, logistical and other*
20 *support to the council to assist the council with the council’s duties and obli-*
21 *gations.*]

22 “[*(6)*] (5) The Department of Justice shall provide legal services to the
23 [*council*] **commission** if requested to assist the [*council*] **commission** in
24 carrying out the [*council’s*] **commission’s** duties and obligations.

25 “**SECTION 30.** ORS 430.391 is amended to read:

26 “430.391. (1) The [*Oregon Health Authority*] **Alcohol and Drug Policy**
27 **Commission** shall establish a Behavioral Health Resource Network state-
28 wide telephone hotline to provide screenings described in ORS 430.389
29 (2)(e)(A) to any caller who is a resident of this state.

30 “(2) The telephone hotline shall be staffed 24 hours a day, seven days a

1 week, every calendar day of the year. Following a screening, at the request
2 of a caller, the telephone hotline shall promptly provide the verification set
3 forth in ORS 430.389 (2)(i).

4 **“SECTION 31.** ORS 430.392 is amended to read:

5 “430.392. (1) The Division of Audits of the office of the Secretary of State
6 shall conduct performance audits and financial reviews as provided in this
7 section, regarding the uses of the Drug Treatment and Recovery Services
8 Fund and the effectiveness of the fund in achieving the purposes of the fund
9 and the policy objectives of ORS 430.383. Recipients of grants or funds under
10 ORS 430.389 shall keep accurate books, records and accounts that are subject
11 to inspection and audit by the division.

12 “(2) The division shall monitor and report on the progress in implement-
13 ing any recommendations made in the audit or financial review. The division
14 shall follow up on recommendations as part of recurring audit work or as
15 an activity separate from other audit activity. When following up on recom-
16 mendations, the division may request from the appropriate agency evidence
17 of implementation.

18 “(3) The audits set forth in this section shall be conducted pursuant to
19 the provisions of ORS chapter 297, except to the extent any provision of ORS
20 chapter 297 conflicts with any provision of ORS [293.665 and 305.231 and]
21 430.383 to 430.390 and 430.394, in which case the provisions of ORS [293.665
22 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

23 “(4) No later than December 31, 2023, the division shall perform a:

24 “(a) Real-time audit, as prescribed by the division, which shall include an
25 assessment of [*the relationship between the Oversight and Accountability*
26 *Council and the Oregon Health Authority,*] the relationship between the
27 [*council*] **Alcohol and Drug Policy Commission** and **county** recipients of
28 grants or funding and the structural integrity of ORS [293.665 and 305.231
29 and] 430.383 to 430.390 and 430.394, including but not limited to assessing:

30 “(A) Whether the organizational structure of the [*council*] **commission**

1 contains conflicts or problems.

2 “(B) Whether the rules adopted by the [*council*] **commission** are clear
3 and functioning properly.

4 “(C) Whether the [*council*] **commission** has sufficient authority and in-
5 dependence to achieve the [*council’s*] **commission’s** mission.

6 “(D) Whether the [*authority*] **commission** is fulfilling the [*authority’s*]
7 **commission’s** duties under ORS 430.384, 430.387, 430.390 and 430.391.

8 “(E) Whether there are conflicts of interest in the process of awarding
9 grants or funding.

10 “(F) Whether there are opportunities to expand collaboration between the
11 [*council*] **commission** and state agencies.

12 “(G) Whether barriers exist in data collection and evaluation mechanisms.

13 “(H) Who is providing the data.

14 “(I) Other areas identified by the division.

15 “(b) Financial review, which shall include an assessment of the following:

16 “(A) Whether grants and funding are [*going*] **being distributed by**
17 **counties** to organizations that are culturally responsive and linguistically
18 specific, including an assessment of:

19 “(i) The barriers that exist for grant and funding applicants who are
20 Black, Indigenous or People of Color.

21 “(ii) The applicants that were denied and why.

22 “(iii) Whether grants and other funding are being disbursed based on the
23 priorities specified in ORS 430.389.

24 “(iv) For [*government entities*] **counties** receiving grants or funding under
25 ORS 430.389, the [*government entities’*] **county’s** subgrantees and whether the
26 [*governmental entity*] **county** supplanted or decreased any local funding ded-
27 icated to the same services after receiving grants or funds under ORS
28 430.389.

29 “(v) What proportion of grants or funds received by [*grantees and*
30 *others*] **counties** under ORS 430.389, was devoted to administrative costs.

1 “(B) The organizations and agencies receiving grants or funding **from**
2 **counties** under ORS 430.389 and:

3 “(i) Which of the organizations and agencies are Behavioral Health Re-
4 source Network entities.

5 “(ii) The amount each organization and agency received.

6 “(iii) The total number of organizations and agencies that applied for
7 grants or funding.

8 “(iv) The amount of moneys from the fund that were used to administer
9 the programs selected by the [council] **commission**.

10 “(v) The moneys that remained in the Drug Treatment and Recovery
11 Services Fund after grants and funding were disbursed.

12 “(5) No later than December 31, 2025, the division shall conduct a per-
13 formance audit, which must include an assessment of the following:

14 “(a) All relevant data regarding the implementation of ORS [153.062
15 and] 430.391[, *including demographic information on individuals who receive*
16 *citations subject to ORS 153.062 and 430.391 and whether the citations resulted*
17 *in connecting the individuals with treatment*].

