A-Engrossed
Senate Bill 236

Ordered by the Senate June 3
Including Senate Amendments dated June 3

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes separate statutes for fentanyl crimes. The Act also changes parts of House Bill 4002 from last session. (Flesch Readability Score: 65.5).

Separates the possession, delivery and manufacture of fentanyl from general controlled substance offense statutes into separate statutes. Adds fentanyl to certain statutes creating mandatory sentences for manufacture and delivery crimes.

Expands the definition of "local correctional facility" for the Oregon Jail-Based Medications for Opioid Use Disorder Grant Program to allow people at other types of county facilities to receive opioid use disorder treatment and transition planning services.

Provides that a pharmacist may **register with the Drug Enforcement Administration to** prescribe, dispense and administer medications for treatment of opioid use disorder under specified circumstances. Modifies **pharmacy** prescription [*drug*] locker provisions.

Modifies conditional discharge procedural provisions and when a deflection program coordinator provides notice of completion of the program to the court. **Modifies the procedures for sealing records related to drug enforcement misdemeanors. Authorizes the Oregon Criminal Justice Commission to establish a formula for determining the proportion of grant funds available to counties as part of the Oregon Behavioral Health Deflection Program.**

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to controlled substances; creating new provisions; amending ORS 137.532, 414.766, 423.478, 475.005, 475.188, 475.245, 475.752, 475.898, 475.900, 475.907, 475.924, 475.934 and 689.005 and sections 2, 7, 8, 35, 36, 52, 54, 76 and 81, chapter 70, Oregon Laws 2024; and declaring an emergency.

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

SEPARATE STATUTES FOR FENTANYL OFFENSES

SECTION 1. Sections 2, 3, 4, 5 and 6 of this 2025 Act are added to and made a part of ORS 475.806 to 475.894.

SECTION 2. (1) It is unlawful for any person knowingly or intentionally to possess fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy, unless the fentanyl or derivative was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

(2)(a) Unlawful possession of fentanyl is a drug enforcement misdemeanor punishable as described in section 35, chapter 70, Oregon Laws 2024.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(b) Notwithstanding paragraph (a) of this subsection, unlawful possession of fentanyl is a Class A misdemeanor if the person possesses one gram or more or five or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful possession of fentanyl is a Class C felony if:

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

(B) The person possesses a substantial quantity under ORS 475.900 (3)(b).

SECTION 3. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to deliver fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy.

(2) Unlawful delivery of fentanyl is a Class B felony.

(3) Notwithstanding subsection (2) of this section, unlawful delivery of fentanyl is a Class A felony if the delivery is to a person under 18 years of age.

SECTION 4. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to deliver fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy, within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

(2) Unlawful delivery of fentanyl within 1,000 feet of a school is a Class A felony.

SECTION 5. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy.

(2) Unlawful manufacture of fentanyl is a Class B felony.

SECTION 6. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy, within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

(2) Unlawful manufacture of fentanyl within 1,000 feet of a school is a Class A felony.

SECTION 7. ORS 475.752, as amended by sections 28 and 39, chapter 70, Oregon Laws 2024, is amended to read:

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

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

(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise provided in ORS 475.878, 475.880, 475.882, 475.904 and 475.906 **and sections 3, 4 and 6 of this 2025 Act**.

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

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

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

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any

person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

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

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

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

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

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

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

(a) A controlled substance in Schedule I, is guilty of a drug enforcement misdemeanor punishable as described in section 35, chapter 70, Oregon Laws 2024, except as otherwise provided in ORS 475.854, 475.874 and 475.894 and subsection (7) of this section.

(b) A controlled substance in Schedule II, is guilty of a drug enforcement misdemeanor punishable as described in section 35, chapter 70, Oregon Laws 2024, except as otherwise provided in ORS 475.814, 475.824, 475.834 or 475.884 **or section 2 of this 2025 Act** or subsection (8) of this section.

(c) A controlled substance in Schedule III, is guilty of a drug enforcement misdemeanor punishable as described in section 35, chapter 70, Oregon Laws 2024.

(d) A controlled substance in Schedule IV, is guilty of a drug enforcement misdemeanor punishable as described in section 35, chapter 70, Oregon Laws 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The person possesses a substantial quantity under ORS 475.900 (3)(b).

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

[*(a) Unlawful possession of a controlled substance in Schedule II is a Class A misdemeanor if the person possesses one gram or more or five or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy.*]

[*(b)*] unlawful possession of a controlled substance in Schedule II is a Class C felony if:

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

[*(B)*] **(b)** The person possesses a substantial quantity under ORS 475.900 (3)(b).

SECTION 8. ORS 475.900, as amended by section 25, chapter 70, Oregon Laws 2024, is amended to read:

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

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

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

(B) Five grams or more or 25 or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

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

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

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

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

(i) 3,4-methylenedioxyamphetamine;

(ii) 3,4-methylenedioxymethamphetamine; or

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

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

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

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

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

controlled substance offense;

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

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

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

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

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

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

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

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

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

(ii) Three grams or more or 15 or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

(iv) Eight grams or more of a mixture or substance containing a detectable amount of methamphetamine;

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

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

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

(I) 3,4-methylenedioxyamphetamine;

(II) 3,4-methylenedioxymethamphetamine; or

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

(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868, 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904 **or section 4 or 6 of this 2025 Act**.

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

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

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

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

(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 7 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation constitutes delivery for consideration of heroin, cocaine, fentanyl, methamphetamine or 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or 3,4-methylenedioxy-N-ethylamphetamine and:

(a) The person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a treatment facility;

(b) The person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a temporary residence shelter; or

(c) The delivery occurs within 30 feet of the real property comprising a public park.

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

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

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

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

(B) Five grams or more or 25 or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

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

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

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

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

(i) 3,4-methylenedioxyamphetamine;

(ii) 3,4-methylenedioxymethamphetamine; or

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

(4) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified as crime category 5 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation constitutes delivery of heroin, cocaine, fentanyl, methamphetamine or 3,4-methylenedioxyamphetamine, 3,4-methylenedioxymethamphetamine or 3,4-methylenedioxy-N-ethylamphetamine and:

(a) The person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a treatment facility;

(b) The person knows, or reasonably should have known, that the delivery is occurring within 500 feet of the real property comprising a temporary residence shelter; or

(c) The delivery occurs within 30 feet of the real property comprising a public park.

(5) Any felony violation of ORS 475.752 or 475.806 to 475.894 not contained in subsections (1) to (4) of this section shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice Commission if the violation involves delivery or manufacture of a controlled substance.

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

(7) As used in this section:

(a) "Mixture or substance" means any mixture or substance, whether or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

(b) "Public park" means a park operated by the state, a county, a city or a park and recreation district.

(c) "Temporary residence shelter" means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.

(d) "Treatment facility" has the meaning given that term in ORS 430.306.

SECTION 9. ORS 475.907 is amended to read:

475.907. (1) When a person is convicted of the unlawful delivery of cocaine, methamphetamine, heroin**, fentanyl** or ecstasy to a person under 18 years of age, the court shall sentence the person to a term of incarceration ranging from 34 months to 72 months, depending on the person's criminal history.

(2) The sentence described in subsection (1) of this section does not apply to a person who is less than three years older than the person under 18 years of age to whom the controlled substance was delivered, unless the person has a previous conviction for delivery of cocaine, methamphetamine, heroin**, fentanyl** or ecstasy to a person under 18 years of age.

SECTION 10. ORS 475.924 is amended to read:

475.924. As used in ORS [*164.061,*] 475.907, 475.924 and 475.925:

(1) "Controlled substance" means:

(a) Cocaine;

(b) Methamphetamine;

(c) Heroin; [*or*]

(d) Fentanyl; or

[*(d)*] **(e)** Ecstasy.

(2) "Ecstasy" means:

(a) 3,4-methylenedioxymethamphetamine;

(b) 3,4-methylenedioxyamphetamine; or

(c) 3,4-methylenedioxy-N-ethylamphetamine.

(3) "Mixture or substance" means any mixture or substance, whether or not the mixture or substance is in an ingestible or marketable form at the time of the offense.

