

February 26, 2024

TO: Co-Chairs Lieber and Kropf, members of the Joint Committee on Addiction and Community Safety Response

FROM: Mallorie Roberts, Legislative Affairs Director, Association of Oregon Counties

RE: House Bill 4002-24

Dear Co-Chairs Lieber and Kropf, and members of the committee,

On behalf of the Association of Oregon Counties (AOC), representing Oregon's county governments, I am writing to outline the ways in which House Bill 4002-24 meets county needs for public health and public safety response capability in the midst of Oregon's drug use and homelessness crisis. AOC appreciates the co-chairs' engagement with and responsiveness to counties and our public health and public safety partners throughout the crafting of the -24 amendment.

Counties know it is essential that Oregon's drug policy prioritizes individuals' ability to engage in substance abuse treatment, provides sufficient funding for county behavioral health and safety services, and provides tools the criminal justice system can use to fight illegal drug use and sales. The -24 amendment attempts to strike a necessary balance, supporting and strengthening the behavioral health system while reestablishing law enforcement's critical role in tackling this crisis.

HB 4002-24 addresses these needs by:

- Increasing access to medications to treat opioid addiction and withdrawal through expedited health insurance, prescribing and dispensing processes and through the Oregon Jail-Based Medications for Opioid Use Disorder Grant Program;
- Establishing the Certified Community Behavioral Health Clinic program;
- Designating the unlawful possession of a controlled substance as a new misdemeanor with important conditional discharge and probation provisions; and
- Creating the voluntary Oregon Behavioral Health Deflection program which, importantly, utilizes existing county governance and provider infrastructure to strengthen and grow the state's health and human services safety net.

It is important to note that the voluntary nature of the deflection program as outlined in the -24 is critical for this policy and funding package to be successful. Communities across the state are at varying levels of readiness to implement the voluntary deflection program. Many counties have indicated a willingness to begin implementation as soon as funding is available. Some counties need a longer timeline to assess capacity, and some counties may determine that the program does not meet the needs of their community. It is critical that when the Criminal Justice Commission develops permanent program standards, local flexibility is maintained.

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The funding resources needed to operationalize and fulfill the goals of these important measures which we hope to see in a companion funding bill are:

- Community corrections to ensure our counties are able to provide effective person-centered, trauma-informed life-impacting programs and case management strategies aimed at achieving successful outcomes and promoting an equitable system
- Court-ordered aid and assist community restoration services to meet current caseload levels and the likely caseload growth resulting from the enforcement of HB 4002 public safety provisions
- Increased capacity across Oregon for detox, stabilization and treatment services which will require capital construction, operational costs and workforce development at Oregon institutions of higher education and via local apprenticeship and training programs
- Expanded recovery housing capacity
- Primary prevention services and education via Local Public Health Programs
- Enhanced jail diversion funding to serve individuals who are not deflected
- Training resources to support law enforcement and behavioral health
- Full and sustainable funding to support the creation and ongoing needs of the newly created deflection programs

Additional Considerations

An important policy piece still missing from HB 2004-24 is the protection from civil liability for agencies and employees mandated to implement the provisions of the bill. Such language is part of the [model legislation](#) drafted by the Legislative and Public Policy Association and also present in [Washington State statute](#) and we recommend that it be included in the final adopted amendment.

AOC is grateful for the legislature's effort equipping counties with the tools they need to help our communities thrive, and we look forward to our continued state-county partnership for shared services.