

Requested by JOINT COMMITTEE ON ADDICTION AND COMMUNITY SAFETY RESPONSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 4002**

1 In line 2 of the printed bill, delete the period and insert “creating new
2 provisions; amending ORS 40.510, 51.050, 90.440, 135.050, 137.010, 137.225,
3 137.300, 153.012, 153.018, 153.019, 153.021, 153.064, 153.992, 221.339, 414.609,
4 414.766, 419C.370, 423.478, 423.483, 423.525, 430.234, 430.384, 430.392, 430.399,
5 431A.463, 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854, 475.874,
6 475.884, 475.894, 475.900, 670.280, 689.005, 743A.168, 750.055 and 750.333; re-
7 pealing ORS 153.043, 153.062, 419C.460 and 475.237; and declaring an emer-
8 gency.”.

9 Delete lines 4 through 8 and insert:

10

11

“BEHAVIORAL HEALTH TREATMENT

12

“(Payment for Substance Use Disorder Treatment)

13

14

**“SECTION 1. Section 2 of this 2024 Act is added to and made a part
15 of ORS chapter 743A.**

16

**“SECTION 2. Health insurance coverage of substance use disorder
17 medications. (1) As used in this section:**

18

**“(a) ‘Group health insurance’ has the meaning given that term in
19 ORS 731.098.**

20

**“(b) ‘Health benefit plan’ has the meaning given that term in ORS
21 743B.005.**

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

4 “(d) ‘Utilization review’ has the meaning given that term in ORS
5 743B.001.

6 “(2) Notwithstanding any provision of ORS 743A.168, an issuer of
7 group health insurance or an individual health benefit plan, other than
8 a grandfathered health plan:

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

15 “(b) Shall reimburse the cost of refills of medications described in
16 paragraph (a) of this subsection if dispensed by a licensed health care
17 professional who is legally authorized to dispense such medications.

18 “(3) Subsection (2) applies to any form of buprenorphine, including
19 but not limited to sublingual, tablet or injectible forms.

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

24 “(5) This section is exempt from ORS 743A.001.

25 “**SECTION 3.** ORS 743A.168 is amended to read:

26 “743A.168. (1) As used in this section:

27 “(a) ‘Behavioral health assessment’ means an evaluation by a provider, in
28 person or using telemedicine, to determine a patient’s need for behavioral
29 health treatment.

30 “(b) ‘Behavioral health condition’ has the meaning prescribed by rule by

1 the Department of Consumer and Business Services.

2 “(c) ‘Behavioral health crisis’ means a disruption in an insured’s mental
3 or emotional stability or functioning resulting in an urgent need for imme-
4 diate outpatient treatment in an emergency department or admission to a
5 hospital to prevent a serious deterioration in the insured’s mental or phys-
6 ical health.

7 “(d) ‘Facility’ means a corporate or governmental entity or other provider
8 of services for the treatment of behavioral health conditions.

9 “(e) ‘Generally accepted standards of care’ means:

10 “(A) Standards of care and clinical practice guidelines that:

11 “(i) Are generally recognized by health care providers practicing in rele-
12 vant clinical specialties; and

13 “(ii) Are based on valid, evidence-based sources; and

14 “(B) Products and services that:

15 “(i) Address the specific needs of a patient for the purpose of screening
16 for, preventing, diagnosing, managing or treating an illness, injury or con-
17 dition or symptoms of an illness, injury or condition;

18 “(ii) Are clinically appropriate in terms of type, frequency, extent, site
19 and duration; and

20 “(iii) Are not primarily for the economic benefit of an insurer or payer
21 or for the convenience of a patient, treating physician or other health care
22 provider.

23 “(f) ‘Group health insurer’ means an insurer, a health maintenance or-
24 ganization or a health care service contractor.

25 “(g) ‘Median maximum allowable reimbursement rate’ means the median
26 of all maximum allowable reimbursement rates, minus incentive payments,
27 paid for each billing code for each provider type during a calendar year.

28 “(h) ‘Prior authorization’ has the meaning given that term in ORS
29 743B.001.

30 “(i) ‘Program’ means a particular type or level of service that is organ-

1 izationally distinct within a facility.

2 “(j) ‘Provider’ means:

3 “(A) A behavioral health professional or medical professional licensed or
4 certified in this state who has met the credentialing requirement of a group
5 health insurer or an issuer of an individual health benefit plan that is not
6 a grandfathered health plan as defined in ORS 743B.005 and is otherwise el-
7 igible to receive reimbursement for coverage under the policy;

8 “(B) A health care facility as defined in ORS 433.060;

9 “(C) A residential facility as defined in ORS 430.010;

10 “(D) A day or partial hospitalization program;

11 “(E) An outpatient service as defined in ORS 430.010; or

12 “(F) A provider organization certified by the Oregon Health Authority
13 under subsection (9) of this section.

14 “(k) ‘Relevant clinical specialties’ includes but is not limited to:

15 “(A) Psychiatry;

16 “(B) Psychology;

17 “(C) Clinical sociology;

18 “(D) Addiction medicine and counseling; and

19 “(E) Behavioral health treatment.

20 “(L) ‘Standards of care and clinical practice guidelines’ includes but is
21 not limited to:

22 “(A) Patient placement criteria;

23 “(B) Recommendations of agencies of the federal government; and

24 “(C) Drug labeling approved by the United States Food and Drug Ad-
25 ministration.

26 “(m) ‘Utilization review’ has the meaning given that term in ORS
27 743B.001.

28 “(n) ‘Valid, evidence-based sources’ includes but is not limited to:

29 “(A) Peer-reviewed scientific studies and medical literature;

30 “(B) Recommendations of nonprofit health care provider professional as-

1 sociations; and

2 “(C) Specialty societies.

3 “(2) A group health insurance policy or an individual health benefit plan
4 that is not a grandfathered health plan providing coverage for hospital or
5 medical expenses, other than limited benefit coverage, shall provide coverage
6 for expenses arising from the diagnosis of behavioral health conditions and
7 medically necessary behavioral health treatment at the same level as, and
8 subject to limitations no more restrictive than, those imposed on coverage
9 or reimbursement of expenses arising from treatment for other medical con-
10 ditions. The following apply to coverage for behavioral health treatment:

11 “(a) The coverage may be made subject to provisions of the policy that
12 apply to other benefits under the policy, including but not limited to pro-
13 visions relating to copayments, deductibles and coinsurance. Copayments,
14 deductibles and coinsurance for treatment in health care facilities or resi-
15 dential facilities may not be greater than those under the policy for expenses
16 of hospitalization in the treatment of other medical conditions. Copayments,
17 deductibles and coinsurance for outpatient treatment may not be greater
18 than those under the policy for expenses of outpatient treatment of other
19 medical conditions.

20 “(b) The coverage of behavioral health treatment may not be made subject
21 to treatment limitations, limits on total payments for treatment, limits on
22 duration of treatment or financial requirements unless similar limitations
23 or requirements are imposed on coverage of other medical conditions. The
24 coverage of eligible expenses of behavioral health treatment may be limited
25 to treatment that is medically necessary as determined in accordance with
26 this section and no more stringently under the policy than for other medical
27 conditions.

28 “(c) The coverage of behavioral health treatment must include:

29 “(A) A behavioral health assessment;

30 “(B) No less than the level of services determined to be medically neces-

1 sary in a behavioral health assessment of the specific needs of a patient or
2 in a patient's care plan:

3 “(i) To effectively treat the patient's underlying behavioral health condi-
4 tion rather than the mere amelioration of current symptoms such as suicidal
5 ideation or psychosis; and

6 “(ii) For care following a behavioral health crisis, to transition the pa-
7 tient to a lower level of care;

8 “(C) Treatment of co-occurring behavioral health conditions or medical
9 conditions in a coordinated manner;

10 “(D) Treatment at the least intensive and least restrictive level of care
11 that is safe and most effective and meets the needs of the insured's condition;

12 “(E) A lower level or less intensive care only if it is comparably as safe
13 and effective as treatment at a higher level of service or intensity;

14 “(F) Treatment to maintain functioning or prevent deterioration;

15 “(G) Treatment for an appropriate duration based on the insured's par-
16 ticular needs;

17 “(H) Treatment appropriate to the unique needs of children and adoles-
18 cents;

19 “(I) Treatment appropriate to the unique needs of older adults; and

20 “(J) Coordinated care and case management as defined by the Department
21 of Consumer and Business Services by rule.