18 “(b) The functioning of:

19 “[A] *Law enforcement and the courts in relation to Class E violation ci-*
20 *tations*;]

21 “[B)] (A) The telephone hotline operated by the [authority]
22 **commission**;

23 “[C)] (B) Entities providing verification of screenings under ORS 430.389;
24 and

25 “[D)] (C) The grants and funding systems between the [council, the au-
26 *thority*] **commission** and **county** recipients of grants or funding, including
27 by gathering information about which entities are receiving grants or fund-
28 ing and what the grants or funding are used for, the process of applying for
29 grants or funding and whether the process is conducive to obtaining quali-
30 fied applicants for grants or funding who are from communities of color.

1 “(c) Disparities shown by demographic data and whether the citation data
2 reveals a disproportionate use of citations in communities most impacted by
3 the war on drugs.

4 “(d) Whether ORS [153.062,] 430.389 and 430.391 reduce the involvement
5 in the criminal justice system of individuals with substance use.

6 “(e) Training opportunities provided to law enforcement officials regard-
7 ing services that are available and how to connect individuals to the ser-
8 vices.

9 “(f) The efficacy of issuing citations as a method of connecting individuals
10 to services.

11 “(g) The role of the implementation of ORS 430.383 to 430.390 and 430.394
12 in reducing overdose rates.

13 “(h) Outcomes for individuals receiving treatment and other social ser-
14 vices under ORS 430.389, including, but not limited to, the following:

15 “(A) Whether access to care increased since December 3, 2020, and, if data
16 is available, whether, since December 3, 2020:

17 “(i) The number of drug and alcohol treatment service providers in-
18 creased.

19 “(ii) The number of culturally specific providers increased.

20 “(iii) Access to harm reduction services has increased.

21 “(iv) More individuals are accessing treatment than they were before
22 December 3, 2020.

23 “(v) Access to housing for individuals with substance use has increased.

24 “(B) Data on Behavioral Health Resource Networks and recipients of
25 grants and funding under ORS 430.389, including:

26 “(i) The outcomes of each network or recipient, including but not limited
27 to the number of clients with substance use receiving services from each
28 network or recipient, the average duration of client participation and client
29 outcomes.

30 “(ii) The number of individuals seeking assistance from the network or

1 recipients who are denied or not connected to substance use treatment and
2 other services, and the reasons for the denials.

3 “(iii) The average time it takes for clients to access services and fulfill
4 their individual intervention plan and the reason for any delays, such as
5 waiting lists at referred services.

6 “(iv) Whether average times to access services to which clients are re-
7 ferred, such as housing or medically assisted treatment, have decreased over
8 time since December 3, 2020.

9 “(v) Demographic data on clients served by Behavioral Health Resource
10 Networks, including self-reported demographic data on race, ethnicity,
11 gender and age.

12 “(i) Each recipient of a grant or funding.

13 “(j) Other areas identified by the division for ascertaining best practices
14 for overdose prevention.

15 “(6) The division shall conduct periodic performance audits and financial
16 reviews pursuant to the division’s annual audit plan and taking into con-
17 sideration the risks of the program.

18 **“SECTION 32.** ORS 430.392, as amended by section 11, chapter 248,
19 Oregon Laws 2023, is amended to read:

20 “430.392. (1) The Division of Audits of the office of the Secretary of State
21 shall conduct performance audits and financial reviews as provided in this
22 section, regarding the uses of the Drug Treatment and Recovery Services
23 Fund and the effectiveness of the fund in achieving the purposes of the fund
24 and the policy objectives of ORS 430.383. Recipients of grants or funds under
25 ORS 430.389 shall keep accurate books, records and accounts that are subject
26 to inspection and audit by the division.

27 “(2) The division shall monitor and report on the progress in implement-
28 ing any recommendations made in the audit or financial review. The division
29 shall follow up on recommendations as part of recurring audit work or as
30 an activity separate from other audit activity. When following up on recom-

1 mendations, the division may request from the appropriate agency evidence
2 of implementation.

3 “(3) The audits set forth in this section shall be conducted pursuant to
4 the provisions of ORS chapter 297, except to the extent any provision of ORS
5 chapter 297 conflicts with any provision of ORS [293.665 and 305.231 and]
6 430.383 to 430.390 and 430.394, in which case the provisions of ORS [293.665
7 and 305.231 and] 430.383 to 430.390 and 430.394 shall control.

8 “(4) The division shall conduct periodic performance audits and financial
9 reviews pursuant to the division’s annual audit plan and taking into con-
10 sideration the risks of the program.

11 **“SECTION 33.** ORS 430.393 is amended to read:

12 “430.393. No later than January 1, 2022, and at the beginning of each
13 calendar quarter thereafter, the [*Oregon Health Authority*] **Alcohol and**
14 **Drug Policy Commission** shall report to the Legislative Assembly, in the
15 manner provided in ORS 192.245, how funds from the Drug Treatment and
16 Recovery Services Fund were spent in the preceding calendar quarter.

17 **“SECTION 34.** ORS 430.394 is amended to read:

18 “430.394. If approved by the [*Oversight and Accountability Council*] **Alco-**
19 **hol and Drug Policy Commission**, the Oregon Health Authority may im-
20 plement an education campaign to inform the public about the availability
21 of Behavioral Health Resource Networks, the statewide hotline described in
22 ORS 430.391 and any other information the authority believes would benefit
23 the public in accessing behavioral health services.

24 **“SECTION 35.** ORS 244.050 is amended to read:

25 “244.050. (1) On or before April 15 of each year the following persons shall
26 file with the Oregon Government Ethics Commission a verified statement of
27 economic interest as required under this chapter:

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

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

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

6 “(d) The Deputy Attorney General.

7 “(e) The Deputy Secretary of State.