SECTION 11. ORS 475.934 is amended to read:

475.934. (1) When a court sentences a person convicted of a crime listed in subsection (2) of this section, the court may not impose a sentence of optional probation or grant a downward dispositional departure or a downward durational departure under the rules of the Oregon Criminal Justice Commission if the person has a previous conviction for any of the crimes listed in subsection (2) of this section.

(2) The crimes to which subsection (1) of this section applies are:

(a) Manufacture or delivery of a controlled substance under ORS 475.752 (1);

(b) Creation or delivery of a counterfeit substance under ORS 475.752 (2);

(c) Manufacture or delivery of heroin under ORS 475.846, 475.848, 475.850 or 475.852;

(d) Manufacture or delivery of fentanyl under section 3, 4, 5 or 6 of this 2025 Act;

[*(d)*] **(e)** Manufacture or delivery of 3,4-methylenedioxymethamphetamine under ORS 475.866, 475.868, 475.870 or 475.872;

[*(e)*] **(f)** Manufacture or delivery of cocaine under ORS 475.876, 475.878, 475.880 or 475.882;

[*(f)*] **(g)** Manufacture or delivery of methamphetamine under ORS 475.886, 475.888, 475.890 or 475.892;

[*(g)*] **(h)** Manufacture or delivery of a controlled substance within 1,000 feet of a school under ORS 475.904;

[*(h)*] **(i)** Delivery of a controlled substance to a person under 18 years of age under ORS 475.906; and

[*(i)*] **(j)** Possession of a precursor substance with intent to manufacture a controlled substance under ORS 475.967.

(3)(a) For a crime committed on or after November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of sentence. However, when sentences are imposed for two or more convictions arising out of the same conduct or criminal episode, none of the convictions is considered to have occurred prior to any of the other convictions arising out of the same conduct or criminal episode.

(b) For a crime committed prior to November 1, 1989, a conviction is considered to have occurred upon the pronouncement in open court of a sentence or upon the pronouncement in open court of the suspended imposition of a sentence.

(4) For purposes of this section, previous convictions must be proven pursuant to ORS 137.079.

(5) As used in this section, "previous conviction" includes convictions entered in any other state or federal court for comparable offenses.

SECTION 12. ORS 475.898 is amended to read:

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

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

(3) The immunity conferred under subsections (1) and (2) of this section applies to arrest**,** [*and*] prosecution **and the imposition of a civil penalty** for:

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

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

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

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

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

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

(g) Unlawful possession of fentanyl as described in section 2 of this 2025 Act;

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

[*(h)*] **(i)** Unlawful possession of cocaine as described in ORS 475.884;

[*(i)*] **(j)** Unlawful possession of methamphetamine as described in ORS 475.894;

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

[*(k)*] **(L)** Unlawful possession of drug paraphernalia with intent to sell or deliver as described

in ORS 475.525.

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

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

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

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

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

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

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

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

(c) This subsection does not apply to outstanding federal warrants or outstanding warrants issued from other states.

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

(7) As used in this section:

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

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

SECTION 13. ORS 475.245, as amended by section 53, chapter 70, Oregon Laws 2024, is amended to read:

475.245. (1)(a) Whenever a person is charged with an offense listed in subsection (5) of this section, the court, with the consent of the district attorney and the person, may defer further proceedings and place the person on probation. The terms of the probation shall be defined by a

probation agreement.

(b) A probation agreement carries the understanding that if the defendant fulfills the terms of the agreement, the criminal charges filed against the defendant will be dismissed with prejudice.

(c) The agreement must contain a waiver of the following rights of the defendant with respect to each criminal charge:

(A) The right to a speedy trial and trial by jury;

(B) The right to present evidence on the defendant's behalf;

(C) The right to confront and cross-examine witnesses against the defendant;

(D) The right to contest evidence presented against the defendant, including the right to object to hearsay evidence; and

(E) The right to appeal from a judgment of conviction resulting from an adjudication of guilt entered under subsection (2) of this section, unless the appeal is based on an allegation that the sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.

(d) The agreement must include a requirement that the defendant pay any restitution owed to the victim as determined by the court, and any fees for court-appointed counsel ordered by the court under ORS 135.050.

(e) The agreement may not contain a requirement that the defendant enter a plea of guilty or no contest on any charge in the accusatory instrument.

(f) Entering into a probation agreement does not constitute an admission of guilt and is not sufficient to warrant a finding or adjudication of guilt by a court.

(g) Police reports or other documents associated with the criminal charges in a court file other than the probation agreement may not be admitted into evidence, and do not establish a factual basis for finding the defendant guilty, unless the court resumes criminal proceedings [*and enters an adjudication of guilt*] under subsection (2) of this section.

(2) Upon violation of a term or condition of the probation agreement, the court may**:**

(a) Impose sanctions of up to a total of 30 days of imprisonment[,]**;** or

(b) Resume the criminal proceedings [*and may find the defendant guilty of the offenses in the accusatory instrument*] in accordance with the waiver of rights in the probation agreement. The defendant may not contest the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory instrument.

(3) Upon fulfillment of the terms and conditions of the probation agreement, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There may be only one discharge and dismissal under this section with respect to any person.

(4) In the event that the period of probation under this section expires, but the terms and conditions of the probation agreement have not been fulfilled and no probation violation proceeding was initiated prior to the expiration of the period of probation, the court may not discharge the person and dismiss the proceedings against the person. The court shall instead issue an order requiring the person to appear and to show cause why the court should not enter an adjudication of guilt as described in subsection (2) of this section due to the failure of the person to fulfill the terms and conditions of the probation agreement prior to expiration of the period of probation. At the hearing on the order to show cause, after considering any evidence or argument from the district attorney and the person, the court may:

(a) If the court finds that the person has fulfilled the terms and conditions of the pro-

bation agreement, discharge the person and dismiss the proceedings against the person as described in subsection (3) of this section;

[*(a)*] **(b)** Order a new period of probation to allow the person to fulfill the terms and conditions of the probation agreement; or

[*(b) Enter an adjudication of guilt as described in subsection (2) of this section.*]

(c) Resume the criminal proceedings in accordance with the waiver of rights in the probation agreement. If the court proceeds under this paragraph, the person may not contest the sufficiency of the evidence establishing the person's guilt of the offenses in the accusatory instrument.

(5) This section applies to the following offenses:

(a) Possession of a controlled substance under ORS 475.752 (3), 475.814, 475.824, 475.834, 475.854, 475.874, 475.884 or 475.894 **or section 2 of this 2025 Act**;

(b) Unlawfully possessing a prescription drug under ORS 689.527 (6);

(c) Unlawfully possessing marijuana plants, usable marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid extracts as described in ORS 475C.337 or 475C.341, if the offense is a misdemeanor or felony;

(d) Endangering the welfare of a minor under ORS 163.575 (1)(b);

(e) Frequenting a place where controlled substances are used under ORS 167.222; and

(f) A property offense that is motivated by a dependence on a controlled substance or a marijuana item as defined in ORS 475C.009.

SECTION 14. ORS 423.478, as amended by section 2, chapter 58, Oregon Laws 2024, and section 47, chapter 70, Oregon Laws 2024, is amended to read:

423.478. (1) The Department of Corrections shall:

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

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

(A) Allow tracking of offenders; and

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

(c) Provide interstate compact administration and jail inspections.