22 “(d) The coverage of behavioral health treatment may not limit coverage
23 for treatment of pervasive or chronic behavioral health conditions to short-
24 term or acute behavioral health treatment at any level of care or placement.

25 “(e) A group health insurer or an issuer of an individual health benefit
26 plan other than a grandfathered health plan shall have a network of pro-
27 viders of behavioral health treatment sufficient to meet the standards de-
28 scribed in ORS 743B.505. If there is no in-network provider qualified to
29 timely deliver, as defined by rule, medically necessary behavioral treatment
30 to an insured in a geographic area, the group health insurer or issuer of an

1 individual health benefit plan shall provide coverage of out-of-network med-
2 ically necessary behavioral health treatment without any additional out-of-
3 pocket costs if provided by an available out-of-network provider that enters
4 into an agreement with the insurer to be reimbursed at in-network rates.

5 “(f) A provider is eligible for reimbursement under this section if:

6 “(A) The provider is approved or certified by the Oregon Health Author-
7 ity;

8 “(B) The provider is accredited for the particular level of care for which
9 reimbursement is being requested by the Joint Commission or the Commis-
10 sion on Accreditation of Rehabilitation Facilities;

11 “(C) The patient is staying overnight at the facility and is involved in a
12 structured program at least eight hours per day, five days per week; or

13 “(D) The provider is providing a covered benefit under the policy.

14 “(g) A group health insurer or an issuer of an individual health benefit
15 plan other than a grandfathered health plan must use the same methodology
16 to set reimbursement rates paid to behavioral health treatment providers
17 that the group health insurer or issuer of an individual health benefit plan
18 uses to set reimbursement rates for medical and surgical treatment providers.

19 “(h) A group health insurer or an issuer of an individual health benefit
20 plan other than a grandfathered health plan must update the methodology
21 and rates for reimbursing behavioral health treatment providers in a manner
22 equivalent to the manner in which the group health insurer or issuer of an
23 individual health benefit plan updates the methodology and rates for reim-
24 bursing medical and surgical treatment providers, unless otherwise required
25 by federal law.

26 “(i) A group health insurer or an issuer of an individual health benefit
27 plan other than a grandfathered health plan that reimburses out-of-network
28 providers for medical or surgical services must reimburse out-of-network be-
29 havioral health treatment providers on the same terms and at a rate that is
30 in parity with the rate paid to medical or surgical treatment providers.

1 “(j) Outpatient coverage of behavioral health treatment shall include
2 follow-up in-home service or outpatient services if clinically indicated under
3 criteria and guidelines described in subsection (5) of this section. The policy
4 may limit coverage for in-home service to persons who are homebound under
5 the care of a physician only if clinically indicated under criteria and guide-
6 lines described in subsection (5) of this section.

7 “(k)(A) Subject to **section 2 of this 2024 Act and to** the patient or client
8 confidentiality provisions of ORS 40.235 relating to physicians, ORS 40.240
9 relating to nurse practitioners, ORS 40.230 relating to psychologists, ORS
10 40.250 and 675.580 relating to licensed clinical social workers and ORS 40.262
11 relating to licensed professional counselors and licensed marriage and family
12 therapists, a group health insurer or issuer of an individual health benefit
13 plan may provide for review for level of treatment of admissions and con-
14 tinued stays for treatment in health facilities, residential facilities, day or
15 partial hospitalization programs and outpatient services by either staff of a
16 group health insurer or issuer of an individual health benefit plan or per-
17 sonnel under contract to the group health insurer or issuer of an individual
18 health benefit plan that is not a grandfathered health plan, or by a utiliza-
19 tion review contractor, who shall have the authority to certify for or deny
20 level of payment.

21 “(B) Review shall be made according to criteria made available to pro-
22 viders in advance upon request.

23 “(C) Review shall be performed by or under the direction of a physician
24 licensed under ORS 677.100 to 677.228, a psychologist licensed by the Oregon
25 Board of Psychology, a clinical social worker licensed by the State Board
26 of Licensed Social Workers or a professional counselor or marriage and
27 family therapist licensed by the Oregon Board of Licensed Professional
28 Counselors and Therapists, in accordance with standards of the National
29 Committee for Quality Assurance or Medicare review standards of the Cen-
30 ters for Medicare and Medicaid Services.

1 “(D) Review may involve prior [*approval*] **authorization**, concurrent re-
2 view of the continuation of treatment, post-treatment review or any combi-
3 nation of these. However, if prior [*approval*] **authorization** is required,
4 provision shall be made to allow for payment of urgent or emergency ad-
5 missions, subject to subsequent review. If prior [*approval*] **authorization** is
6 not required, group health insurers and issuers of individual health benefit
7 plans that are not grandfathered health plans shall permit providers,
8 policyholders or persons acting on their behalf to make advance inquiries
9 regarding the appropriateness of a particular admission to a treatment pro-
10 gram. Group health insurers and issuers of individual health benefit plans
11 that are not grandfathered health plans shall provide a timely response to
12 such inquiries. Noncontracting providers must cooperate with these proce-
13 dures to the same extent as contracting providers to be eligible for re-
14 imbursement.

15 “(L) Health maintenance organizations may limit the receipt of covered
16 services by enrollees to services provided by or upon referral by providers
17 contracting with the health maintenance organization. Health maintenance
18 organizations and health care service contractors may create substantive
19 plan benefit and reimbursement differentials at the same level as, and subject
20 to limitations no more restrictive than, those imposed on coverage or re-
21 imbursement of expenses arising out of other medical conditions and apply
22 them to contracting and noncontracting providers.

23 “(3) **Except as provided in section 2 of this 2024 Act**, this section does
24 not prohibit a group health insurer or issuer of an individual health benefit
25 plan that is not a grandfathered health plan from managing the provision
26 of benefits through common methods, including but not limited to selectively
27 contracted panels, health plan benefit differential designs, preadmission
28 screening, prior authorization of services, utilization review or other mech-
29 anisms designed to limit eligible expenses to those described in subsection
30 (2)(b) of this section provided such methods comply with the requirements

1 of this section.

2 “(4) The Legislative Assembly finds that health care cost containment is
3 necessary and intends to encourage health insurance plans designed to
4 achieve cost containment by ensuring that reimbursement is limited to ap-
5 propriate utilization under criteria incorporated into the insurance, either
6 directly or by reference, in accordance with this section.

7 “(5)(a) Any medical necessity, utilization or other clinical review con-
8 ducted for the diagnosis, prevention or treatment of behavioral health con-
9 ditions or relating to service intensity, level of care placement, continued
10 stay or discharge must be based solely on the following:

11 “(A) The current generally accepted standards of care.

12 “(B) For level of care placement decisions, the most recent version of the
13 levels of care placement criteria developed by the nonprofit professional as-
14 sociation for the relevant clinical specialty.

15 “(C) For medical necessity, utilization or other clinical review conducted
16 for the diagnosis, prevention or treatment of behavioral health conditions
17 that does not involve level of care placement decisions, other criteria and
18 guidelines may be utilized if such criteria and guidelines are based on the
19 current generally accepted standards of care including valid, evidence-based
20 sources and current treatment criteria or practice guidelines developed by
21 the nonprofit professional association for the relevant clinical specialty.
22 Such other criteria and guidelines must be made publicly available and made
23 available to insureds upon request to the extent permitted by copyright laws.

24 “(b) This subsection does not prevent a group health insurer or an issuer
25 of an individual health benefit plan other than a grandfathered health plan
26 from using criteria that:

27 “(A) Are outside the scope of criteria and guidelines described in para-
28 graph (a)(B) of this subsection, if the guidelines were developed in accord-
29 ance with the current generally accepted standards of care; or

30 “(B) Are based on advancements in technology of types of care that are

1 not addressed in the most recent versions of sources specified in paragraph
2 (a)(B) of this subsection, if the guidelines were developed in accordance with
3 current generally accepted standards of care.

4 “(c) For all level of care placement decisions, an insurer shall authorize
5 placement at the level of care consistent with the insured’s score or assess-
6 ment using the relevant level of care placement criteria and guidelines as
7 specified in paragraph (a)(B) of this subsection. If the level of care indicated
8 by the criteria and guidelines is not available, the insurer shall authorize the
9 next higher level of care. If there is disagreement about the appropriate level
10 of care, the insurer shall provide to the provider of the service the full de-
11 tails of the insurer’s scoring or assessment using the relevant level of care
12 placement criteria and guidelines specified in paragraph (a)(B) of this sub-
13 section.