8 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
9 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
10 tary of the Senate, the Chief Clerk of the House of Representatives and the
11 Legislative Equity Officer.

12 “(g) The president and vice presidents, or their administrative equiv-
13 alents, in each public university listed in ORS 352.002.

14 “(h) The following state officers:

15 “(A) Adjutant General.

16 “(B) Director of Agriculture.

17 “(C) Manager of State Accident Insurance Fund Corporation.

18 “(D) Water Resources Director.

19 “(E) Director of the Department of Environmental Quality.

20 “(F) Director of the Oregon Department of Administrative Services.

21 “(G) State Fish and Wildlife Director.

22 “(H) State Forester.

23 “(I) State Geologist.

24 “(J) Director of Human Services.

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

26 “(L) Director of the Department of State Lands.

27 “(M) State Librarian.

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

29 “(O) Superintendent of State Police.

30 “(P) Director of the Public Employees Retirement System.

- 1 “(Q) Director of Department of Revenue.
- 2 “(R) Director of Transportation.
- 3 “(S) Public Utility Commissioner.
- 4 “(T) Director of Veterans’ Affairs.
- 5 “(U) Executive director of Oregon Government Ethics Commission.
- 6 “(V) Director of the State Department of Energy.
- 7 “(W) Director and each assistant director of the Oregon State Lottery.
- 8 “(X) Director of the Department of Corrections.
- 9 “(Y) Director of the Oregon Department of Aviation.
- 10 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 11 “(AA) Director of the Oregon Business Development Department.
- 12 “(BB) Director of the Oregon Department of Emergency Management.
- 13 “(CC) Director of the Employment Department.
- 14 “(DD) State Fire Marshal.
- 15 “(EE) Chief of staff for the Governor.
- 16 “(FF) Director of the Housing and Community Services Department.
- 17 “(GG) State Court Administrator.
- 18 “(HH) Director of the Department of Land Conservation and Develop-
- 19 ment.
- 20 “(II) Board chairperson of the Land Use Board of Appeals.
- 21 “(JJ) State Marine Director.
- 22 “(KK) Executive director of the Oregon Racing Commission.
- 23 “(LL) State Parks and Recreation Director.
- 24 “(MM) Executive director of the Oregon Public Defense Commission.
- 25 “(NN) Chairperson of the Public Employees’ Benefit Board.
- 26 “(OO) Director of the Department of Public Safety Standards and Train-
- 27 ing.
- 28 “(PP) Executive director of the Higher Education Coordinating Commis-
- 29 sion.
- 30 “(QQ) Executive director of the Oregon Watershed Enhancement Board.

- 1 “(RR) Director of the Oregon Youth Authority.
- 2 “(SS) Director of the Oregon Health Authority.
- 3 “(TT) Deputy Superintendent of Public Instruction.
- 4 “(i) The First Partner, the legal counsel, the deputy legal counsel and all
5 policy advisors within the Governor’s office.
- 6 “(j) Every elected city or county official.
- 7 “(k) Every member of a city or county planning, zoning or development
8 commission.
- 9 “(L) The chief executive officer of a city or county who performs the du-
10 ties of manager or principal administrator of the city or county.
- 11 “(m) Members of local government boundary commissions formed under
12 ORS 199.410 to 199.519.
- 13 “(n) Every member of a governing body of a metropolitan service district
14 and the auditor and executive officer thereof.
- 15 “(o) Each member of the board of directors of the State Accident Insur-
16 ance Fund Corporation.
- 17 “(p) The chief administrative officer and the financial officer of each
18 common and union high school district, education service district and com-
19 munity college district.
- 20 “(q) Every member of the following state boards, commissions and coun-
21 cils:
- 22 “(A) Governing board of the State Department of Geology and Mineral
23 Industries.
- 24 “(B) Oregon Business Development Commission.
- 25 “(C) State Board of Education.
- 26 “(D) Environmental Quality Commission.
- 27 “(E) Fish and Wildlife Commission of the State of Oregon.
- 28 “(F) State Board of Forestry.
- 29 “(G) Oregon Government Ethics Commission.
- 30 “(H) Oregon Health Policy Board.

- 1 “(I) Oregon Investment Council.
- 2 “(J) Land Conservation and Development Commission.
- 3 “(K) Oregon Liquor and Cannabis Commission.
- 4 “(L) Oregon Short Term Fund Board.
- 5 “(M) State Marine Board.
- 6 “(N) Mass transit district boards.
- 7 “(O) Energy Facility Siting Council.
- 8 “(P) Board of Commissioners of the Port of Portland.
- 9 “(Q) Employment Relations Board.
- 10 “(R) Public Employees Retirement Board.
- 11 “(S) Oregon Racing Commission.
- 12 “(T) Oregon Transportation Commission.
- 13 “(U) Water Resources Commission.
- 14 “(V) Workers’ Compensation Board.
- 15 “(W) Oregon Facilities Authority.
- 16 “(X) Oregon State Lottery Commission.
- 17 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-
18 cil.
- 19 “(Z) Columbia River Gorge Commission.
- 20 “(AA) Oregon Health and Science University Board of Directors.
- 21 “(BB) Capitol Planning Commission.
- 22 “(CC) Higher Education Coordinating Commission.
- 23 “(DD) Oregon Growth Board.
- 24 “(EE) Early Learning Council.
- 25 “[*FF*] *The Oversight and Accountability Council.*]
- 26 “(r) The following officers of the State Treasurer:
- 27 “(A) Deputy State Treasurer.
- 28 “(B) Chief of staff for the office of the State Treasurer.
- 29 “(C) Director of the Investment Division.
- 30 “(s) Every member of the board of commissioners of a port governed by

1 ORS 777.005 to 777.725 or 777.915 to 777.953.

2 “(t) Every member of the board of directors of an authority created under
3 ORS 441.525 to 441.595.

