

**Max Williams Testimony to the**  
**Joint Committee on Addiction and Community Safety**  
**February 7, 2024**

Chairs Lieber and Kropf, members of the Committee:

My name is Max Williams. I am an attorney, former legislator and Chair of the House Judiciary Committee, former director of the Oregon Department of Corrections and most recently CEO of the Oregon Community Foundation. Today I am here on behalf of the **Fix and Improve Ballot Measure 110 Coalition**.

I want to thank the Chairs and the Committee for their work leading up to this legislative session in exploring solutions to the serious challenges that Oregon is facing in addressing addiction. As you have rightly pointed out – there is no SINGLE solution that will immediately address and resolve this crisis. It will require a series of comprehensive changes, investments, and strategies to protect individuals with substance use disorder, their families, and our communities from the horrific ravages of addiction and to hold accountable those who prey on our people for gain.

But simply because something is a complicated and multi-faceted problem, cannot be a basis for decision paralysis. These challenges have been years in the making and will be years in the solving – but now is the time to start.

**We encourage you to act boldly and to do the following:**

1. **Recriminalize deadly drugs.** Make possession of drugs a **Class A misdemeanor** so that communities have the strongest tools to steer the most people *into* treatment and *away* from jail. Practically speaking, a Class C misdemeanor, as is being proposed, creates on paper the deterrent of 30 days in jail – but much more likely a person would have 15-days under any community supervision. (See ORS 137.540(2)(a)). That is not enough time – or consequence – to get someone detoxed from fentanyl. It’s not about punishing people for being addicted – it’s about using the appropriate level of incentives, rewards, and consequences to move people either away from drugs or into treatment and recovery.
2. **Provide for a more straightforward and simple set of diversion approaches, to allow people to choose treatment over jail.** The current “deflection” plan in your draft framework is unworkable. It’s complex, punishes rural communities that lack infrastructure, and will lead to similar outcomes that we’ve already experienced with Measure 110. Pre-arrest diversion should be a goal for every community, but it shouldn’t be a mandate. The use of community supervision, drug courts, and a goal of expungement of person’s record for possession of a controlled substance should be required when they complete treatment and supervision. Such an approach would make Oregon one of the most progressive states in the nation in addressing drug possession.

3. **Ensure funding for expanded drug prevention, treatment, and recovery.** Create a guaranteed funding floor to protect essential prevention, treatment and peer recovery programs from the volatility and uncertainty of cannabis taxes. Providers need financial certainty if they are going to invest in treatment capacity and infrastructure. Your recommendation for further investment is well founded. Additionally, opening these resources for significant investments in **prevention is essential** – particularly as we lead the nation the percentage increase in youth overdose rates!
4. **Replace voluntary with mandatory treatment.** End the failed experiment of toothless \$100 tickets and rarely used drug hotlines. You must restore sufficient motivational leverage for those in throws of addiction – and a Class C is, in practice, lacks that leverage. Don't make the E-violation mistake over again. Mandating treatment options is for those who can't make the rationale decision for treatment. We need to act to protect them, their families, and the community. Leaving them on the streets amid their addiction is inhumane.
5. **Ban the use of drugs in public places.** Give local governments the same authority they currently have to regulate the use of alcohol and tobacco in streets, parks, and neighborhoods. This seems simple, but as you have heard at your hearings, it's always more complicated. Work with communities to understand the tools they need to address this serious challenge. Again, the goal is not to punish individuals with addiction – but to help them on a path to recovery – and to ensure that our community spaces are safe for our citizens.
6. **Expand penalties for drug dealing.** There are series of proposals to address **repeat drug dealers with longer prison sentences**, fixing the loophole of the Boyd-Hubble delivery issue and holding those accountable who are selling drugs when it leads to an overdose death. We support these approaches because no person, entity, organized crime syndicate, cartel or country should be making a profit on Oregon's tragedy.

You have the opportunity in this session to send a strong signal to Oregon, to the nation and those engaged in the trafficking and sale of illegal drugs – that Oregon is no longer open for business. You have the support of a significant majority of Oregonians who are hoping you will act boldly and quickly so we can begin to rebuild what has been lost.

But at the heart of this debate lies a deeper philosophical question. It's beyond whether you should be an A or C misdemeanor, and it's not even about whether people should get treatment or jail. It's deeper and more consequential than either of those questions.

Many of those that would work towards further decriminalization – (legalization in practice) of drugs believe that using these drugs is a matter of “personal choice” resulting only in “personal consequences.” They believe we shouldn't hold people accountable for the consequences of that choice. They believe we should simply support them in that choice in a manner that causes

them the least harm and that society should provide them with all the services that lessens the impact of that choice. They believe that treatment itself should be a “choice” that is never compelled and barely encouraged, lest it be interpreted as infringing on that individual’s autonomy.

Of course, what is missing from that viewpoint is the **collective role** we share in both experiencing and addressing the wider **community harm**. These “individual choices” don’t just result in personal consequences – as we are seeing across our state – they have significant community consequences, from family issues, child neglect, foster care, public safety, health care costs, to community livability, investment, taxes, and to the overall health and wellbeing of our community. That doesn’t mean we should unfairly punish people for their choice – but we should create systems that will provide accountability designed to signal that this is not a community accepted choice and provide alternatives for better choices, reform and recovery.

There is a myriad of government policies – underage drinking, speed limits, motorcycle helmets, environmental restrictions, dare I say even vaccination requirements, to name just a few, that are all built around both protecting individuals and communities from individual choices and the spill-over consequences of those choices on the rest of us. People are free to make contrary decisions to be sure – but we have built consequences around them for their own protection and for the protection of the community. It is time to rebuild those consequences – in a balanced and thoughtful way – when it comes to lethal drug possession in Oregon.

As Oregon’s Legislative Assembly you send an important signal when you vote on this issue. It is bigger than just finding the right balance on Measure 110. It is about the collective future of Oregon and how we balance community and individual responsibility. It is a signal that Oregonians are willing to send themselves if you fail to act to protect the community from the harm associated with these policies.

Thank you.