14 “(6) To ensure the proper use of any criteria and guidelines described in
15 subsection (5) of this section, a group health insurer or an issuer of an in-
16 dividual health benefit plan shall provide, at no cost:

17 “(a) A formal education program, presented by nonprofit clinical specialty
18 associations or other entities authorized by the department, to educate the
19 insurer’s or the issuer’s staff and any individuals described in subsection
20 (2)(k) of this section who conduct reviews.

21 “(b) To stakeholders, including participating providers and insureds, the
22 criteria and guidelines described in subsection (5) of this section and any
23 education or training materials or resources regarding the criteria and
24 guidelines.

25 “(7) This section does not prevent a group health insurer or issuer of an
26 individual health benefit plan that is not a grandfathered health plan from
27 contracting with providers of health care services to furnish services to
28 policyholders or certificate holders according to ORS 743B.460 or 750.005,
29 subject to the following conditions:

30 “(a) A group health insurer or issuer of an individual health benefit plan

1 that is not a grandfathered health plan is not required to contract with all
2 providers that are eligible for reimbursement under this section.

3 “(b) An insurer or health care service contractor shall, subject to sub-
4 section (2) of this section, pay benefits toward the covered charges of non-
5 contracting providers of services for behavioral health treatment. The
6 insured shall, subject to subsection (2) of this section, have the right to use
7 the services of a noncontracting provider of behavioral health treatment,
8 whether or not the behavioral health treatment is provided by contracting
9 or noncontracting providers.

10 “(8)(a) This section does not require coverage for:

11 “(A) Educational or correctional services or sheltered living provided by
12 a school or halfway house;

13 “(B) A long-term residential mental health program that lasts longer than
14 45 days unless clinically indicated under criteria and guidelines described in
15 subsection (5) of this section;

16 “(C) Psychoanalysis or psychotherapy received as part of an educational
17 or training program, regardless of diagnosis or symptoms that may be pres-
18 ent;

19 “(D) A court-ordered sex offender treatment program; or

20 “(E) Support groups.

21 “(b) Notwithstanding paragraph (a)(A) of this subsection, an insured may
22 receive covered outpatient services under the terms of the insured’s policy
23 while the insured is living temporarily in a sheltered living situation.

24 “(9) The Oregon Health Authority shall establish a process for the certi-
25 fication of an organization described in subsection (1)(j)(F) of this section
26 that:

27 “(a) Is not otherwise subject to licensing or certification by the authority;
28 and

29 “(b) Does not contract with the authority, a subcontractor of the author-
30 ity or a community mental health program.

1 “(10) The Oregon Health Authority shall adopt by rule standards for the
2 certification provided under subsection (9) of this section to ensure that a
3 certified provider organization offers a distinct and specialized program for
4 the treatment of mental or nervous conditions.

5 “(11) The Oregon Health Authority may adopt by rule an application fee
6 or a certification fee, or both, to be imposed on any provider organization
7 that applies for certification under subsection (9) of this section. Any fees
8 collected shall be paid into the Oregon Health Authority Fund established
9 in ORS 413.101 and shall be used only for carrying out the provisions of
10 subsection (9) of this section.

11 “(12) The intent of the Legislative Assembly in adopting this section is
12 to reserve benefits for different types of care to encourage cost effective care
13 and to ensure continuing access to levels of care most appropriate for the
14 insured’s condition and progress in accordance with this section. This section
15 does not prohibit an insurer from requiring a provider organization certified
16 by the Oregon Health Authority under subsection (9) of this section to meet
17 the insurer’s credentialing requirements as a condition of entering into a
18 contract.

19 “(13) The Director of the Department of Consumer and Business Services
20 and the Oregon Health Authority, after notice and hearing, may adopt rea-
21 sonable rules not inconsistent with this section that are considered necessary
22 for the proper administration of this section. The director shall adopt rules
23 making it a violation of this section for a group health insurer or issuer of
24 an individual health benefit plan other than a grandfathered health plan to
25 require providers to bill using a specific billing code or to restrict the re-
26 imbursement paid for particular billing codes other than on the basis of
27 medical necessity.

28 “(14) This section does not:

29 “(a) Prohibit an insured from receiving behavioral health treatment from
30 an out-of-network provider or prevent an out-of-network behavioral health

1 provider from billing the insured for any unreimbursed cost of treatment.

2 “(b) Prohibit the use of value-based payment methods, including global
3 budgets or capitated, bundled, risk-based or other value-based payment
4 methods.

5 “(c) Require that any value-based payment method reimburse behavioral
6 health services based on an equivalent fee-for-service rate.

7 **“SECTION 4.** ORS 414.766 is amended to read:

8 “414.766. (1) Notwithstanding ORS 414.065 and 414.690, a coordinated care
9 organization must provide behavioral health services to its members that
10 include but are not limited to all of the following:

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

12 “(A) A behavioral health assessment; and

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

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

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

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

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

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

29 “(g) Treatment to maintain functioning or prevent deterioration;

30 “(h) Treatment for an appropriate duration based on the individual’s

1 particular needs;

2 “(i) Treatment appropriate to the unique needs of children and adoles-
3 cents;

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

5 “(k) Treatment that is culturally and linguistically appropriate;

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

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

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

13 **“(o) Refills of medications prescribed for the treatment of opioid**
14 **use disorder and any co-occurring substance use disorder or mental**
15 **health condition.**

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

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

25 **“SECTION 5.** ORS 431A.463 is amended to read:

26 **“431A.463. (1) As used in this section, ‘medication-assisted**
27 **treatment’ means any medication and the dispensing or administering**
28 **of the medication that is approved by the United States Food and Drug**
29 **Administration for the treatment of substance use disorders, including**
30 **opioid and opiate addiction.**

1 “[(1)] (2) The Oregon Health Authority shall prohibit coordinated care
2 organizations and public payers of health insurance, when reimbursing the
3 cost of medication-assisted treatment for treating substance use disorders,
4 including opioid and opiate addiction, from requiring prior authorization [*of*
5 *payment during the first 30 days of medication-assisted treatment*].

6 “[(2)] (3) The authority may adopt rules to carry out this section.

7 **“SECTION 6. Sections 7 and 8 of this 2024 Act are added to and**
8 **made a part of ORS chapter 689.**

9 **“SECTION 7. Pharmacist dispensing of opioid use disorder**
10 **medication refills. (1) A pharmacist may dispense refills of medications**
11 **for the treatment of opioid use disorder to a patient who has evidence**
12 **of a previous prescription from a licensed health care provider.**

13 **“(2) A pharmacist who dispenses refills under this section shall:**

14 **“(a) Complete a patient assessment to determine whether the pre-**
15 **scription is appropriate;**

16 **“(b) Document the patient visit and include notations regarding**
17 **evidence of the patient’s previous prescription from the patient’s li-**
18 **censed health care provider, information relating to the patient’s**
19 **treatment and other relevant information; and**

20 **“(c) Notify the patient’s primary care provider, and the licensed**
21 **health care provider who made the previous prescription, of the**
22 **pharmacist’s prescription for refills, to the extent permitted by state**
23 **and federal law.**

24 **“(3) The State Board of Pharmacy shall adopt rules to carry out this**
25 **section including, but not limited to rules to allow a:**

26 **“(a) Pharmacist to apply for and obtain a registration number from**
27 **the Drug Enforcement Administration of the United States Depart-**
28 **ment of Justice as a mid-level practitioner; and**

29 **“(b) Pharmacy to store on the premises medications for the treat-**
30 **ment of opioid use disorder.**

1 “(4) The rules adopted under subsection (3) of this section may not
2 be more restrictive than what is permitted by this section.

3 “(5) In adopting rules to carry out this section, the board shall ap-
4 point an advisory committee in accordance with ORS 183.333 that in-
5 cludes addiction specialists, emergency department physicians and
6 primary care providers.

7 “SECTION 8. Prescription drug lockers. (1) As used in this section,
8 ‘prescription drug locker’ means a mechanical device that serves as
9 an extension of a retail drug outlet’s will call or point of sale area in
10 which completed patient-specific prescription drugs, devices and re-
11 lated supplies and nonprescription drugs, devices and related supplies
12 are stored for pick up.

13 “(2) A prescription drug locker located within this state and at the
14 same physical address as the retail drug outlet with which the pre-
15 scription drug locker is associated:

16 “(a) Is considered part of the retail drug outlet and is not required
17 to obtain a license or registration from the State Board of Pharmacy;
18 and

19 “(b) Is not required to obtain a registration from the Drug
20 Enforcement Administration of the United States Department of Jus-
21 tice.