4 “(u) Every member of a governing board of a public university listed in
5 ORS 352.002.

6 “(v) Every member of the district school board of a common school dis-
7 trict or union high school district.

8 “(w) Every member of the board of directors of an authority created under
9 ORS 465.600 to 465.621.

10 “(2) By April 15 next after the date an appointment takes effect, every
11 appointed public official on a board or commission listed in subsection (1)
12 of this section shall file with the Oregon Government Ethics Commission a
13 statement of economic interest as required under ORS 244.060, 244.070 and
14 244.090.

15 “(3) By April 15 next after the filing deadline for the primary election,
16 each candidate described in subsection (1) of this section shall file with the
17 commission a statement of economic interest as required under ORS 244.060,
18 244.070 and 244.090.

19 “(4) Not later than the 40th day before the date of the statewide general
20 election, each candidate described in subsection (1) of this section who will
21 appear on the statewide general election ballot and who was not required to
22 file a statement of economic interest under subsections (1) to (3) of this
23 section shall file with the commission a statement of economic interest as
24 required under ORS 244.060, 244.070 and 244.090.

25 “(5) Subsections (1) to (3) of this section apply only to persons who are
26 incumbent, elected or appointed public officials as of April 15 and to persons
27 who are candidates on April 15.

28 “(6) If a statement required to be filed under this section has not been
29 received by the commission within five days after the date the statement is
30 due, the commission shall notify the public official or candidate and give the

1 public official or candidate not less than 15 days to comply with the re-
2 quirements of this section. If the public official or candidate fails to comply
3 by the date set by the commission, the commission may impose a civil pen-
4 alty as provided in ORS 244.350.

5 **“SECTION 36.** ORS 244.050, as amended by section 12, chapter 220,
6 Oregon Laws 2023, and section 48, chapter 281, Oregon Laws 2023, is
7 amended to read:

8 “244.050. (1) On or before April 15 of each year the following persons shall
9 file with the Oregon Government Ethics Commission a verified statement of
10 economic interest as required under this chapter:

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

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

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

19 “(d) The Deputy Attorney General.

20 “(e) The Deputy Secretary of State.

21 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
22 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
23 tary of the Senate, the Chief Clerk of the House of Representatives and the
24 Legislative Equity Officer.

25 “(g) The president and vice presidents, or their administrative equiv-
26 alents, in each public university listed in ORS 352.002.

27 “(h) The following state officers:

28 “(A) Adjutant General.

29 “(B) Director of Agriculture.

30 “(C) Manager of State Accident Insurance Fund Corporation.

- 1 “(D) Water Resources Director.
- 2 “(E) Director of the Department of Environmental Quality.
- 3 “(F) Director of the Oregon Department of Administrative Services.
- 4 “(G) State Fish and Wildlife Director.
- 5 “(H) State Forester.
- 6 “(I) State Geologist.
- 7 “(J) Director of Human Services.
- 8 “(K) Director of the Department of Consumer and Business Services.
- 9 “(L) Director of the Department of State Lands.
- 10 “(M) State Librarian.
- 11 “(N) Administrator of the Oregon Liquor and Cannabis Commission.
- 12 “(O) Superintendent of State Police.
- 13 “(P) Director of the Public Employees Retirement System.
- 14 “(Q) Director of Department of Revenue.
- 15 “(R) Director of Transportation.
- 16 “(S) Public Utility Commissioner.
- 17 “(T) Director of Veterans’ Affairs.
- 18 “(U) Executive director of Oregon Government Ethics Commission.
- 19 “(V) Director of the State Department of Energy.
- 20 “(W) Director and each assistant director of the Oregon State Lottery.
- 21 “(X) Director of the Department of Corrections.
- 22 “(Y) Director of the Oregon Department of Aviation.
- 23 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 24 “(AA) Director of the Oregon Business Development Department.
- 25 “(BB) Director of the Oregon Department of Emergency Management.
- 26 “(CC) Director of the Employment Department.
- 27 “(DD) State Fire Marshal.
- 28 “(EE) Chief of staff for the Governor.
- 29 “(FF) Director of the Housing and Community Services Department.
- 30 “(GG) State Court Administrator.

1 “(HH) Director of the Department of Land Conservation and Develop-
2 ment.

3 “(II) Board chairperson of the Land Use Board of Appeals.

4 “(JJ) State Marine Director.

5 “(KK) Executive director of the Oregon Racing Commission.

6 “(LL) State Parks and Recreation Director.

7 “(MM) Executive director of the Oregon Public Defense Commission.

8 “(NN) Chairperson of the Public Employees’ Benefit Board.

9 “(OO) Director of the Department of Public Safety Standards and Train-
10 ing.

11 “(PP) Executive director of the Higher Education Coordinating Commis-
12 sion.

13 “(QQ) Executive director of the Oregon Watershed Enhancement Board.

14 “(RR) Director of the Oregon Youth Authority.

15 “(SS) Director of the Oregon Health Authority.

16 “(TT) Deputy Superintendent of Public Instruction.

17 “(i) The First Partner, the legal counsel, the deputy legal counsel and all
18 policy advisors within the Governor’s office.

19 “(j) Every elected city or county official.

20 “(k) Every member of a city or county planning, zoning or development
21 commission.

22 “(L) The chief executive officer of a city or county who performs the du-
23 ties of manager or principal administrator of the city or county.