(2) Subject to ORS 423.483, each county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies, designated drug-related misdemeanors or designated person misdemeanors, or persons who have entered into a probation agreement on a drug enforcement misdemeanor pursuant to section 52, chapter 70, Oregon Laws 2024, who are:

(a) On parole;

(b) On probation;

(c) On post-prison supervision;

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

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

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

(3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration, when an offender is committed to the custody of the supervisory authority of a county under ORS 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other

than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority releases a person from custody under this subsection and the person is required to report as a sex offender under ORS 163A.010, the supervisory authority, as a condition of release, shall order the person to report to the Department of State Police, a city police department or a county sheriff's office or to the supervising agency, if any:

(a) When the person is released;

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

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

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

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

(4) As used in this section:

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

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

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

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

(C) Unlawful possession of a Schedule III controlled substance under ORS 475.752 (3)(c);

(D) Unlawful possession of a Schedule IV controlled substance under ORS 475.752 (3)(d);

(E) Unlawful possession of a Schedule I controlled substance under ORS 475.752 (7)(a);

(F) Unlawful possession of fentanyl under [*ORS 475.752 (8)(a)*] **section 2 (2)(a) of this 2025 Act**;

(G) Unlawful possession of fentanyl under section 2 (2)(b) of this 2025 Act;

[*(G)*] **(H)** Unlawful possession of hydrocodone under ORS 475.814 (2)(a);

[*(H)*] **(I)** Unlawful possession of hydrocodone under ORS 475.814 (2)(b);

[*(I)*] **(J)** Unlawful possession of methadone under ORS 475.824 (2)(a);

[*(J)*] **(K)** Unlawful possession of methadone under ORS 475.824 (2)(b);

[*(K)*] **(L)** Unlawful possession of oxycodone under ORS 475.834 (2)(a);

[*(L)*] **(M)** Unlawful possession of oxycodone under ORS 475.834 (2)(b);

[*(M)*] **(N)** Unlawful possession of heroin under ORS 475.854 (2)(a);

[*(N)*] **(O)** Unlawful possession of heroin under ORS 475.854 (2)(b);

[*(O)*] **(P)** Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(a);

[*(P)*] **(Q)** Unlawful possession of 3,4-methylenedioxymethamphetamine under ORS 475.874 (2)(b);

[*(Q)*] **(R)** Unlawful possession of cocaine under ORS 475.884 (2)(a);

[*(R)*] **(S)** Unlawful possession of cocaine under ORS 475.884 (2)(b);

[*(S)*] **(T)** Unlawful possession of methamphetamine under ORS 475.894 (2)(a);

[*(T)*] **(U)** Unlawful possession of methamphetamine under ORS 475.894 (2)(b); or

[*(U)*] **(V)** Interfering with public transportation under ORS 166.116 (1)(e).

(c) "Designated person misdemeanor" means:

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

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

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

SECTION 15. Section 35, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 35. (1) Unlawful possession of a controlled substance constituting a drug enforcement misdemeanor under ORS 475.752 (3)(a), (b), (c) or (d), 475.814 (2)(a), 475.824 (2)(a), 475.834 (2)(a), 475.854 (2)(a), 475.874 (2)(a), 475.884 (2)(a) or 475.894 (2)(a) **or section 2 (2)(a) of this 2025 Act** is punishable as described in this section.

(2)(a) When imposing a sentence for the crime described in this section:

(A) The court may decide to not suspend the imposition or execution of any part of the sentence, and impose a term of incarceration in accordance with ORS 137.010 (7) of up to 180 days, only upon the request of the defendant.

(B) If the defendant has not requested to be sentenced under subparagraph (A) of this paragraph, or if the court has decided not to sentence the defendant under subparagraph (A) of this paragraph, the court shall suspend the imposition of any sentence of incarceration and, notwithstanding ORS 137.010 (4), impose a sentence of supervised probation of a definite period of up to 18 months.

(b) When imposing a sentence of probation under this section, the court may not order as a condition of probation that the defendant serve a sentence of incarceration or confinement in the county jail.

(c) Notwithstanding ORS 135.050, 137.010 (7), 161.635 and 161.665, the court may not include in the judgment of conviction for the crime described in this section a requirement that the defendant pay a fine, cost, assessment or attorney fee.

(d) ORS 137.540 (2)(a) does not apply to sentences imposed under this section.

(3)(a) Structured, intermediate sanctions as described in ORS 137.593 may be imposed in accordance with rules adopted under ORS 137.595 when a condition of a term of probation imposed under this section has been violated.

(b) Upon a finding that the person on probation has violated a condition of probation imposed under this section, the court may impose a sanction, which may include days in jail.

(c) The total amount of jail that a person may receive pursuant to structured, intermediate sanctions, or a court-imposed sanctions, on a probation imposed under this section is 30 days. Any term of incarceration imposed as a sanction must allow for early release to a treatment facility.

(d) The court may extend the length of a probation sentence imposed under this section if the person on probation consents to the extension. The total term of probation may not exceed five years.

(4)(a) Notwithstanding ORS 137.545 (5)(a)(B) and 137.593, upon the court's revocation of a sentence of probation imposed under this section, the court may impose as a revocation sentence up to 180 days' incarceration. For any sentence of incarceration imposed under this paragraph, the court shall authorize early release to an inpatient or outpatient drug and alcohol treatment program as described in paragraph (b) of this subsection.

(b) Upon imposing a revocation sentence of incarceration under this subsection, the court shall commit the person to the custody of the supervisory authority under ORS 137.124. The county community corrections agency shall monitor when an inpatient or outpatient drug and alcohol treatment program becomes available for the person and shall notify the person when a program is available. In order to be released early to the program, the person must enter into a revocation release agreement subject to such conditions as determined by the county community corrections agency. If the person violates the terms of the revocation release agreement, the county community corrections agency may cause the person to return to jail to serve the remainder of the incarceration sentence originally imposed.

(c) When a person has been released to an inpatient or outpatient drug and alcohol treatment program under paragraph (b) of this subsection, each day that the person is in the community and subject to the revocation release agreement shall count toward the total term of incarceration imposed as a revocation sentence.

(d) When imposing a revocation sentence of incarceration under this section, the court shall order, and may not deny, that the person receive credit for time served for any day that the person was previously incarcerated on the charge.

SECTION 16. The amendments to ORS 475.907 by section 9 of this 2025 Act apply to conduct occurring on or after the effective date of this 2025 Act.

OPIOID USE DISORDER MEDICATIONS GRANT PROGRAM CHANGES

SECTION 17. Section 81, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 81. As used in sections 81 to 86 [*of this 2024 Act*]**, chapter 70, Oregon Laws 2024**:

(1) "Commission" means the Oregon Criminal Justice Commission.

(2) "Local correctional facility" has the meaning given that term in ORS 169.005 **and also means any facility operated by a county supervisory authority, as defined in ORS 144.087, including facilities for providing corrections supervision services or custodial services**.

(3) "Tribal correctional facility" means a jail or prison in Oregon that is operated by a federally recognized tribe and confines persons for more than 36 hours.

OPIOID USE DISORDER MEDICATION PRESCRIPTION CHANGES

SECTION 18. Section 7, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 7. [*(1) As used in this section:*]

[*(a) "Early refill" means:*]

[*(A) Up to three refills of a current prescription for a medication that a patient has lost or that has been stolen or destroyed; or*]

[*(B) One refill in a 12-month period of a medication for which the previous prescription expired in the prior 12-month period.*]

[*(b) "Refill" means a supply of a medication consistent with the amount specified in the most recent prescription for the medication.*]

[*(2)*] **(1)** A pharmacist may prescribe**,** [*and*] dispense **and administer** to a patient[*, to the extent permitted by federal law, an early refill of a*] medication for the treatment of opioid use disorder in accordance with [*subsection (3) of this section.*]**:**

(a) A statewide drug therapy management protocol developed, in consultation with a physician with a background in addiction medicine, by the Public Health and Pharmacy Formulary Advisory Committee convened under ORS 689.649 and adopted by State Board of Pharmacy rule pursuant to ORS 689.645; or

(b) A collaborative drug therapy management agreement.

[*(3) A pharmacist who prescribes and dispenses early refills under this section shall:*]

[*(a) Complete a patient assessment to determine whether the prescription is appropriate;*]

[*(b) Document the patient visit and include notations regarding evidence of the patient's previous prescription from the patient's licensed health care provider, information relating to the patient's treatment and other relevant information; and*]

[*(c) Notify the patient's primary care provider, and the licensed health care provider who made the previous prescription, of the pharmacist's dispensing of early refills, to the extent permitted by state and federal law.*]

[*(4) Notations in a record documenting evidence of a patient's previous prescription under subsection (3)(b) of this section constitute verification of a valid prescription.*]

[*(5) The State Board of Pharmacy shall adopt rules to carry out this section, including but not limited to rules to allow a:*]

[*(a) Pharmacist to apply for and obtain a registration number from the Drug Enforcement Administration of the United States Department of Justice as a mid-level practitioner; and*]

[*(b) Pharmacy to store on the premises medications for the treatment of opioid use disorder.*]

[*(6) In adopting rules to carry out this section, the board shall consult with the Public Health and Pharmacy Formulary Advisory Committee described in ORS 689.649.*]

(2) A pharmacist may register with the Drug Enforcement Administration of the United States Department of Justice as a mid-level practitioner for the purpose of prescribing, dispensing and administering a controlled substance in Schedule II, III, IV or V that is a medication for the treatment of opioid use disorder.