22 “(3) A prescription drug locker located within this state but at a
23 physical address other than the physical address of the retail drug
24 outlet with which the prescription drug locker is associated is consid-
25 ered a remote dispensing area and must obtain a registration from the
26 Drug Enforcement Administration in order to dispense controlled
27 substances.

28 “(4) The board may adopt rules to carry out this section.

29 “SECTION 9. ORS 689.005 is amended to read:

30 “689.005. As used in this chapter:

1 “(1) ‘Administer’ means the direct application of a drug or device whether
2 by injection, inhalation, ingestion, or any other means, to the body of a pa-
3 tient or research subject by:

4 “(a) A practitioner or the practitioner’s authorized agent; or

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

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

9 “(3) ‘Clinical pharmacy agreement’ means an agreement between a
10 pharmacist or pharmacy and a health care organization or a physician as
11 defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010
12 that permits the pharmacist to engage in the practice of clinical pharmacy
13 for the benefit of the patients of the health care organization, physician or
14 naturopathic physician.

15 “(4) ‘Continuing pharmacy education’ means:

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

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

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

20 “(5) ‘Continuing pharmacy education unit’ means the unit of measurement
21 of credits for approved continuing education courses and programs.

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

25 “(7) ‘Device’ means an instrument, apparatus, implement, machine,
26 contrivance, implant, in vitro reagent or other similar or related article, in-
27 cluding any component part or accessory, which is required under federal
28 or state law to be prescribed by a practitioner and dispensed by a
29 pharmacist.

30 “(8) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a

1 prescription drug pursuant to a lawful order of a practitioner in a suitable
2 container appropriately labeled for subsequent administration to or use by
3 a patient or other individual entitled to receive the prescription drug.

4 “(9) ‘Distribute’ means the delivery of a drug other than by administering
5 or dispensing.

6 “(10) ‘Drug’ means:

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

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

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

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

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

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

27 “(13) ‘Drug room’ means a secure and lockable location within an inpa-
28 tient care facility that does not have a licensed pharmacy.

29 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
30 communication sent or received through technological apparatuses, including

1 computer terminals or other equipment or mechanisms linked by telephone
2 or microwave relays, or similar apparatus having electrical, digital, mag-
3 netic, wireless, optical, electromagnetic or similar capabilities.

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

8 “(16) ‘Institutional drug outlet’ means hospitals and inpatient care facili-
9 ties where medications are dispensed to another health care professional for
10 administration to patients served by the hospitals or facilities.

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

14 “(18) ‘Internship’ means a professional experiential program approved by
15 the board under the supervision of a licensed pharmacist registered with the
16 board as a preceptor.

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

21 “(20) ‘Manufacture’ means the production, preparation, propagation, com-
22 pounding, conversion or processing of a device or a drug, either directly or
23 indirectly by extraction from substances of natural origin or independently
24 by means of chemical synthesis or by a combination of extraction and
25 chemical synthesis and includes any packaging or repackaging of the sub-
26 stances or labeling or relabeling of its container, except that this term does
27 not include the preparation or compounding of a drug by an individual for
28 their own use or the preparation, compounding, packaging or labeling of a
29 drug:

30 “(a) By a practitioner as an incident to administering or dispensing of a

1 drug in the course of professional practice; or

2 “(b) By a practitioner or by the practitioner’s authorization under super-
3 vision of the practitioner for the purpose of or as an incident to research,
4 teaching or chemical analysis and not for sale.

5 “(21) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

6 “(22) ‘Nonprescription drug outlet’ means a business or other establish-
7 ment that is open to the general public for the sale or nonprofit distribution
8 of nonprescription drugs and is registered under ORS 689.305.

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

13 “(24) ‘Person’ means an individual, corporation, partnership, association
14 or other legal entity.

15 “(25) ‘Pharmacist’ means an individual licensed by this state to engage in
16 the practice of pharmacy or to engage in the practice of clinical pharmacy.

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

23 “(27) ‘Pharmacy technician’ means a person licensed by the board who
24 assists in the practice of pharmacy pursuant to rules of the board.

25 “(28) ‘Practice of clinical pharmacy’ means:

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

30 “(b) The provision of patient care services, including but not limited to

1 post-diagnostic disease state management services; and

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

4 “(29) ‘Practice of pharmacy’ means:

5 “(a) The interpretation and evaluation of prescription orders;

6 “(b) The compounding, dispensing and labeling of drugs and devices, ex-
7 cept labeling by a manufacturer, packer or distributor of nonprescription
8 drugs and commercially packaged legend drugs and devices;

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

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

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

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

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

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

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

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

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

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

30 “(m) The prescribing and dispensing of emergency refills of insulin and

1 associated insulin-related devices and supplies pursuant to ORS 689.696;

2 “(n) The prescribing, dispensing and administering of preexposure
3 prophylactic antiretroviral therapies and post-exposure prophylactic
4 antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the
5 board under ORS 689.645 and 689.704; *[and]*

6 “(o) The delegation of tasks to other health care providers who are ap-
7 propriately trained and authorized to perform the delegated tasks; **and**

8 **“(p) The dispensing of refills of medication for the treatment of**
9 **opioid use disorder pursuant to section 7 of this 2024 Act.**

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

13 “(a) In this state; or

14 “(b) In another state or territory of the United States if the person does
15 not reside in Oregon and is registered under the federal Controlled Sub-
16 stances Act.

17 “(31) ‘Preceptor’ means a pharmacist or a person licensed by the board to
18 supervise the internship training of a licensed intern.

19 “(32) ‘Prescription drug’ or ‘legend drug’ means a drug that is:

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

22 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

23 “(B) ‘Caution: Federal law restricts this drug to use by or on the order
24 of a licensed veterinarian’; or

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

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

1 or electronically transmitted direction.

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

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

12 “(36) ‘Third-party logistics provider’ means an entity that:

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

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

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

24 “(38) ‘Wholesale distributor drug outlet’ means a person, other than a
25 manufacturer, manufacturer’s colicensed partner, third-party logistics pro-
26 vider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in
27 wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

28

29 **“(Discrimination against individuals with substance use**
30 **disorders prohibited in group recovery homes)**

1 **“SECTION 10.** ORS 90.440 is amended to read:
2 “90.440. (1) As used in this section:
3 “(a) ‘Group recovery home’ means a place that provides occupants with
4 shared living facilities and that meets the description of a group home under
5 42 U.S.C. 300x-25.
6 “(b) ‘Illegal drugs’ includes controlled substances or prescription drugs:
7 “(A) For which the tenant does not have a valid prescription; or
8 “(B) That are used by the tenant in a manner contrary to the prescribed
9 regimen.
10 “(c) ‘Marijuana item’ has the meaning given that term in ORS 475C.009.
11 “(d) ‘Peace officer’ means:
12 “(A) A sheriff, constable, marshal or deputy;
13 “(B) A member of a state or city police force;
14 “(C) A police officer commissioned by a university under ORS 352.121 or
15 353.125; or
16 “(D) An authorized tribal police officer as defined in ORS 181A.940.
17 “(2)(a) Notwithstanding ORS 90.375 and 90.435, a group recovery home
18 may terminate a tenancy and peaceably remove a tenant without complying
19 with ORS 105.100 to 105.168 if the tenant has used or possessed alcohol, a
20 marijuana item or illegal drugs within the preceding seven days.
21 “(b) For purposes of this subsection, the following are sufficient proof
22 that a tenant has used or possessed alcohol, a marijuana item or illegal
23 drugs:
24 “(A) The tenant [*fails a test*] **tests positive** for alcohol, cannabis or ille-
25 gal [*drug use*] **drugs on a preliminary test and a confirmatory test**;
26 “(B) The tenant refuses a request made in good faith by the group re-
27 covery home that the tenant take a test for alcohol, cannabis or illegal drug
28 use; or
29 “(C) Any person has personally observed the tenant using or possessing
30 alcohol, a marijuana item or illegal drugs.

1 “(3) A group recovery home that undertakes the removal of a tenant un-
2 der this section shall personally deliver to the tenant a written notice that:

3 “(a) Describes why the tenant is being removed;

4 “(b) Describes the proof that the tenant has used or possessed alcohol, a
5 marijuana item or illegal drugs within the seven days preceding delivery of
6 the notice;

7 “(c) Specifies the date and time by which the tenant must move out of the
8 group recovery home;

9 “(d) Explains that if the removal was wrongful or in bad faith the tenant
10 may seek injunctive relief to recover possession under ORS 105.121 and may
11 bring an action to recover monetary damages; and

12 “(e) Gives contact information for the local legal services office and for
13 the Oregon State Bar’s Lawyer Referral Service, identifying those services
14 as possible sources for free or reduced-cost legal services.