24 “(m) Members of local government boundary commissions formed under
25 ORS 199.410 to 199.519.

26 “(n) Every member of a governing body of a metropolitan service district
27 and the auditor and executive officer thereof.

28 “(o) Each member of the board of directors of the State Accident Insur-
29 ance Fund Corporation.

30 “(p) The chief administrative officer and the financial officer of each

1 common and union high school district, education service district and com-
2 munity college district.

3 “(q) Every member of the following state boards, commissions and coun-
4 cils:

5 “(A) Governing board of the State Department of Geology and Mineral
6 Industries.

7 “(B) Oregon Business Development Commission.

8 “(C) State Board of Education.

9 “(D) Environmental Quality Commission.

10 “(E) Fish and Wildlife Commission of the State of Oregon.

11 “(F) State Board of Forestry.

12 “(G) Oregon Government Ethics Commission.

13 “(H) Oregon Health Policy Board.

14 “(I) Oregon Investment Council.

15 “(J) Land Conservation and Development Commission.

16 “(K) Oregon Liquor and Cannabis Commission.

17 “(L) Oregon Short Term Fund Board.

18 “(M) State Marine Board.

19 “(N) Mass transit district boards.

20 “(O) Energy Facility Siting Council.

21 “(P) Board of Commissioners of the Port of Portland.

22 “(Q) Employment Relations Board.

23 “(R) Public Employees Retirement Board.

24 “(S) Oregon Racing Commission.

25 “(T) Oregon Transportation Commission.

26 “(U) Water Resources Commission.

27 “(V) Workers’ Compensation Board.

28 “(W) Oregon Facilities Authority.

29 “(X) Oregon State Lottery Commission.

30 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-

1 cil.

2 “(Z) Columbia River Gorge Commission.

3 “(AA) Oregon Health and Science University Board of Directors.

4 “(BB) Capitol Planning Commission.

5 “(CC) Higher Education Coordinating Commission.

6 “(DD) Oregon Growth Board.

7 “(EE) Early Learning Council.

8 “[*(FF) The Oversight and Accountability Council.*]

9 “(r) The following officers of the State Treasurer:

10 “(A) Deputy State Treasurer.

11 “(B) Chief of staff for the office of the State Treasurer.

12 “(C) Director of the Investment Division.

13 “(s) Every member of the board of commissioners of a port governed by
14 ORS 777.005 to 777.725 or 777.915 to 777.953.

15 “(t) Every member of the board of directors of an authority created under
16 ORS 441.525 to 441.595.

17 “(u) Every member of a governing board of a public university listed in
18 ORS 352.002.

19 “(v) Every member of the district school board of a common school dis-
20 trict or union high school district.

21 “(w) Every member of the board of directors of an authority created under
22 ORS 465.600 to 465.621.

23 “(2) By April 15 next after the date an appointment takes effect, every
24 appointed public official on a board or commission listed in subsection (1)
25 of this section shall file with the Oregon Government Ethics Commission a
26 statement of economic interest as required under ORS 244.060, 244.070 and
27 244.090.

28 “(3) By April 15 next after the filing deadline for the primary election,
29 each candidate described in subsection (1) of this section who will appear
30 on a primary election ballot shall file with the commission a statement of

1 economic interest as required under ORS 244.060, 244.070 and 244.090.

2 “(4) Not later than the 40th day before the date of the statewide general
3 election, each candidate described in subsection (1) of this section who will
4 appear on the statewide general election ballot and who was not required to
5 file a statement of economic interest under subsections (1) to (3) of this
6 section shall file with the commission a statement of economic interest as
7 required under ORS 244.060, 244.070 and 244.090.

8 “(5) Subsections (1) to (3) of this section apply only to persons who are
9 incumbent, elected or appointed public officials as of April 15 and to persons
10 who are candidates on April 15.

11 “(6) If a statement required to be filed under this section has not been
12 received by the commission within five days after the date the statement is
13 due, the commission shall notify the public official or candidate and give the
14 public official or candidate not less than 15 days to comply with the re-
15 quirements of this section. If the public official or candidate fails to comply
16 by the date set by the commission, the commission may impose a civil pen-
17 alty as provided in ORS 244.350.

18 **“SECTION 37.** ORS 316.502 is amended to read:

19 “316.502. (1) The net revenue from the tax imposed by this chapter, after
20 deducting refunds and amounts described in ORS 285B.630[,] **and** 285C.635
21 [*and 305.231*], shall be paid over to the State Treasurer and held in the
22 General Fund as miscellaneous receipts available generally to meet any ex-
23 pense or obligation of the State of Oregon lawfully incurred.

24 “(2) A working balance of unreceipted revenue from the tax imposed by
25 this chapter may be retained for the payment of refunds, but such working
26 balance shall not at the close of any fiscal year exceed the sum of \$1 million.

27 “(3) Moneys are continuously appropriated to the Department of Revenue
28 to make:

29 “(a) The refunds authorized under subsection (2) of this section; and

30 “(b) The refund payments in excess of tax liability authorized under ORS

1 315.133, 315.174, 315.262, 315.264, 315.266, 315.273, 315.519 and 316.090 and
2 section 3, chapter 589, Oregon Laws 2021.

3 **“SECTION 38.** ORS 413.017 is amended to read:

4 “413.017. (1) The Oregon Health Policy Board shall establish the commit-
5 tees described in subsections (2) to (5) of this section.

6 “(2)(a) The Public Health Benefit Purchasers Committee shall include in-
7 dividuals who purchase health care for the following:

8 “(A) The Public Employees’ Benefit Board.

