

Senate Bill 1573

Sponsored by Senator DRAZAN, Representative EDWARDS, Senator ANDERSON; Senators MEEK, SMITH DB, THATCHER, Representatives BUNCH, EVANS, HELFRICH, ISADORE, LEVY B, LEWIS, RESCHKE, RIEKE SMITH, SMITH G, WRIGHT, YUNKER (at the request of Stadiumhood) (Presession filed.)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says a syringe service program may not operate by a school or child care facility. (Flesch Readability Score: 65.1).

Prohibits a syringe service program from operating a mobile or temporary location within 2,000 feet of a school or licensed child care facility. Defines "syringe service program." Provides that any person may bring a cause of action for damages against a syringe service program operating in violation of the prohibition.

A BILL FOR AN ACT

Relating to syringe service programs.

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

SECTION 1. (1) As used in this section:

(a) "Licensed child care facility" means a child care center certified under ORS 329A.280 that is operating under authority of a valid business license.

(b) "Syringe service program" means a program that provides services including free sterile needles and syringes and safe disposal for needles and syringes.

(2) A syringe service program may not provide services from a mobile or temporary location that is within 2,000 feet of the real property comprising an existing:

(a) Public or private elementary, secondary or career school attended primarily by minors; or

(b) Licensed child care facility.

(3)(a) Any person may bring an action to enforce the requirements of subsection (2) of this section in the circuit court in the county in which a syringe service program operates.

(b) In an action under this subsection, there is a rebuttable presumption that discarded needles, syringes or drug paraphernalia, as defined in ORS 475.525, found within 2,000 feet of the real estate described in subsection (2) of this section were discarded from a syringe service program operating in violation of subsection (2) of this section.

(c) A plaintiff who prevails in an action under this subsection may recover the greater of:

(A) \$5,000; or

(B) The actual damages incurred by the plaintiff to clean up the discarded items.

(d) The court shall award reasonable attorney fees to the plaintiff if the plaintiff prevails in an action under this subsection.

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.