(3) The board may adopt rules to carry out this section.

SECTION 19. Section 8, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 8. (1) As used in this section, "**pharmacy** prescription [*drug*] locker" means a mechanical device that serves as an extension of a retail drug outlet's will call or point of sale area in which completed patient-specific prescription drugs, devices and related supplies and nonprescription drugs, devices and related supplies are stored for pickup.

[*(2) A prescription drug locker located within this state and at the same physical address as the retail drug outlet with which the prescription drug locker is associated:*]

[*(a) Is considered part of the retail drug outlet and is not required to obtain a license or registration from the State Board of Pharmacy; and*]

[*(b) Is not required to obtain a registration from the Drug Enforcement Administration of the United States Department of Justice.*]

[*(3) A prescription drug locker located within this state but at a physical address other than the physical address of the retail drug outlet with which the prescription drug locker is associated is considered a remote dispensing site pharmacy and must obtain a registration from the Drug Enforcement Administration in order to dispense controlled substances.*]

(2) A retail drug outlet may operate one or more pharmacy prescription lockers located within this state that need not be at the same physical address as the retail drug outlet. A pharmacy prescription locker operated pursuant to this section is considered part of the retail drug outlet, and a separate license or registration from the State Board of Pharmacy is not required.

[*(4)*] **(3)** The board may adopt rules to carry out this section.

SECTION 20. Section 2, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 2. (1) As used in this section:

(a) "Group health insurance" has the meaning given that term in ORS 731.098.

(b) "Health benefit plan" has the meaning given that term in ORS 743B.005.

(c) "Substance use disorder" has the meaning given that term in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(d) "Utilization review" has the meaning given that term in ORS 743B.001.

(2) Notwithstanding any provision of ORS 743A.168, an issuer of group health insurance or an individual health benefit plan, other than a health plan that is subject to 42 U.S.C. 18011:

(a) May not impose a requirement for prior authorization or any other form of utilization review for the reimbursement of a covered medication approved by the United States Food and Drug Administration that is prescribed for the purpose of treating a substance use disorder, including but not limited to opioid addiction and opioid withdrawal.

(b) Shall reimburse the cost of refills of medications described in paragraph (a) of this subsection if dispensed by a licensed health care professional who is legally authorized to dispense such medications[*, including early refills described in section 7 of this 2024 Act*].

(3) Subsection (2) of this section applies to any form of buprenorphine, including but not limited to sublingual, tablet or injectable forms.

(4) This section does not prohibit prior authorization or other utilization review for opioids or opiates prescribed for a purpose other than medication-assisted treatment or the treatment of opiate abuse or addiction.

(5) This section does not prohibit utilization review for the purpose of:

(a) Auditing claims for improper payments, fraud or abuse; or

(b) Reasonable periodic redeterminations about the need for continuing care.

(6) Coverage under this section may be subject to the same terms and conditions that apply to other benefits under the plan except for utilization review as provided in subsection (2) of this section.

(7) This section is exempt from ORS 743A.001.

SECTION 21. ORS 414.766, as amended by section 4, chapter 70, Oregon Laws 2024, is amended to read:

414.766. (1) Notwithstanding ORS 414.065 and 414.690, a coordinated care organization must provide behavioral health services to its members that include but are not limited to all of the following:

(a) For a member who is experiencing a behavioral health crisis:

(A) A behavioral health assessment; and

(B) Services that are medically necessary to transition the member to a lower level of care;

(b) At least the minimum level of services that are medically necessary to treat a member's underlying behavioral health condition rather than a mere amelioration of current symptoms, such as suicidal ideation or psychosis, as determined in a behavioral health assessment of the member or specified in the member's care plan;

(c) Treatment of co-occurring behavioral health disorders or medical conditions in a coordinated manner;

(d) Treatment at the least intensive and least restrictive level of care that is safe and effective and meets the needs of the individual's condition;

(e) For all level of care placement decisions, placement at the level of care consistent with a member's score or assessment using the relevant level of care placement criteria and guidelines;

(f) If the level of placement described in paragraph (e) of this subsection is not available, placement at the next higher level of care;

(g) Treatment to maintain functioning or prevent deterioration;

(h) Treatment for an appropriate duration based on the individual's particular needs;

(i) Treatment appropriate to the unique needs of children and adolescents;

(j) Treatment appropriate to the unique needs of older adults;

(k) Treatment that is culturally and linguistically appropriate;

(L) Treatment that is appropriate to the unique needs of gay, lesbian, bisexual and transgender individuals and individuals of any other minority gender identity or sexual orientation;

(m) Coordinated care and case management as defined by the Department of Consumer and Business Services by rule;

(n) Mental health wellness appointments as prescribed by the Oregon Health Authority by rule; and

(o) Medications and refills of medications prescribed for the treatment of opioid use disorder and any co-occurring substance use disorder or mental health condition, including [*early refills as described in*] **medications and refills of medications prescribed pursuant to** section 7, chapter 70, Oregon Laws 2024.

(2) If there is a disagreement about the level of care required by subsection (1)(e) or (f) of this section, a coordinated care organization shall provide to the behavioral health treatment provider full details of the coordinated care organization's scoring or assessment, to the extent permitted by the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other state or federal laws limiting the disclosure of health information.

(3) The Oregon Health Authority shall adopt by rule a list of behavioral health services that may not be subject to prior authorization.

SECTION 21a. ORS 475.005, as amended by section 24, chapter 70, Oregon Laws 2024, and section 98, chapter 73, Oregon Laws 2024, is amended to read:

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

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

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

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

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

(3) "Administration" means the Drug Enforcement Administration of the United States Department of Justice, or its successor agency.

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

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

(6) "Controlled substance":

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

(b) Does not include:

(A) The plant Cannabis family Cannabaceae;

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

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

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

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

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

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

(8) "Deliver" or "delivery" means the actual, constructive or attempted transfer of, or possession with the intent to transfer, other than by administering or dispensing, from one person to another, a controlled substance, whether or not there is an agency relationship.

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

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

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

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

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

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

(13) "Drug" means:

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

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

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

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

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

(15) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(a) By a practitioner as an incident to administering or dispensing of a controlled substance in

the course of professional practice; or

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

(16) "Person" includes a government subdivision or agency, business trust, estate, trust or any other legal entity.

(17)**(a)** "Practitioner" means **a** physician, dentist, veterinarian, scientific investigator, licensed nurse practitioner, physician associate or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state [*but does not include a pharmacist or a pharmacy*].

(b) "Practitioner" does not include a pharmacist or pharmacy for purposes of the prescription, dispensation or administration of a controlled substance that is not:

(A) Listed in Schedule II, III, IV or V; and

(B) A medication for the treatment of opioid use disorder.

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

(19) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

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

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

(22) "Usable quantity" means:

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

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

(23) "Within 30 feet," "within 500 feet" and "within 1,000 feet" mean a straight line measurement in a radius extending for the specified number of feet or less in every direction from a specified location or from any point on the boundary line of a specified unit of property.

SECTION 21b. ORS 475.188 is amended to read:

475.188. (1)**(a)** Prescription drug orders may be transmitted by electronic means from a practitioner authorized to prescribe drugs directly to the dispensing pharmacist.

(b) A prescription drug order for medication for the treatment of opioid use disorder that is issued by a practitioner who is a pharmacist may be electronically transmitted to a dispensing pharmacist in accordance with the requirements of this section if the prescribing pharmacist is not the dispensing pharmacist.

(2) All prescription drug orders communicated by way of electronic transmission [*shall*] **must**:

(a) Be transmitted only by an authorized practitioner;

(b) Be transmitted directly to a pharmacist in a pharmacy of the patient's choice with no intervening person having access to the prescription drug order;

(c) Specify the prescribing practitioner's telephone number for verbal confirmation, the time and date of transmission, the identity of the pharmacy intended to receive the transmission and all other information required for a prescription by federal or state law; and

(d) Be traceable to the prescribing practitioner by an electronic signature or other secure method of validation.