9 “(B) The Oregon Educators Benefit Board.

10 “(C) Trustees of the Public Employees Retirement System.

11 “(D) A city government.

12 “(E) A county government.

13 “(F) A special district.

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

16 “(b) The Public Health Benefit Purchasers Committee shall:

17 “(A) Identify and make specific recommendations to achieve uniformity
18 across all public health benefit plan designs based on the best available
19 clinical evidence, recognized best practices for health promotion and disease
20 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
23 benefit design alignment described in subparagraph (A) of this paragraph and
24 shall leverage purchasing to achieve benefit uniformity if practicable.

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

29 “(c) The Oregon Health Policy Board shall work with the Public Health
30 Benefit Purchasers Committee to identify uniform provisions for state and

1 local public contracts for health benefit plans that achieve maximum quality
2 and cost outcomes. The board shall collaborate with the committee to de-
3 velop steps to implement joint contract provisions. The committee shall
4 identify a schedule for the implementation of contract changes. The process
5 for implementation of joint contract provisions must include a review process
6 to protect against unintended cost shifts to enrollees or agencies.

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

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

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

19 “(4)(a) The Health Plan Quality Metrics Committee shall include the fol-
20 lowing members appointed by the Oregon Health Policy Board:

21 “(A) An individual representing the Oregon Health Authority;

22 “(B) An individual representing the Oregon Educators Benefit Board;

23 “(C) An individual representing the Public Employees’ Benefit Board;

24 “(D) An individual representing the Department of Consumer and Busi-
25 ness Services;

26 “(E) Two health care providers;

27 “(F) One individual representing hospitals;

28 “(G) One individual representing insurers, large employers or multiple
29 employer welfare arrangements;

30 “(H) Two individuals representing health care consumers;

1 “(I) Two individuals representing coordinated care organizations;
2 “(J) One individual with expertise in health care research;
3 “(K) One individual with expertise in health care quality measures; and
4 “(L) One individual with expertise in mental health and addiction ser-
5 vices.

6 “(b) The committee shall work collaboratively with the Oregon Educators
7 Benefit Board, the Public Employees’ Benefit Board, the authority and the
8 department to adopt health outcome and quality measures that are focused
9 on specific goals and provide value to the state, employers, insurers, health
10 care providers and consumers. The committee shall be the single body to
11 align health outcome and quality measures used in this state with the re-
12 quirements of health care data reporting to ensure that the measures and
13 requirements are coordinated, evidence-based and focused on a long term
14 statewide vision.

15 “(c) The committee shall use a public process that includes an opportunity
16 for public comment to identify health outcome and quality measures. The
17 health outcome and quality measures identified by the committee, as updated
18 by the authority under paragraph (g) of this subsection, may be applied to
19 services provided by coordinated care organizations or paid for by health
20 benefit plans sold through the health insurance exchange or offered by the
21 Oregon Educators Benefit Board or the Public Employees’ Benefit Board.
22 The authority, the department, the Oregon Educators Benefit Board and the
23 Public Employees’ Benefit Board are not required to adopt all of the health
24 outcome and quality measures identified by the committee but may not adopt
25 any health outcome and quality measures that are different from the meas-
26 ures identified by the committee. The measures must take into account the
27 health outcome and quality measures selected by the metrics and scoring
28 subcommittee created in ORS 413.022 and the differences in the populations
29 served by coordinated care organizations and by commercial insurers.

30 “(d) In identifying health outcome and quality measures, the committee

1 shall prioritize measures that:

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

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

8 “(C) Utilize existing data systems, to the extent practicable, for reporting
9 the measures to minimize redundant reporting and undue burden on the
10 state, health benefit plans and health care providers;

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

12 “(E) Use a common format in the collection of the data and facilitate the
13 public reporting of the data; and

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

16 “(e) The committee shall evaluate on a regular and ongoing basis the
17 health outcome and quality measures identified under this section.

18 “(f) The committee may convene subcommittees to focus on gaining ex-
19 pertise in particular areas such as data collection, health care research and
20 mental health and substance use disorders in order to aid the committee in
21 the development of health outcome and quality measures. A subcommittee
22 may include stakeholders and staff from the authority, the Department of
23 Human Services, the Department of Consumer and Business Services, the
24 Early Learning Council or any other agency staff with the appropriate ex-
25 pertise in the issues addressed by the subcommittee.

26 “(g) The authority shall update annually, if necessary, the health outcome
27 and quality measures identified by the committee to utilize the latest sets
28 of core quality measures published by the Centers for Medicare and Medicaid
29 Services in accordance with 42 U.S.C. 1320b-9a and 1320b-9b.

30 “(h) This subsection does not prevent the authority, the Department of

1 Consumer and Business Services, commercial insurers, the Public Employees’
2 Benefit Board or the Oregon Educators Benefit Board from establishing
3 programs that provide financial incentives to providers for meeting specific
4 health outcome and quality measures adopted by the committee.

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

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

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

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

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

12 “(E) An individual with expertise in data analysis;

13 “(F) A member of the Consumer Advisory Council, established under ORS
14 430.073, that represents adults with mental illness;

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

17 “(H) A member [*of the Oversight and Accountability Council, described in*
18 *ORS 430.389,*] who represents adults with addictions or co-occurring condi-
19 tions;

20 “(I) One member representing a system of care, as defined in ORS 418.976;

21 “(J) One consumer representative;

22 “(K) One representative of a tribal government;

23 “(L) One representative of an organization that advocates on behalf of
24 individuals with intellectual or developmental disabilities;

25 “(M) One representative of providers of behavioral health services;

26 “(N) The director of the division of the authority responsible for behav-
27 ioral health services, as a nonvoting member;

28 “(O) The Director of the Alcohol and Drug Policy Commission appointed
29 under ORS 430.220, as a nonvoting member;

30 “(P) The authority’s Medicaid director, as a nonvoting member;

1 “(Q) A representative of the Department of Human Services, as a non-
2 voting member; and

3 “(R) Any other member that the director deems appropriate.