15 “(4) A written notice in substantially the following form meets the re-
16 quirements of subsection (3) of this section:

17 “ _____
18 This notice is to inform you that you must move out of _____ (insert
19 address of group recovery home) by _____ (insert date and time that is
20 not less than 24 hours after delivery of notice).

21 The reason for this notice is _____ (specify use or possession of al-
22 cohool, marijuana or illegal drugs, as applicable, and dates of occurrence).

23 The proof of your use or possession is _____ (specify facts).

24 If you did not use or possess alcohol, marijuana or illegal drugs within
25 the seven days before delivery of this notice, if this notice was given in bad
26 faith or if your group recovery home has not substantially complied with
27 ORS 90.440, you may be able to get a court to order the group recovery home
28 to let you move back in. You may also be able to recover monetary damages.

29 You may be eligible for free legal services at your local legal services
30 office _____ (insert telephone number) or reduced fee legal services

1 through the Oregon State Bar at 1-800-452-7636.

2 “

3 “(5) Within the notice period, a group recovery home shall allow a tenant
4 removed under this section to follow any emergency departure plan that was
5 prepared by the tenant and approved by the group recovery home at the time
6 the tenancy began. If the removed tenant does not have an emergency de-
7 parture plan, a representative of the group recovery home shall offer to take
8 the removed tenant to a public shelter, detoxification center or similar lo-
9 cation if existing in the community.

10 “(6) The date and time for moving out specified in a notice under sub-
11 section (3) of this section must be at least 24 hours after the date and time
12 the notice is delivered to the tenant. If the tenant remains on the group re-
13 covery home premises after the date and time for moving out specified in the
14 notice, the tenant is a person remaining unlawfully in a dwelling as de-
15 scribed in ORS 164.255 and not a person described in ORS 105.115. Only a
16 peace officer may forcibly remove a tenant who remains on the group re-
17 covery home premises after the date and time specified for moving out.

18 “(7) A group recovery home that removes a tenant under this section shall
19 send a copy of the notice described in subsection (3) of this section to the
20 Oregon Health Authority no later than 72 hours after delivering the notice
21 to the tenant.

22 “(8) A tenant who is removed under subsection (2) of this section may
23 obtain injunctive relief to recover possession and may recover an amount
24 equal to the greater of actual damages or three times the tenant’s monthly
25 rent if:

26 “(a) The group recovery home removed the tenant in bad faith or without
27 substantially complying with this section; or

28 “(b) If removal is under subsection (2)(b)(C) of this section, the removal
29 was wrongful because the tenant did not use or possess alcohol, a marijuana
30 item or illegal drugs.

1 “(9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive
2 relief to recover possession under ORS 105.121 must commence the action to
3 seek relief not more than 90 days after the date specified in the notice for
4 the tenant to move out.

5 “(10) In any court action regarding the removal of a tenant under this
6 section, a group recovery home may present evidence that the tenant used
7 or possessed alcohol, a marijuana item or illegal drugs within seven days
8 preceding the removal, whether or not the evidence was described in the
9 notice required by subsection (3) of this section.

10 “(11) This section does not prevent a group recovery home from termi-
11 nating a tenancy as provided by any other provision of this chapter and
12 evicting a tenant as provided in ORS 105.100 to 105.168.

13 “(12) **Nothing in this section allows a group recovery home to dis-**
14 **criminate against a tenant based on the tenant’s involvement in**
15 **medication-assisted treatment as defined in ORS 431A.463.**

16

17 “(Access to addiction treatment
18 by members of coordinated care organizations)

19

20 “**SECTION 11.** ORS 414.609 is amended to read:

21 “414.609. (1) A coordinated care organization that contracts with the
22 Oregon Health Authority must maintain a network of providers, **including**
23 **but not limited to addiction treatment providers**, sufficient in numbers
24 and areas of practice and geographically distributed in a manner to ensure
25 that the health services provided under the contract are reasonably accessi-
26 ble to members.

27 “(2) A member may transfer from one organization to another organiza-
28 tion no more than once during each enrollment period.

29

30 “(Alcohol and Drug Policy Commission study)

1 **“SECTION 12. (1) The Alcohol and Drug Policy Commission created**
2 **under ORS 430.221 shall conduct a study of:**

3 **“(a) Barriers to and best practices for:**

4 **“(A) Youth accessing substance use disorder treatment;**

5 **“(B) Increasing access to medication-assisted treatment, including:**

6 **“(i) Medication-assisted treatment interventions and prescribing of**
7 **medication-assisted treatment in emergency departments; and**

8 **“(ii) Increasing the number of providers of medication-assisted**
9 **treatment; and**

10 **“(C) Increasing the number of substance use disorder providers**
11 **statewide; and**

12 **“(b) Data regarding insurance claim denials, including retroactive**
13 **denials, of reimbursement for substance use disorder medications.**

14 **“(2) In studying the barriers to and best practices for youth ac-**
15 **cessing substance use disorder treatment under subsection (1)(a)(A)**
16 **of this section, the commission shall collaborate with participating**
17 **state agencies, as defined in ORS 430.221 and the System of Care Ad-**
18 **visory Council established in ORS 418.978.**

19 **“(3) No later than September 31, 2024, the commission shall provide**
20 **to the interim committees of the Legislative Assembly related to**
21 **health a report on the status of the study and any preliminary rec-**
22 **ommendations that the commission has developed.**

23 **“(4) No later than September 15, 2025, the commission shall report**
24 **to the interim committees of the Legislative Assembly related to be-**
25 **havioral health, in the manner provided in ORS 192.245:**

26 **“(a) A strategic plan to improve the access of youth to substance**
27 **use disorder treatment;**

28 **“(b) A strategic plan that includes evidence-based and evidence-**
29 **informed strategies for increasing the number of substance use disor-**
30 **der treatment providers statewide and expanding the capacity of the**

1 **substance use disorder treatment system in this state;**

2 **“(c) Recommendations for reducing the barriers to accessing sub-**
3 **stance use disorder treatment including barriers to the provision of**
4 **medication-assisted treatment interventions in emergency depart-**
5 **ments; and**

6 **“(d) Needed changes to address obstacles encountered by behavioral**
7 **health providers when seeking health insurance reimbursement for**
8 **substance use disorder medications including but not limited to:**

9 **“(A) Requiring providers to use specialty pharmacies instead of**
10 **purchasing medications directly from vendors and billing the insurers;**

11 **“(B) Limiting the coverage of medication-assisted treatment to**
12 **specific forms such as sublingual or injections; and**

13 **“(C) Imposing limits on the amount of a substance use disorder**
14 **medication that may be dispensed during a single visit.**

15

16 **“(Certified community behavioral health clinic program)**

17

18 **“SECTION 13. Section 14 of this 2024 Act is added to and made a**
19 **part of ORS chapter 413.**

20 **“SECTION 14. (1) The certified community behavioral health clinic**
21 **program is established in the Oregon Health Authority for the purpose**
22 **of certifying community behavioral health clinics that meet criteria**
23 **adopted by the authority by rule to receive prospective fixed cost-based**
24 **rates, as provided in subsection (4) of this section, for services pro-**
25 **vided to medical assistance enrollees.**

26 **“(2) Rules adopted by the authority:**

27 **“(a) Must be consistent with the criteria adopted by the United**
28 **States Department of Health and Human Services for certified com-**
29 **munity behavioral health clinics; and**

30 **“(b) Shall ensure that certified community behavioral health clinics**

1 provide all of the services required by the criteria adopted by the
2 United States Department of Health and Human Services for certified
3 community behavioral health clinics.

4 “(3) If the authority adopts requirements for certified community
5 behavioral health clinics that are in addition to the criteria described
6 in subsection (2)(a) of this section, the authority shall:

7 “(a) Provide funding to the clinics sufficient to reimburse the costs
8 of the additional requirements; or

9 “(b) Have a process for granting exceptions to one or more of the
10 requirements.

11 “(4)(a) A certified community behavioral health clinic shall com-
12 plete the federally required cost report for the authority to review and
13 approve the clinic’s prospective fixed cost-based rate for a patient en-
14 counter.