(3) An electronic transmission of a prescription drug order [*shall*] **must** be stored by electronic means or reduced promptly to writing, filed by the pharmacy and retained in conformity with the requirements of ORS 475.165.

(4) The dispensing pharmacist shall exercise professional judgment regarding the accuracy, validity and authenticity of an electronically transmitted prescription drug order.

(5) All equipment for transmission, storage or receipt of electronically transmitted prescription drug orders [*shall*] **must** be maintained to protect against unauthorized access.

(6) A pharmacist, pharmacy or pharmacy department [*shall*] **may** not enter into an agreement with a practitioner or health care facility concerning the provision of any electronic transmission equipment or apparatus that would adversely affect a patient's freedom to select the pharmacy or pharmacy department of the patient's choice.

(7) A pharmacist, pharmacy or pharmacy department [*shall*] **may** not provide any electronic equipment or apparatus to a practitioner or health care facility for the purpose of providing an incentive to the practitioner or health care facility to refer patients to a particular pharmacy or pharmacy department.

(8) There [*shall be no*] **may not be an** additional charge to the patient because the prescription drug order was electronically transmitted.

(9) Nothing in this section shall be construed as authorizing the electronic transmission of a prescription drug order when a written prescription is required under ORS 127.815, 137.473, 169.750 or 453.025.

SECTION 22. ORS 689.005, as amended by section 5, chapter 17, Oregon Laws 2024, and section 9, chapter 70, Oregon Laws 2024, is amended to read:

689.005. As used in this chapter:

(1) "Administer" means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner or the practitioner's authorized agent; or

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

(2) "Approved continuing pharmacy education program" means those seminars, classes, meetings, workshops and other educational programs on the subject of pharmacy approved by the State Board of Pharmacy.

(3) "Clinical pharmacy agreement" means an agreement between a pharmacist or pharmacy and a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization, physician or naturopathic physician.

(4) "Continuing pharmacy education" means:

(a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic and legal aspects of health care;

(b) The properties and actions of drugs and dosage forms; and

(c) The etiology, characteristics and therapeutics of the disease state.

(5) "Continuing pharmacy education unit" means the unit of measurement of credits for approved continuing education courses and programs.

(6) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device other than by administration from one person to another, whether or not for a consideration.

(7) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(8) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(9) "Distribute" means the delivery of a drug other than by administering or dispensing.

(10) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in a human or other animal;

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

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(11) "Drug order" means a written order, in a hospital or other inpatient care facility, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, that is immediately reduced to writing by a pharmacist, licensed nurse or other practitioner.

(12) "Drug outlet" means a pharmacy, nursing home, shelter home, convalescent home, extended care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with facilities located within or out of this state that is engaged in dispensing, delivery or distribution of drugs within this state.

(13) "Drug room" means a secure and lockable location within an inpatient care facility that does not have a licensed pharmacy.

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

(15) "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a health care practitioner administers to the patient by injection.

(16) "Institutional drug outlet" means hospitals and inpatient care facilities where medications are dispensed to another health care professional for administration to patients served by the hospitals or facilities.

(17) "Intern" means a person who is enrolled in or has completed a course of study at a school or college of pharmacy approved by the board and who is licensed with the board as an intern.

(18) "Internship" means a professional experiential program approved by the board under the supervision of a licensed pharmacist registered with the board as a preceptor.

(19) "Labeling" means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device.

(20) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for their own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a practitioner as an incident to administering or dispensing of a drug in the course of professional practice; or

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

(21) "Manufacturer" means a person engaged in the manufacture of drugs.

(22) "Nonprescription drug outlet" means a business or other establishment that is open to the general public for the sale or nonprofit distribution of nonprescription drugs and is registered under ORS 689.305.

(23) "Nonprescription drugs" means drugs that may be sold without a prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

(24) "Person" means an individual, corporation, partnership, association or other legal entity.

(25) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or to engage in the practice of clinical pharmacy.

(26) "Pharmacy" means a place that meets the requirements of rules of the board, is licensed and approved by the board where the practice of pharmacy may lawfully occur and includes apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and prescription laboratories but does not include a place used by a manufacturer or wholesaler.

(27) "Pharmacy technician" means a person licensed by the board who assists in the practice of pharmacy pursuant to rules of the board.

(28) "Practice of clinical pharmacy" means:

(a) The health science discipline in which, in conjunction with the patient's other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;

(b) The provision of patient care services, including but not limited to post-diagnostic disease state management services; and

(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

(29) "Practice of pharmacy" means:

(a) The interpretation and evaluation of prescription orders;

(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices;

(c) The prescribing and administering of vaccines and immunizations and the providing of pa-

tient care services pursuant to ORS 689.645;

(d) The administering of drugs and devices to the extent permitted under ORS 689.655;

(e) The participation in drug selection and drug utilization reviews;

(f) The proper and safe storage of drugs and devices and the maintenance of proper records regarding the safe storage of drugs and devices;

(g) The responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices;

(h) The monitoring of therapeutic response or adverse effect to drug therapy;

(i) The optimizing of drug therapy through the practice of clinical pharmacy;

(j) Patient care services, including medication therapy management and comprehensive medication review;

(k) The offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy;

(L) The prescribing and administering of injectable hormonal contraceptives and the prescribing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

(m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related devices and supplies pursuant to ORS 689.696;

(n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the board under ORS 689.645 and 689.704;

(o) The delegation of tasks to other health care providers who are appropriately trained and authorized to perform the delegated tasks;

(p) The prescribing**,** [*and*] dispensing **and administering** of [*early refills of*] medication for the treatment of opioid use disorder pursuant to section 7, chapter 70, Oregon Laws 2024**, or rules adopted under section 7, chapter 70, Oregon Laws 2024**; and

(q) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4, chapter 17, Oregon Laws 2024, and rules adopted by the board pursuant to section 4, chapter 17, Oregon Laws 2024.

(30) "Practitioner" means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research:

(a) In this state; or

(b) In another state or territory of the United States if the person does not reside in Oregon and is registered under the federal Controlled Substances Act.

(31) "Preceptor" means a pharmacist or a person licensed by the board to supervise the internship training of a licensed intern.

(32) "Prescription drug" or "legend drug" means a drug that is:

(a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of the following statements:

(A) "Caution: Federal law prohibits dispensing without prescription"; or

(B) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(b) Required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(33) "Prescription" or "prescription drug order" means a written, oral or electronically transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use of a drug. When the context requires, "prescription" also means the drug prepared under such written, oral or electronically transmitted direction.

(34) "Retail drug outlet" means a place used for the conduct of the retail sale, administering or dispensing or compounding of drugs or chemicals or for the administering or dispensing of prescriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

(35) "Self-administered hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself. "Self-administered hormonal contraceptive" includes, but is not limited to, hormonal contraceptive patches and hormonal contraceptive pills.

(36) "Third-party logistics provider" means an entity that:

(a) Provides or coordinates warehousing of, or other logistics services for, a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

(b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the product.

(37) "Unit dose" means a sealed single-unit container so designed that the contents are administered to the patient as a single dose, direct from the container. Each unit dose container must bear a separate label, be labeled with the name and strength of the medication, the name of the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the medication.

(38) "Wholesale distributor drug outlet" means a person, other than a manufacturer, manufacturer's colicensed partner, third-party logistics provider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

SECTION 23. ORS 689.005, as amended by sections 5 and 6, chapter 17, Oregon Laws 2024, and section 9, chapter 70, Oregon Laws 2024, is amended to read:

689.005. As used in this chapter:

(1) "Administer" means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner or the practitioner's authorized agent; or

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

(2) "Approved continuing pharmacy education program" means those seminars, classes, meetings, workshops and other educational programs on the subject of pharmacy approved by the State Board of Pharmacy.

(3) "Clinical pharmacy agreement" means an agreement between a pharmacist or pharmacy and a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization, physician or naturopathic physician.

(4) "Continuing pharmacy education" means:

(a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic and legal aspects of health care;

(b) The properties and actions of drugs and dosage forms; and

(c) The etiology, characteristics and therapeutics of the disease state.