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

5 “(c) The division of the authority responsible for behavioral health ser-
6 vices and the director of the division shall staff the committee.

7 “(d) The committee, in collaboration with the Health Plan Quality Met-
8 rics Committee, as needed, shall:

9 “(A) Establish quality metrics for behavioral health services provided by
10 coordinated care organizations, health care providers, counties and other
11 government entities; and

12 “(B) Establish incentives to improve the quality of behavioral health
13 services.

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

15 “(A) Improve timely access to behavioral health care;

16 “(B) Reduce hospitalizations;

17 “(C) Reduce overdoses;

18 “(D) Improve the integration of physical and behavioral health care; and

19 “(E) Ensure individuals are supported in the least restrictive environment
20 that meets their behavioral health needs.

21 “(6) Members of the committees described in subsections (2) to (5) of this
22 section who are not members of the Oregon Health Policy Board may receive
23 compensation in accordance with criteria prescribed by the authority by rule
24 and shall be reimbursed from funds available to the board for actual and
25 necessary travel and other expenses incurred by them by their attendance
26 at committee meetings, in the manner and amount provided in ORS 292.495.

27 “**SECTION 39.** Section 6, chapter 63, Oregon Laws 2022, is amended to
28 read:

29 “**Sec. 6.** Opioid Settlement Prevention, Treatment and Recovery Board.

30 (1) The Opioid Settlement Prevention, Treatment and Recovery Board is

1 created in the Oregon Health Authority for the purpose of determining the
2 allocation of funding from the Opioid Settlement Prevention, Treatment and
3 Recovery Fund established in section 5 of this 2022 Act. The board consists
4 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
11 director’s designee;

12 “[*(c) The chairperson of the Oversight and Accountability Council estab-*
13 *lished in ORS 430.388 or the chairperson’s designee;*]

14 “[*(d)*] (c) The following members appointed by the Governor from a list
15 of candidates provided by the Association of Oregon Counties and the League
16 of Oregon Cities or the successor organizations to the Association of Oregon
17 Counties and the League of Oregon Cities:

18 “(A) An individual representing Clackamas, Washington or Multnomah
19 County;

20 “(B) An individual representing Clatsop, Columbia, Coos, Curry, Jackson,
21 Josephine, Lane or Yamhill County;

22 “(C) An individual representing the City of Portland;

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

25 “(E) An individual representing a city with a population at or below
26 10,000 residents as of July 21, 2021; and

27 “(F) A representative of the Oregon Coalition of Local Health Officials
28 or its successor organization;

29 “[*(e)*] (d) The following members appointed by the Governor from a list
30 of candidates provided by the members described in paragraphs (a) to (d) of

1 this subsection:

2 “(A) A representative of a community mental health program;

3 “(B) An individual who has experienced a substance use disorder or a
4 representative of an organization that advocates on behalf of individuals
5 with substance use disorders; and

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

8 “[*f*] (e) A member of the House of Representatives appointed by the
9 Speaker of the House of Representatives, who shall be a nonvoting member
10 of the board;

11 “[*g*] (f) A member of the Senate appointed by the President of the Sen-
12 ate, who shall be a nonvoting member of the board; and

13 “[*h*] (g) The State Court Administrator or the administrator’s designee,
14 who shall be a nonvoting member of the board.

15 “(2) The Governor shall select from the members described in subsection
16 (1)(a)[,] **and** (b) [*and* (c)] of this section one cochairperson to represent state
17 entities, and the members described in subsection [(1)(d)] **(1)(c)** of this sec-
18 tion shall select from one of their members a cochairperson to represent
19 cities or counties.

20 “(3) The term of each member of the board who is not an ex officio
21 member is four years, but a member serves at the pleasure of the appointing
22 authority. Before the expiration of a member’s term, the appointing authority
23 shall appoint a successor whose term begins on January 1 next following.
24 A member is eligible for reappointment. If there is a vacancy for any cause,
25 the appointing authority shall make an appointment to become immediately
26 effective for the unexpired term.

27 “(4) Decision-making by the board shall be based on consensus and sup-
28 ported by at least a majority of the members. The board shall document all
29 objections to board decisions.

30 “(5) The board shall conduct at least four public meetings in accordance

1 with ORS 192.610 to 192.690 [series became 192.610 to 192.705], which shall
2 be publicized to facilitate attendance at the meetings and during which the
3 board shall receive testimony and input from the community. The board shall
4 also establish a process for the public to provide written comments and
5 proposals at each meeting of the board.

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

8 “(a) No more than five percent of the moneys may be spent on adminis-
9 tering the board and the fund.