15 “(b) The authority shall regularly adjust the prospective fixed
16 cost-based rate at intervals consistent with federal guidance. A certi-
17 fied community behavioral health clinic may request a rate adjust-
18 ment if a clinic changes the clinic’s scope of services.

19 “(c) The authority shall adopt and provide to certified community
20 behavioral health clinics guidance on the development of fixed rates
21 and billing. The fixed rate must include but is not limited to:

22 “(A) An estimate of the projected cost of anticipated expansions of
23 the certified community behavioral health clinic program or the pop-
24 ulations served by the program; and

25 “(B) The cost of the technology and data systems needed by each
26 clinic to track and measure outcomes and other data that the au-
27 thority requires to be tracked or measured.

28 “(d) The authority shall review federal guidance on rate setting for
29 clinics that are dually certified as federally qualified health centers,
30 as defined in 42 U.S.C. 1396d(l)(2), and as certified community behav-

1 ioral health clinics and provide recommendations to such dually cer-
2 tified clinics about how the clinics can best bill for services.

3 “(5) In any geographic region of this state that is served by both a
4 certified community behavioral health clinic and a community mental
5 health program:

6 “(a) Before the authority may approve the certification of a certi-
7 fied community behavioral health clinic, the certified community be-
8 havioral health clinic and the community mental health program shall
9 enter into a written agreement concerning collaboration between the
10 clinic and the program in the coordination of services that are pro-
11 vided by both the clinic and the program.

12 “(b) The authority shall develop a plan to ensure:

13 “(A) Coordination of services between the clinic and the program
14 to minimize service redundancies; and

15 “(B) Financial efficiencies to maximize financial benefits.

16 “(6) This section does not require a clinic that is eligible for certi-
17 fication under this section to apply for certification. Participation in
18 the certified community behavioral health clinic program is voluntary.

19 “SECTION 15. (1) Prior to January 15, 2025, the Oregon Health Au-
20 thority shall submit a plan to the Centers for Medicare and Medicaid
21 Services to add new certified community behavioral health clinics to
22 achieve statewide access to the clinics. The plan may include expand-
23 ing existing areas served by the clinics. In selecting new clinics, the
24 authority shall consider all organizations that meet the criteria for a
25 clinic, regardless of provider type.

26 “(2) No later than September 15, 2025, the authority shall seek fed-
27 eral approval for an amendment to the Medicaid state plan to allow
28 the state to receive federal financial participation in the costs of the
29 certified community behavioral health clinic program established in
30 section 14 of this 2024 Act on and after the date specified in subsection

1 (1) of this section.

2 “(3) The authority shall explore all prospective rate methodologies
3 allowed for the certified community behavioral health clinic model by
4 the Centers for Medicare and Medicaid Services.

5
6 “JOINT TASK FORCE ON REGIONAL BEHAVIORAL HEALTH AC-
7 COUNTABILITY
8

9 “SECTION 16. (1) The Joint Task Force on Regional Behavioral
10 Health Accountability is established to make recommendations to the
11 Legislative Assembly to improve the governance of behavioral health
12 systems and strengthen evidence-based funding decisions and ac-
13 countability of behavioral health systems.

14 “(2) The task force consists of 19 members appointed as follows:

15 “(a) The President of the Senate shall appoint one member from
16 among members of the Senate.

17 “(b) The Speaker of the House of Representatives shall appoint one
18 member from among members of the House of Representatives.

19 “(c) The Governor shall appoint 17 members as follows:

20 “(A) One member representing the Oregon Health Authority;

21 “(B) One member representing the Alcohol and Drug Policy Com-
22 mission;

23 “(C) One member representing the Department of Human Services;

24 “(D) One member representing coordinated care organizations;

25 “(E) One member representing the Oregon State Hospital;

26 “(F) One member representing Oregon counties;

27 “(G) One member representing Oregon cities;

28 “(H) One member representing county mental health providers;

29 “(I) One member from a large labor organization representing be-
30 havioral health workers;

1 **“(J) One member from a trade association representing private and**
2 **nonprofit behavioral health providers;**

3 **“(K) One member from a nonprofit substance use disorder treat-**
4 **ment provider;**

5 **“(L) One member from a large labor organization representing**
6 **nurses;**

7 **“(M) One member from a professional organization representing**
8 **doctors;**

9 **“(N) One member from a business coalition representing the hos-**
10 **pital industry;**

11 **“(O) One member from a business coalition representing the insur-**
12 **ance industry;**

13 **“(P) One member from a business coalition representing**
14 **pharmacists; and**

15 **“(Q) One member representing the Governor.**

16 **“(3) The task force shall develop recommendations to:**

17 **“(a) Improve collaboration and accountability across federal, state**
18 **and local behavioral health and substance use disorder treatment**
19 **programs and funding;**

20 **“(b) Improve outcomes in publicly supported treatment settings**
21 **across Oregon communities; and**

22 **“(c) Provide greater cost efficiencies in Oregon’s behavioral health**
23 **system continuum of care.**

24 **“(4) Recommendations developed under subsection (3) of this sec-**
25 **tion should include:**

26 **“(a) Any statutory changes needed to ensure that federal, state and**
27 **local funds are being spent to maximize outcomes and resource effi-**
28 **ciency;**

29 **“(b) Policy changes recommended based on a comparative analysis**
30 **of policies in other states that spend less on treatment but demon-**

1 **strate better behavioral health and substance use disorder treatment**
2 **outcomes; and**

3 **“(c) Any governance changes that would facilitate greater align-**
4 **ment of spending decisions between federal, state and local behavioral**
5 **health and substance use disorder treatment programs.**

6 **“(5) A majority of the voting members of the task force constitutes**
7 **a quorum for the transaction of business.**

8 **“(6) Official action by the task force requires the approval of a**
9 **majority of the voting members of the task force.**

10 **“(7) The task force shall elect one of its members to serve as**
11 **chairperson.**

12 **“(8) If there is a vacancy for any cause, the appointing authority**
13 **shall make an appointment to become immediately effective.**

14 **“(9) The task force shall meet at times and places specified by the**
15 **call of the chairperson or of a majority of the voting members of the**
16 **task force.**

17 **“(10) The task force may adopt rules necessary for the operation**
18 **of the task force.**

19 **“(11)(a) The task force shall provide draft recommendations devel-**
20 **oped under subsections (3) and (4) of this section to the interim com-**
21 **mittees of the Legislative Assembly related to health no later than**
22 **November 15, 2024.**

23 **“(b) The task force shall submit a final report of the task force’s**
24 **recommendations, in the manner provided by ORS 192.245, to the in-**
25 **terim committees of the Legislative Assembly related to health no**
26 **later than December 15, 2024.**

27 **“(12) The Legislative Policy and Research Director shall provide**
28 **staff support to the task force, including by:**

29 **“(a) Researching and providing analysis on current behavioral**
30 **health funding streams that support the continuum of care across**

1 **Oregon communities;**

2 **“(b) Reviewing strategies that have been successful in other states,**
3 **including through the use of federal Medicaid waivers or Medicaid**
4 **demonstration projects;**

5 **“(c) Reviewing data related to the challenges faced by individuals**
6 **receiving substance use disorder treatment in publicly supported**
7 **treatment settings; and**

8 **“(d) Reviewing the responsibilities of county and state agencies and**
9 **the accountability of county and state agencies for providing behav-**
10 **ioral health and substance use disorder treatment.**

11 **“(13) Members of the Legislative Assembly appointed to the task**
12 **force are nonvoting members of the task force and may act in an ad-**
13 **visory capacity only.**

14 **“(14) Members of the task force who are not members of the Leg-**
15 **islative Assembly are not entitled to compensation or reimbursement**
16 **for expenses and serve as volunteers on the task force.**

17 **“(15) All agencies of state government, as defined in ORS 174.111,**
18 **are directed to assist the task force in the performance of the duties**
19 **of the task force and, to the extent permitted by laws relating to**
20 **confidentiality, to furnish information and advice the members of the**
21 **task force consider necessary to perform their duties.**

22

23 **“CONFORMING AMENDMENTS**

24

25 **“SECTION 17. ORS 750.055 is amended to read:**

26 **“750.055. (1) The following provisions apply to health care service con-**
27 **tractors to the extent not inconsistent with the express provisions of ORS**
28 **750.005 to 750.095:**

29 **“(a) ORS 705.137, 705.138 and 705.139.**

30 **“(b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,**

1 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-
2 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,
3 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,
4 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

5 “(c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
6 732.517 to 732.596, not including ORS 732.582, and ORS 732.650 to 732.689.