(5) "Continuing pharmacy education unit" means the unit of measurement of credits for ap-

proved continuing education courses and programs.

(6) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device other than by administration from one person to another, whether or not for a consideration.

(7) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(8) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(9) "Distribute" means the delivery of a drug other than by administering or dispensing.

(10) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in a human or other animal;

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

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(11) "Drug order" means a written order, in a hospital or other inpatient care facility, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, that is immediately reduced to writing by a pharmacist, licensed nurse or other practitioner.

(12) "Drug outlet" means a pharmacy, nursing home, shelter home, convalescent home, extended care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with facilities located within or out of this state that is engaged in dispensing, delivery or distribution of drugs within this state.

(13) "Drug room" means a secure and lockable location within an inpatient care facility that does not have a licensed pharmacy.

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

(15) "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a health care practitioner administers to the patient by injection.

(16) "Institutional drug outlet" means hospitals and inpatient care facilities where medications are dispensed to another health care professional for administration to patients served by the hospitals or facilities.

(17) "Intern" means a person who is enrolled in or has completed a course of study at a school or college of pharmacy approved by the board and who is licensed with the board as an intern.

(18) "Internship" means a professional experiential program approved by the board under the supervision of a licensed pharmacist registered with the board as a preceptor.

(19) "Labeling" means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device.

(20) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for their own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a practitioner as an incident to administering or dispensing of a drug in the course of professional practice; or

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

(21) "Manufacturer" means a person engaged in the manufacture of drugs.

(22) "Nonprescription drug outlet" means a business or other establishment that is open to the general public for the sale or nonprofit distribution of nonprescription drugs and is registered under ORS 689.305.

(23) "Nonprescription drugs" means drugs that may be sold without a prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

(24) "Person" means an individual, corporation, partnership, association or other legal entity.

(25) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or to engage in the practice of clinical pharmacy.

(26) "Pharmacy" means a place that meets the requirements of rules of the board, is licensed and approved by the board where the practice of pharmacy may lawfully occur and includes apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and prescription laboratories but does not include a place used by a manufacturer or wholesaler.

(27) "Pharmacy technician" means a person licensed by the board who assists in the practice of pharmacy pursuant to rules of the board.

(28) "Practice of clinical pharmacy" means:

(a) The health science discipline in which, in conjunction with the patient's other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;

(b) The provision of patient care services, including but not limited to post-diagnostic disease state management services; and

(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

(29) "Practice of pharmacy" means:

(a) The interpretation and evaluation of prescription orders;

(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices;

(c) The prescribing and administering of vaccines and immunizations and the providing of patient care services pursuant to ORS 689.645;

(d) The administering of drugs and devices to the extent permitted under ORS 689.655;

(e) The participation in drug selection and drug utilization reviews;

(f) The proper and safe storage of drugs and devices and the maintenance of proper records regarding the safe storage of drugs and devices;

(g) The responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices;

(h) The monitoring of therapeutic response or adverse effect to drug therapy;

(i) The optimizing of drug therapy through the practice of clinical pharmacy;

(j) Patient care services, including medication therapy management and comprehensive medication review;

(k) The offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy;

(L) The prescribing and administering of injectable hormonal contraceptives and the prescribing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

(m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related devices and supplies pursuant to ORS 689.696;

(n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the board under ORS 689.645 and 689.704;

(o) The delegation of tasks to other health care providers who are appropriately trained and authorized to perform the delegated tasks; and

(p) The prescribing**,** [*and*] dispensing **and administering** of [*early refills of*] medication for the treatment of opioid use disorder pursuant to section 7, chapter 70, Oregon Laws 2024**, or rules adopted under section 7, chapter 70, Oregon Laws 2024**.

(30) "Practitioner" means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research:

(a) In this state; or

(b) In another state or territory of the United States if the person does not reside in Oregon and is registered under the federal Controlled Substances Act.

(31) "Preceptor" means a pharmacist or a person licensed by the board to supervise the internship training of a licensed intern.

(32) "Prescription drug" or "legend drug" means a drug that is:

(a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of the following statements:

(A) "Caution: Federal law prohibits dispensing without prescription"; or

(B) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(b) Required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(33) "Prescription" or "prescription drug order" means a written, oral or electronically transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use of a drug. When the context requires, "prescription" also means the drug prepared under such written, oral or electronically transmitted direction.

(34) "Retail drug outlet" means a place used for the conduct of the retail sale, administering or dispensing or compounding of drugs or chemicals or for the administering or dispensing of pre-

scriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

(35) "Self-administered hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself. "Self-administered hormonal contraceptive" includes, but is not limited to, hormonal contraceptive patches and hormonal contraceptive pills.

(36) "Third-party logistics provider" means an entity that:

(a) Provides or coordinates warehousing of, or other logistics services for, a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

(b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the product.

(37) "Unit dose" means a sealed single-unit container so designed that the contents are administered to the patient as a single dose, direct from the container. Each unit dose container must bear a separate label, be labeled with the name and strength of the medication, the name of the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the medication.

(38) "Wholesale distributor drug outlet" means a person, other than a manufacturer, manufacturer's colicensed partner, third-party logistics provider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

OTHER HOUSE BILL 4002 (2024) MODIFICATIONS

SECTION 24. Section 36, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 36. (1) Law enforcement agencies in this state are encouraged to, in lieu of citation or arrest, or after citation or arrest but before referral to the district attorney, refer a person to a deflection program when the person is suspected of committing, or has been cited or arrested for, unlawful possession of a controlled substance constituting a drug enforcement misdemeanor under section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**.

(2) District attorneys in this state are encouraged to divert for assessment, treatment and other services, in lieu of conviction, cases involving unlawful possession of a controlled substance constituting a drug enforcement misdemeanor under section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**.

(3) If a deflection program is established, the program coordinator shall be responsible for providing notification that a person has completed the program to those entities responsible for sealing records under section 54**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, including but not limited to [*law enforcement agencies, district attorneys and courts*] **a law enforcement agency, the district attorney and, if requested by the court, the circuit court**.

(4) As used in this section, "deflection program" has the meaning given that term in section 37**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**.

SECTION 25. Section 52, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 52. (1)(a) When a person is charged with unlawful possession of a controlled substance under ORS 475.752 (3)(a), (b), (c) or (d), 475.814 (2)(a), 475.824 (2)(a), 475.834 (2)(a), 475.854 (2)(a), 475.874 (2)(a), 475.884 (2)(a) or 475.894 (2)(a) **or section 2 (2)(a) of this 2025 Act** constituting a drug enforcement misdemeanor as described in section 35 [*of this 2024 Act*]**, chapter 70, Oregon Laws 2024**, the person is eligible to enter, and subject to paragraphs (b) and (c) of this subsection may

request to enter, into a probation agreement as described in this section.

(b) The district attorney may object to the defendant's entry into a probation agreement under this section. After hearing the reasons for the objection, the court may deny the person's entry if the probation agreement would not serve the needs of the person or the protection and welfare of the community.

(c) A person may request to enter into a probation agreement under this section no later than 30 days after the person's first appearance, unless the court authorizes a later date for good cause shown. For purposes of this paragraph, the filing of a demurrer, a motion to suppress or a motion for an omnibus hearing does not constitute good cause.

(d) When a person enters into a probation agreement under this section, the court shall defer further proceedings on the charge described in paragraph (a) of this subsection and place the person on probation. The terms of the probation shall be defined by a probation agreement.

(e) A person may enter into a probation agreement under this section on the charge described in paragraph (a) of this subsection regardless of whether the person is charged with other offenses within the same charging instrument or as part of a separate charging instrument, but the proceedings on the other offenses continue in the normal course and are not deferred.

(2)(a) A probation agreement described in this section carries the understanding that if the defendant fulfills the terms of the agreement, the charge described in subsection (1)(a) of this section that is the subject of the agreement will be dismissed with prejudice.

(b) The initial term of probation shall be 12 months, subject to early termination by the court. The terms of the probation shall include the general conditions of probation described in ORS 137.540 (1) and a requirement that the defendant complete a substance abuse evaluation and any treatment recommended by the evaluator. The court may impose sanctions of up to a total of 30 days of imprisonment upon finding that the person has violated the conditions of probation. Structured, intermediate sanctions as described in ORS 137.593 may be imposed in accordance with rules adopted under ORS 137.595 when the conditions of a term of probation described in this section have been violated.