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

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

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

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

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

30 “(D) Programs that use evidence-based or evidence-informed strategies to

1 address the needs of individuals with opioid use disorders and any co-
2 occurring substance use disorders or mental health conditions and who are
3 involved in, at risk of becoming involved in, or in transition from, the
4 criminal justice system;

5 “(E) Programs that use evidence-based or evidence-informed strategies to
6 address the needs of pregnant or parenting women with opioid use disorders
7 and any co-occurring substance use disorders or mental health conditions,
8 and the needs of their families, including babies with neonatal abstinence
9 syndrome;

10 “(F) Programs that use evidence-based or evidence-informed strategies to
11 support efforts to prevent over-prescribing of opioids and ensure appropriate
12 prescribing and dispensing of opioids;

13 “(G) Programs that use evidence-based or evidence-informed strategies to
14 support efforts to discourage or prevent misuse of opioids;

15 “(H) Programs that use evidence-based or evidence-informed strategies to
16 support efforts to prevent or reduce overdose deaths or other opioid-related
17 harms;

18 “(I) Programs to educate law enforcement or other first responders re-
19 garding appropriate practices and precautions when dealing with users of
20 fentanyl or other opioids;

21 “(J) Programs to provide wellness and support services for first
22 responders and others who experience secondary trauma associated with
23 opioid-related emergency events;

24 “(K) Programs to support efforts to provide leadership, planning, coordi-
25 nation, facilitation, training and technical assistance to abate the opioid
26 epidemic through activities, programs or strategies; or

27 “(L) Funding to support opioid abatement research.

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

29 “(A) The comprehensive addiction, prevention, treatment and recovery
30 plan developed by the Alcohol and Drug Policy Commission in accordance

1 with ORS 430.223;

2 “(B) The board’s ongoing evaluation of the efficacy of the funding allo-
3 cations;

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

5 “(D) Input the board receives from the public;

6 “(E) Equity considerations for underserved populations; and

7 “(F) The terms of the settlement agreements.

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

9 **“SECTION 40.** ORS 430.383 is amended to read:

10 “430.383. (1)(a) The people of Oregon find that drug addiction and over-
11 doses are a serious problem in Oregon and that Oregon needs to expand ac-
12 cess to drug treatment.

13 “(b) The people of Oregon further find that a health-based approach to
14 addiction and overdose is *[more]* effective, humane and cost-effective *[than*
15 *criminal punishments. Making people criminals because they suffer from ad-*
16 *diction is expensive, ruins lives and can make access to treatment and recovery*
17 *more difficult]*.

18 “(2)(a) The purpose of the Drug Addiction Treatment and Recovery Act
19 of 2020, **as further amended**, is to make screening, health assessment,
20 treatment and recovery services for drug addiction available to all those who
21 need and want access to those services and to *[adopt a health approach]*
22 **enhance assessment, treatment and recovery services to address** drug
23 addiction *[by removing criminal penalties for low-level drug possession]*.

24 “(b) It is the policy of the State of Oregon:

25 “(A) That screening, health assessment, treatment and recovery services
26 for drug addiction are available to all those who need and want access to
27 those services; and

28 “(B) To encourage treatment and recovery for people struggling with
29 substance use.

30 “(3) The provisions of ORS 430.383 to 430.390 and 430.394 shall be inter-

1 preted consistently with the findings, purposes and policy objectives stated
2 in this section and shall not be limited by any policy set forth in Oregon law
3 that could conflict with or be interpreted to conflict with the purposes and
4 policy objectives stated in this section.

5 “(4) As used in ORS 430.383 to 430.390 and 430.394, ‘recovery’ means a
6 process of change through which individuals improve their health and
7 wellness, live a self-directed life and strive to reach their full potential.

8 **“SECTION 41. ORS 293.665, 305.231, 430.388 and section 6, chapter**
9 **248, Oregon Laws 2023, are repealed.**

10

11 **“REPORT TO IMMIGRATION AUTHORITIES**

12

13 **“SECTION 42. (1) Notwithstanding ORS 181A.820 and 181A.822 to**
14 **181A.829, when a person is arrested for delivery or manufacture of**
15 **fentanyl, the arresting officer shall immediately notify federal immi-**
16 **gration authorities.**

17 **“(2) Notwithstanding ORS 135.230 to 135.290, a person arrested for**
18 **delivery or manufacture of fentanyl is not eligible for any form of re-**
19 **lease, except as required by the Oregon Constitution, until the notifi-**
20 **cation described in subsection (1) of this section has occurred and**
21 **federal immigration authorities have confirmed that the person does**
22 **not need to be detained for violating federal immigration law.**

23 **“(3) As used in this section, ‘federal immigration authorities’ means**
24 **agents of the United States Immigration and Customs Enforcement,**
25 **or a successor agency, who receive reports of and investigate vio-**
26 **lations of immigration law.**

27

28 **“APPROPRIATION**

29

30 **“SECTION 43. In addition to and not in lieu of any other appropri-**

1 ation, there is appropriated to the Alcohol and Drug Policy Commis-
2 sion, for the biennium ending June 30, 2025, out of the General Fund,
3 the amount of \$_____, for deposit into the Drug Treatment and
4 Recovery Services Fund for the purposes of funding grants to counties
5 under ORS 430.389.

6

7

“APPLICABILITY

8

9 “SECTION 44. The amendments to ORS 51.050, 137.300, 153.012,
10 153.018, 153.019, 153.021, 153.064, 153.992, 161.570, 221.339, 419C.370, 423.478,
11 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874, 475.884,
12 475.894 and 475.900 by sections 1 to 22 and 25 of this 2024 Act, and the
13 repeal of ORS 153.043, 153.062, 419C.460 and 475.237 by section 24 of this
14 2024 Act, apply to conduct occurring on or after the effective date of
15 this 2024 Act.

16

17

“CAPTIONS

18

19 “SECTION 45. The unit and section captions used in this 2024 Act
20 are provided only for the convenience of the reader and do not become
21 part of the statutory law of this state or express any legislative intent
22 in the enactment of this 2024 Act.”.

23