7 “(d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
8 733.680 and 733.695 to 733.780.

9 “(e) ORS 734.014 to 734.440.

10 “(f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to
11 742.162 and 742.518 to 742.542.

12 “(g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,
13 743.023, 743.025, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to
14 743.109, 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498,
15 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680
16 to 743.689, 743.788, 743.790 and 743B.221.

17 “(h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,
18 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,
19 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,
20 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104,
21 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148,
22 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.175, 743A.185,
23 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260, 743A.310 and
24 743A.315 and section 2, chapter 771, Oregon Laws 2013, **and section 2 of this**
25 **2024 Act.**

26 “(i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195,
27 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225, 743B.227,
28 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257, 743B.258,
29 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310, 743B.320, 743B.323,
30 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400,

1 743B.403, 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452, 743B.453,
2 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601, 743B.602 and
3 743B.800.

4 “(j) The following provisions of ORS chapter 744:

5 “(A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation
6 of insurance producers;

7 “(B) ORS 744.602 to 744.665, relating to the regulation of insurance con-
8 sultants; and

9 “(C) ORS 744.700 to 744.740, relating to the regulation of third party ad-
10 ministrators.

11 “(k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
12 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
13 746.668, 746.670, 746.675, 746.680 and 746.690.

14 “(2) The following provisions of the Insurance Code apply to health care
15 service contractors except in the case of group practice health maintenance
16 organizations that are federally qualified pursuant to Title XIII of the Public
17 Health Service Act:

18 “(a) ORS 731.485, if the group practice health maintenance organization
19 wholly owns and operates an in-house drug outlet.

20 “(b) ORS 743A.024, unless the patient is referred by a physician, physician
21 assistant or nurse practitioner associated with a group practice health
22 maintenance organization.

23 “(3) For the purposes of this section, health care service contractors are
24 insurers.

25 “(4) Any for-profit health care service contractor organized under the
26 laws of any other state that is not governed by the insurance laws of the
27 other state is subject to all requirements of ORS chapter 732.

28 “(5)(a) A health care service contractor is a domestic insurance company
29 for the purpose of determining whether the health care service contractor is
30 a debtor, as defined in 11 U.S.C. 109.

1 “(b) A health care service contractor’s classification as a domestic insur-
2 ance company under paragraph (a) of this subsection does not subject the
3 health care service contractor to ORS 734.510 to 734.710.

4 “(6) The Director of the Department of Consumer and Business Services
5 may, after notice and hearing, adopt reasonable rules not inconsistent with
6 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary
7 for the proper administration of these provisions.

8 **“SECTION 18.** ORS 750.055, as amended by section 21, chapter 771,
9 Oregon Laws 2013, section 7, chapter 25, Oregon Laws 2014, section 82,
10 chapter 45, Oregon Laws 2014, section 9, chapter 59, Oregon Laws 2015, sec-
11 tion 7, chapter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws
12 2015, section 11, chapter 362, Oregon Laws 2015, section 10, chapter 470,
13 Oregon Laws 2015, section 30, chapter 515, Oregon Laws 2015, section 10,
14 chapter 206, Oregon Laws 2017, section 6, chapter 417, Oregon Laws 2017,
15 section 22, chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon
16 Laws 2018, section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151,
17 Oregon Laws 2019, section 5, chapter 441, Oregon Laws 2019, section 85,
18 chapter 97, Oregon Laws 2021, section 12, chapter 37, Oregon Laws 2022,
19 section 5, chapter 111, Oregon Laws 2023, and section 2, chapter 152, Oregon
20 Laws 2023, is amended to read:

21 “750.055. (1) The following provisions apply to health care service con-
22 tractors to the extent not inconsistent with the express provisions of ORS
23 750.005 to 750.095:

24 “(a) ORS 705.137, 705.138 and 705.139.

25 “(b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,
26 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-
27 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,
28 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,
29 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

30 “(c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and

1 732.517 to 732.596, not including ORS 732.582, and ORS 732.650 to 732.689.

2 “(d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
3 733.680 and 733.695 to 733.780.

4 “(e) ORS 734.014 to 734.440.

5 “(f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to
6 742.162 and 742.518 to 742.542.

7 “(g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,
8 743.023, 743.025, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to
9 743.109, 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498,
10 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680
11 to 743.689, 743.788, 743.790 and 743B.221.

12 “(h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,
13 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,
14 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,
15 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104,
16 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148,
17 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.175, 743A.185,
18 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260, 743A.310 and
19 **743A.315 and section 2 of this 2024 Act.**

20 “(i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195,
21 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225, 743B.227,
22 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257, 743B.258,
23 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310, 743B.320, 743B.323,
24 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400,
25 743B.403, 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452, 743B.453,
26 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601, 743B.602 and
27 743B.800.

28 “(j) The following provisions of ORS chapter 744:

29 “(A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation
30 of insurance producers;

1 “(B) ORS 744.602 to 744.665, relating to the regulation of insurance con-
2 sultants; and

3 “(C) ORS 744.700 to 744.740, relating to the regulation of third party ad-
4 ministrators.

5 “(k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
6 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
7 746.668, 746.670, 746.675, 746.680 and 746.690.

8 “(2) The following provisions of the Insurance Code apply to health care
9 service contractors except in the case of group practice health maintenance
10 organizations that are federally qualified pursuant to Title XIII of the Public
11 Health Service Act:

12 “(a) ORS 731.485, if the group practice health maintenance organization
13 wholly owns and operates an in-house drug outlet.

14 “(b) ORS 743A.024, unless the patient is referred by a physician, physician
15 assistant or nurse practitioner associated with a group practice health
16 maintenance organization.

17 “(3) For the purposes of this section, health care service contractors are
18 insurers.

19 “(4) Any for-profit health care service contractor organized under the
20 laws of any other state that is not governed by the insurance laws of the
21 other state is subject to all requirements of ORS chapter 732.

22 “(5)(a) A health care service contractor is a domestic insurance company
23 for the purpose of determining whether the health care service contractor is
24 a debtor, as defined in 11 U.S.C. 109.

25 “(b) A health care service contractor’s classification as a domestic insur-
26 ance company under paragraph (a) of this subsection does not subject the
27 health care service contractor to ORS 734.510 to 734.710.

28 “(6) The Director of the Department of Consumer and Business Services
29 may, after notice and hearing, adopt reasonable rules not inconsistent with
30 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary

1 for the proper administration of these provisions.

2 **“SECTION 19.** ORS 750.333 is amended to read:

3 “750.333. (1) The following provisions apply to trusts carrying out a mul-
4 tiple employer welfare arrangement:

5 “(a) ORS 705.137, 705.138 and 705.139.

6 “(b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,
7 731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,
8 731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,
9 731.640 to 731.652, 731.804, 731.808 and 731.844 to 731.992.

10 “(c) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680
11 and 733.695 to 733.780.

12 “(d) ORS 734.014 to 734.440.

13 “(e) ORS 742.001 to 742.009, 742.013, 742.016, 742.061 and 742.065.

14 “(f) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.023,
15 743.028, 743.029, 743.053, 743.405, 743.406, 743.524, 743.526, 743.535 and
16 743B.221.

17 “(g) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.024, 743A.034,
18 743A.036, 743A.040, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,
19 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,
20 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104,
21 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148,
22 743A.150, 743A.160, 743A.168, 743A.169, 743A.170, 743A.175, 743A.180,
23 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260 and
24 **743A.310 and section 2 of this 2024 Act.**

25 “(h) ORS 743B.001, 743B.003 to 743B.127 (except 743B.125 to 743B.127),
26 743B.195, 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225,
27 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257,
28 743B.258, 743B.310, 743B.320, 743B.321, 743B.330, 743B.340, 743B.341, 743B.342,
29 743B.343, 743B.344, 743B.345, 743B.347, 743B.400, 743B.403, 743B.407, 743B.420,
30 743B.423, 743B.451, 743B.453, 743B.470, 743B.505, 743B.550, 743B.555 and

1 743B.601.

2 “(i) The following provisions of ORS chapter 744:

3 “(A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation
4 of insurance producers;

5 “(B) ORS 744.602 to 744.665, relating to the regulation of insurance con-
6 sultants; and

7 “(C) ORS 744.700 to 744.740, relating to the regulation of third party ad-
8 ministrators.

9 “(j) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

10 “(2) For the purposes of this section:

11 “(a) A trust carrying out a multiple employer welfare arrangement is an
12 insurer.

13 “(b) References to certificates of authority are references to certificates
14 of multiple employer welfare arrangement.