(c) The agreement must contain a waiver of the following rights of the defendant with respect to each criminal charge:

(A) The right to a speedy trial and trial by jury;

(B) The right to present evidence on the defendant's behalf;

(C) The right to confront and cross-examine witnesses against the defendant;

(D) The right to contest evidence presented against the defendant, including the right to object to hearsay evidence; and

(E) The right to appeal from a judgment of conviction resulting from an adjudication of guilt entered under subsection (3) of this section, unless the appeal is based on an allegation that the sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.

(d) The agreement may not contain a requirement that the defendant enter a plea of guilty or no contest on any charge in the accusatory instrument.

(e) The fact that a person has entered into a probation agreement under this section does not constitute an admission of guilt and is not sufficient to warrant a finding or adjudication of guilt by a court.

(f) Police reports or other documents associated with the criminal charges in a court file other than the probation agreement may not be admitted into evidence, and do not establish a factual basis for finding the defendant guilty, unless the court resumes criminal proceedings [*and enters an*

adjudication of guilt] under subsection (3) of this section.

(3) Upon violation of a term or condition of the probation agreement, the court may**:**

(a) Impose a sanction**;** or [*may*]

(b) Resume the criminal proceedings [*and may find the defendant guilty of the charge that is the subject of the agreement*] in accordance with the waiver of rights in the agreement. The defendant may not contest the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory instrument.

(4) Upon the conclusion or early termination of the probation period, if the court has received notice from the district attorney or a supervising officer that the person has fulfilled the terms and conditions of the probation agreement, the court shall discharge the person and dismiss the charge that is the subject of the agreement. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(5) In the event that the period of probation under this section expires, but the court has not received notice that the terms and conditions of the probation agreement have been fulfilled and no probation violation proceeding was initiated prior to the expiration of the period of probation, the court may not discharge the person and dismiss the proceedings against the person. The court shall instead issue an order requiring the person to appear and to show cause why the court should not enter an adjudication of guilt as described in subsection (3) of this section due to the failure of the person to fulfill the terms and conditions of the probation agreement prior to expiration of the period of probation. At the hearing on the order to show cause, after considering any evidence or argument from the district attorney and the person, the court may:

(a) If the court finds that the person has fulfilled the terms and conditions of the probation agreement, discharge the person and dismiss the charge that is the subject of the agreement as described in subsection (4) of this section;

[*(a)*] **(b)** Order a new period of probation to allow the person to fulfill the terms and conditions of the probation agreement; or

[*(b) Enter an adjudication of guilt as described in subsection (3) of this section.*]

(c) Resume the criminal proceedings in accordance with the waiver of rights in the probation agreement. If the court proceeds under this paragraph, the person may not contest the sufficiency of the evidence establishing the person's guilt of the offenses in the accusatory instrument.

SECTION 26. Section 54, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 54. (1) Within 60 days of receiving verification from a deflection program coordinator that a person has completed a deflection program, after being referred to the program due to the alleged commission of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, a law enforcement agency or district attorney shall seal all records related to the person's participation in the program, the alleged conduct that resulted in the referral to the program and, if applicable, the citation for the offense **and related criminal history records**, and a court shall seal all electronic records that may have been created concerning the offense. Records sealed under this subsection are not subject to disclosure under ORS 192.311 to 192.478 or any other law.

(2) After two years have elapsed from the date [*that a person is cited*] **of an offense** for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, and if no further prosecutorial action

on the citation **for the offense** has occurred, within 60 days after the conclusion of the two-year time period **from the date of the offense**, any law enforcement agency or district attorney that possesses records related to the citation, **including related criminal history records,** and any court that possesses electronic records related to the citation, shall seal the records. Records sealed under this subsection are not subject to disclosure under ORS 192.311 to 192.478 or any other law.

(3)(a) Notwithstanding ORS 137.225, when a person successfully completes a probation agreement and the court discharges the person and dismisses the proceedings against the person under section 52 (4)**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, the court shall, within 90 days after the dismissal, enter an order sealing all records related to the arrest or citation and the criminal proceedings. **The court may enter an order sealing all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case.** The clerk of the court shall forward a copy of the order, or a certified copy if requested, to such agencies as directed by the court.

(b) Notwithstanding ORS 137.225 **and subsection (4) of this section**, when the court receives notice that a defendant has successfully completed a term of probation for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, the court shall, within 90 days after the notification, enter an order sealing all records related to the arrest or citation and the criminal proceedings. **The court may enter an order sealing all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case.** The clerk of the court shall forward a copy of the order, or a certified copy if requested, to such agencies as directed by the court.

(c) Notwithstanding ORS 137.225, when a person is acquitted of unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, the court shall, within 90 days after the acquittal, enter an order sealing all records related to the arrest or citation and the criminal proceedings. The court may enter an order sealing all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case. The clerk of the court shall forward a copy of the order, or a certified copy if requested, to such agencies as directed by the court.

(4)(a) Notwithstanding ORS 137.225, **and except as provided in paragraph (b) of this subsection,** after three years have passed from the date of entry of judgment of conviction for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, the court shall, within 60 days after the [*three year*] **three-year** period has concluded, enter an order sealing all records related to the arrest or citation, charges and conviction. **The court may enter an order sealing all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case.** The clerk of the court shall forward a copy of the order, or a certified copy if requested, to such agencies as directed by the court.

(b) If the court issues a warrant on a case with a conviction for unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section

35, chapter 70, Oregon Laws 2024, the time period between the issuance of the warrant and the date on which the person reappears in court on the case and the warrant is no longer active does not count towards the three-year time period described in paragraph (a) of this subsection.

[*(b)*] **(c)** Notwithstanding ORS 137.225, after three years have passed since the dismissal of [*a*] **an** unlawful possession of a controlled substance **offense** constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, if the court has not sealed records of the offense under subsection (2) or (3) of this section, the court shall, within 60 days after the [*three year*] **three-year** period has concluded, enter an order sealing all records related to the arrest or citation and any criminal proceedings. **The court may enter an order sealing all records related to any other charges that were dismissed or removed from the charging instrument, other than records related to a diversion-related arrest or citation, if no other convictions exist in the case.** The clerk of the court shall forward a copy of the order, or a certified copy if requested, to such agencies as directed by the court.

(5) If a case involves records related to two or more unlawful possession of a controlled substance offenses constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, and the records related to each offense are eligible for sealing under this section at different times, the court may not enter an order sealing records related to any drug enforcement misdemeanor in the case until all records related to drug enforcement misdemeanors in the case are eligible to be sealed.

(6) The court may not enter an order under this section sealing records related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, while a case has an active warrant.

(7)(a) Notwithstanding subsections (1) to (5) of this section and any other statute authorizing a court to enter an order sealing records related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, if a case includes records other than those related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor, the court may not enter an order sealing records related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor in the case until the court enters an order setting aside or expunging all other records in the case.

(b) When a court enters an order setting aside or expunging all records in a case other than records pertaining to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35, chapter 70, Oregon Laws 2024, under any statute authorizing such an order:

(A) If all records related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor in the case are eligible for sealing under this section, the court may enter an order sealing all records in the case under one order.

(B) Notwithstanding subsections (1) to (5) of this section, if the records related to unlawful possession of a controlled substance constituting a drug enforcement misdemeanor are not eligible for sealing under this section, the court may enter an order sealing the records if the court finds that the sealing would be in the best interests of the person who is the subject of the records and the public.

[*(5)(a)*] **(8)(a)** The State Court Administrator shall develop a standardized form for obtaining the information necessary for all entities to seal records as required by [*subsections (3) and (4) of*] this

section.

(b) When a person [*enters into a probation agreement under section 52 of this 2024 Act, or is convicted of*] **is charged with** unlawful possession of a controlled substance constituting a drug enforcement misdemeanor as described in section 35**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**, the district attorney and the defense attorney shall ensure that a copy of the form described in paragraph (a) of this subsection is completed and submitted to the court.

(9) As used in this section, "diversion-related arrest or citation" means an arrest or citation for driving while under the influence of intoxicants for a charge that was dismissed as the result of the person's successful completion of a diversion agreement described in ORS 813.200.

