

SB 1573 STAFF MEASURE SUMMARY

Senate Committee On Early Childhood and Behavioral Health

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Meeting Dates: 2/5

WHAT THE MEASURE DOES:

The measure prohibits a syringe service program (SSP) from operating within 2,000 feet of a child care facility or school and permits any person to bring a cause of action for damages against an SSP operating in a prohibited area.

Detailed Summary:

Prohibits the operation of an SSP within 2,000 feet of a licensed child care facility or public or private school primarily attended by minors.

- Defines “licensed child care facility” and “syringe service program.”

Allows any person to bring a cause of action against an SSP for operating in a prohibited area in the circuit court in the county where the SSP is operating.

- Creates a legal assumption that any discarded needles, syringes, or drug paraphernalia found within 2,000 feet of a child care facility or school were discarded by an SSP operating in the area.
- Sets damages awarded to a prevailing plaintiff as attorney fees and the greater of either \$5,000 or the cost of cleaning up the discarded items.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Syringe service programs (SSPs) are community-based programs that provide access to sterile needles and syringes, facilitate the safe disposal of used syringes, and support the people using the programs in accessing other health and social service programs. SSPs are intended to reduce the transmission of HIV, viral hepatitis, and other infections for people who inject drugs. In Oregon, SSPs are run by both private nonprofit organizations and local public health authorities (LPHAs). Counties with LPHA-run SSPs include Benton, Deschutes, Jackson, Lincoln, Malheur, Multnomah, and Tillamook. Nonprofit-run SSPs operate in Lane, Jackson, and Multnomah counties.

Oregon Revised Statute (ORS) 475.525 excludes hypodermic syringes or needles, single-use drug test strips, drug testing tools, or any other item designed to prevent or reduce the potential harm associated with the use of controlled substances from drug paraphernalia that is prohibited for sale. ORS 475.757 states that sterile needles and syringes and other items provided by a syringe service program may not be considered “drug paraphernalia,” and protects employees or volunteers of SSPs from being charged with unlawful possession of a controlled substance when acting in their capacity with the program. Oregon Administrative Rule (OAR) Chapter 944 includes access to sterile syringes in the definition of “harm reduction services,” permitting Behavioral Health Resource Networks to provide SSP services.

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Senate Bill 1573 prohibits SSPs from operating within 2,000 feet of a child care facility or school and creates a legal pathway for people to be awarded damages by an SSP for operating in a prohibited area.

PRELIMINARY