SECTION 27. Section 76, chapter 70, Oregon Laws 2024, is amended to read:

Sec. 76. (1) As used in this section, "deflection program" means a collaborative program between law enforcement agencies and behavioral health entities that assists individuals who may have substance use disorder, another behavioral health disorder or co-occurring disorders, to create community-based pathways to treatment, recovery support services, housing, case management or other services.

(2) The Oregon Behavioral Health Deflection Program is established within the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee established under ORS 430.234. The program consists of grants awarded by the committee to counties and federally recognized tribal governments to fund deflection programs.

(3)(a) The purpose of the program described in this section is to:

(A) Address the need for more deflection programs to assist individuals whose behavioral health conditions, including substance use disorder, lead to interactions with law enforcement, incarceration, conviction and other engagement with the criminal justice system.

(B) Track and report data concerning deflection program outcomes in order to determine the best practices for deflection programs within this state.

(b) ORS 430.230 to 430.236 do not apply to the program described in this section.

(4)(a) The committee shall develop a grant application process for awarding grants under this section.

(b) An application for a grant under this section may be submitted by a county or the designee of a county, or by a tribal government or designee of a tribal government. Only one application per county may be submitted, but the application may request funding multiple programs within a county.

(c) Prior to submitting an application for a grant under this section, the applicant shall coordinate with all partners of the development and administration of the proposed deflection program to ensure that the partners have the resources necessary to implement the deflection program. The partners shall include at least a district attorney, a law enforcement agency, a community mental health program established under ORS 430.620 and a provider from a Behavioral Health Resource Network established under ORS 430.389. Partners may also include a treatment provider, a local mental health authority, a tribal government, a peer support organization, a court or a local government body.

(d) An application for a grant under this section must contain:

(A) A description of the coordination with program partners required by paragraph (c) of this subsection that has occurred;

(B) A description of the individuals who would be eligible for the program and what qualifies

as a successful outcome, formulated in cooperation with the program partners described in paragraph (c) of this subsection;

(C) A description of how the program for which the applicant is seeking funding is culturally and linguistically responsive, trauma-informed and evidence-based;

(D) A description of a plan to address language access barriers when communicating program referral options and program procedures to non-English speaking individuals; and

(E) A description of how the program coordinator will communicate with program partners concerning persons participating in the program and any other matter necessary for the administration of the program.

(5) To be eligible for funding under this section, a deflection program:

(a) Must be coordinated by or in consultation with a community mental health program, a local mental health authority or a federally recognized tribal government;

(b) Must have a coordinator with the following program coordinator duties:

(A) Convening deflection program partners as needed for the operation of the program;

(B) Managing grant program funds awarded under this section; and

(C) Tracking and reporting data required by the Oregon Criminal Justice Commission under section 37**,** [*of this 2024 Act*] **chapter 70, Oregon Laws 2024**;

(c) Must involve the partners described in subsection (4)(c) of this section; and

(d) May involve a partnership with one or more of the following entities:

(A) A first responder agency other than a law enforcement agency;

(B) A community provider;

(C) A treatment provider;

(D) A community-based organization;

(E) A case management provider;

(F) A recovery support services provider; or

(G) Any other individual or entity deemed necessary by the program coordinator to carry out the purposes of the deflection program, including individuals with lived experience with substance use disorder, a behavioral health disorder or co-occurring disorders.

(6) During a grant application period established by the committee, the maximum proportion of grant funds available to an applicant shall be determined as follows:

(a) The proportion of grant funds available to an applicant other than a tribal government shall be determined [*based on the county formula share employed by the Oversight and Accountability Council established under ORS 430.388*] **by a formula established by the commission**, but an applicant may not receive less than $150,000.

(b) The committee shall determine the proportion of funds available to an applicant that is a federally recognized tribal government.

(7)(a) Grant funds awarded under this section may be used for:

(A) Deflection program expenses including but not limited to law enforcement employees, deputy district attorneys and behavioral health treatment workers, including peer navigators and mobile crisis and support services workers.

(B) Behavioral health workforce development.

(C) Capital construction of behavioral health treatment infrastructure.

(b) Notwithstanding paragraph (a) of this subsection, the committee may award planning grants for the development of deflection programs.

(c) The committee may allocate up to three percent of program funds to support grantee data

collection and analysis or evaluation of outcome measures.

(8) The Oregon Criminal Justice Commission shall provide staff support to the grant program.

(9) The committee and the commission may adopt rules to carry out the provisions of this section.

PRE-PLEA SPECIALTY COURT PROBATION AGREEMENTS

SECTION 28. ORS 137.532 is amended to read:

137.532. (1)(a) Whenever a person is charged with a misdemeanor or a Class C felony, other than driving while under the influence of intoxicants, and has been formally accepted into a specialty court, the court, with the consent of the district attorney and the person, may defer further proceedings and place the person on probation. The terms of the probation shall be defined by a probation agreement.

(b) A probation agreement carries the understanding that if the defendant fulfills the terms of the agreement, the criminal charges filed against the defendant will be dismissed with prejudice.

(c) The agreement must contain a waiver of the following rights of the defendant with respect to each criminal charge:

(A) The right to a speedy trial and trial by jury;

(B) The right to present evidence on the defendant's behalf;

(C) The right to confront and cross-examine witnesses against the defendant;

(D) The right to contest evidence presented against the defendant, including the right to object to hearsay evidence; and

(E) The right to appeal from a judgment of conviction resulting from an adjudication of guilt entered under subsection (2) of this section, unless the appeal is based on an allegation that the sentence exceeds the maximum allowed by law or constitutes cruel and unusual punishment.

(d) The agreement must include a requirement that the defendant pay any restitution owed to the victim as determined by the court, and any fees for court-appointed counsel ordered by the court under ORS 135.050.

(e) The agreement may not contain a requirement that the defendant enter a plea of guilty or no contest on any charge in the accusatory instrument.

(f) Entering into a probation agreement does not constitute an admission of guilt and is not sufficient to warrant a finding or adjudication of guilt by a court.

(g) Police reports or other documents associated with the criminal charges in a court file other than the probation agreement may not be admitted into evidence, and do not establish a factual basis for finding the defendant guilty, unless the court resumes criminal proceedings and enters an adjudication of guilt under subsection (2) of this section.

(2) Upon violation of a term or condition of the probation agreement, the court may resume the criminal proceedings [*and may find the defendant guilty of the offenses in the accusatory instrument*] in accordance with the waiver of rights in the probation agreement. The defendant may not contest the sufficiency of the evidence establishing the defendant's guilt of the offenses in the accusatory instrument.

(3) Upon fulfillment of the terms and conditions of the probation agreement, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There

may be only one discharge and dismissal under this section with respect to any person.

(4) In the event that the period of probation under this section expires, but the terms and conditions of the probation agreement have not been fulfilled and no probation violation proceeding was initiated prior to the expiration of the period of probation, the court may not discharge the person and dismiss the proceedings against the person. The court shall instead issue an order requiring the person to appear and to show cause why the court should not enter an adjudication of guilt as described in subsection (2) of this section due to the failure of the person to fulfill the terms and conditions of the probation agreement prior to expiration of the period of probation. At the hearing on the order to show cause, after considering any evidence or argument from the district attorney and the person, the court may:

(a) If the court finds that the person has fulfilled the terms and conditions of the probation agreement, discharge the person and dismiss the proceedings against the person as described in subsection (3) of this section;

[*(a)*] **(b)** Order a new period of probation to allow the person to fulfill the terms and conditions of the probation agreement; or

[*(b) Enter an adjudication of guilt as described in subsection (2) of this section.*]

(c) Resume the criminal proceedings in accordance with the waiver of rights in the probation agreement. If the court proceeds under this paragraph, the person may not contest the sufficiency of the evidence establishing the person's guilt of the offenses in the accusatory instrument.

(5) Nothing in this section is intended to restrict a person's participation in a specialty court or conditional discharge under ORS 475.245.

(6) As used in this section, "specialty court" has the meaning given that term in ORS 137.680.

CAPTIONS

SECTION 29. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

EMERGENCY CLAUSE

SECTION 30. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.