15 “(c) Contributions are premiums.

16 “(3) The provision of health benefits under ORS 750.301 to 750.341 is the
17 transaction of health insurance.

18 “(4) The Department of Consumer and Business Services may adopt rules
19 that are necessary to implement the provisions of ORS 750.301 to 750.341.

20

21 **“DELIVERY OF CONTROLLED SUBSTANCES**

22 **“(Delivery Definition Based on State v. Boyd)**

23

24 **“SECTION 20.** ORS 475.005 is amended to read:

25 “475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless
26 the context requires otherwise:

27 “(1) ‘Abuse’ means the repetitive excessive use of a drug short of de-
28 pendence, without legal or medical supervision, which may have a detri-
29 mental effect on the individual or society.

30 “(2) ‘Administer’ means the direct application of a controlled substance,

1 whether by injection, inhalation, ingestion or any other means, to the body
2 of a patient or research subject by:

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

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

5 “(3) ‘Administration’ means the Drug Enforcement Administration of the
6 United States Department of Justice, or its successor agency.

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

11 “(5) ‘Board’ means the State Board of Pharmacy.

12 “(6) ‘Controlled substance’:

13 “(a) Means a drug or its immediate precursor classified in Schedules I
14 through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812,
15 as modified under ORS 475.035. The use of the term ‘precursor’ in this para-
16 graph does not control and is not controlled by the use of the term
17 ‘precursor’ in ORS 475.752 to 475.980.

18 “(b) Does not include:

19 “(A) The plant Cannabis family Cannabaceae;

20 “(B) Any part of the plant Cannabis family Cannabaceae, whether grow-
21 ing or not;

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

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

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

27 “(F) Psilocybin or psilocin, but only if and to the extent that a person
28 manufactures, delivers, or possesses psilocybin, psilocin, or psilocybin pro-
29 ducts in accordance with the provisions of ORS 475A.210 to 475A.722 and
30 rules adopted under ORS 475A.210 to 475A.722.

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

6 “(8) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted
7 transfer **of, or possession with the intent to transfer**, other than by ad-
8 ministering or dispensing, from one person to another, [of] a controlled sub-
9 stance, whether or not there is an agency relationship.

10 “(9) ‘Device’ means instruments, apparatus or contrivances, including
11 their components, parts or accessories, intended:

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

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

16 “(10) ‘Dispense’ means to deliver a controlled substance to an ultimate
17 user or research subject by or pursuant to the lawful order of a practitioner,
18 and includes the prescribing, administering, packaging, labeling or com-
19 pounding necessary to prepare the substance for that delivery.

20 “(11) ‘Dispenser’ means a practitioner who dispenses.

21 “(12) ‘Distributor’ means a person who delivers.

22 “(13) ‘Drug’ means:

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

26 “(b) Substances intended for use in the diagnosis, cure, mitigation, treat-
27 ment or prevention of disease in humans or animals;

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

30 “(d) Substances intended for use as a component of any article specified

1 in paragraph (a), (b) or (c) of this subsection; however, the term does not
2 include devices or their components, parts or accessories.

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

8 “(15) ‘Manufacture’ means the production, preparation, propagation, com-
9 pounding, conversion or processing of a controlled substance, either directly
10 or indirectly by extraction from substances of natural origin, or independ-
11 ently by means of chemical synthesis, or by a combination of extraction and
12 chemical synthesis, and includes any packaging or repackaging of the sub-
13 stance or labeling or relabeling of its container, except that this term does
14 not include the preparation or compounding of a controlled substance:

15 “(a) By a practitioner as an incident to administering or dispensing of a
16 controlled substance in the course of professional practice; or

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

20 “(16) ‘Person’ includes a government subdivision or agency, business trust,
21 estate, trust or any other legal entity.

22 “(17) ‘Practitioner’ means physician, dentist, veterinarian, scientific in-
23 vestigator, licensed nurse practitioner, physician assistant or other person
24 licensed, registered or otherwise permitted by law to dispense, conduct re-
25 search with respect to or to administer a controlled substance in the course
26 of professional practice or research in this state but does not include a
27 pharmacist or a pharmacy.

28 “(18) ‘Prescription’ means a written, oral or electronically transmitted
29 direction, given by a practitioner for the preparation and use of a drug.
30 When the context requires, ‘prescription’ also means the drug prepared under

1 such written, oral or electronically transmitted direction. Any label affixed
2 to a drug prepared under written, oral or electronically transmitted direction
3 shall prominently display a warning that the removal thereof is prohibited
4 by law.

5 “(19) ‘Production’ includes the manufacture, planting, cultivation, grow-
6 ing or harvesting of a controlled substance.

7 “(20) ‘Research’ means an activity conducted by the person registered
8 with the federal Drug Enforcement Administration pursuant to a protocol
9 approved by the United States Food and Drug Administration.

10 “(21) ‘Ultimate user’ means a person who lawfully possesses a controlled
11 substance for the use of the person or for the use of a member of the
12 household of the person or for administering to an animal owned by the
13 person or by a member of the household of the person.

14 “(22) ‘Usable quantity’ means:

15 “(a) An amount of a controlled substance that is sufficient to physically
16 weigh independent of its packaging and that does not fall below the uncer-
17 tainty of the measuring scale; or

18 “(b) An amount of a controlled substance that has not been deemed
19 unweighable, as determined by a Department of State Police forensic labo-
20 ratory, due to the circumstances of the controlled substance.

21 “(23) **‘Within 500 feet’ means a straight line measurement in a ra-**
22 **dius extending for 500 feet or less in every direction from a specified**
23 **location or from any point on the boundary line of a specified unit of**
24 **property.**

25 “[23] (24) ‘Within 1,000 feet’ means a straight line measurement in a
26 radius extending for 1,000 feet or less in every direction from a specified lo-
27 cation or from any point on the boundary line of a specified unit of property.

28

29 “(Delivery in Certain Locations)

30

1 **“SECTION 21.** ORS 475.900 is amended to read:

2 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or
3 475.906 shall be classified as crime category 8 of the sentencing guidelines
4 grid of the Oregon Criminal Justice Commission if:

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

9 “(A) Five grams or more of a mixture or substance containing a detect-
10 able amount of heroin;

11 “(B) Five grams or more or 25 or more user units of a mixture or sub-
12 stance containing a detectable amount of fentanyl, or any substituted deriv-
13 ative of fentanyl as defined by the rules of the State Board of Pharmacy;

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

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

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

20 “(F) Sixty grams or more of a mixture or substance containing a detect-
21 able amount of psilocybin or psilocin; or

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

24 “(i) 3,4-methylenedioxyamphetamine;

25 “(ii) 3,4-methylenedioxymethamphetamine; or

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

27 “(b) The violation constitutes possession, delivery or manufacture of a
28 controlled substance and the possession, delivery or manufacture is a com-
29 mercial drug offense. A possession, delivery or manufacture is a commercial
30 drug offense for purposes of this subsection if it is accompanied by at least

1 three of the following factors:

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

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

5 “(C) The offender was unlawfully in possession of a firearm or other
6 weapon as described in ORS 166.270 (2), or the offender used, attempted to
7 use or threatened to use a deadly or dangerous weapon as defined in ORS
8 161.015, or the offender was in possession of a firearm or other deadly or
9 dangerous weapon as defined in ORS 161.015 for the purpose of using it in
10 connection with a controlled substance offense;

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

15 “(E) The offender was in possession of drug transaction records or cus-
16 tomer lists;

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

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

20 “(H) The offender was in possession of manufacturing paraphernalia, in-
21 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-
22 lating or power generating equipment;

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

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

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

29 “(i) Three grams or more of a mixture or substance containing a detect-
30 able amount of heroin;

1 “(ii) Three grams or more or 15 or more user units of a mixture or sub-
2 stance containing a detectable amount of fentanyl, or any substituted deriv-
3 ative of fentanyl as defined by the rules of the State Board of Pharmacy;

4 “(iii) Eight grams or more of a mixture or substance containing a de-
5 tectable amount of cocaine;

6 “(iv) Eight grams or more of a mixture or substance containing a detect-
7 able amount of methamphetamine;

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

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

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

14 “(I) 3,4-methylenedioxyamphetamine;

15 “(II) 3,4-methylenedioxymethamphetamine; or

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

17 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.868,
18 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

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

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

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

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

27 **“(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified**
28 **as crime category 7 of the sentencing guidelines grid of the Oregon**
29 **Criminal Justice Commission if the violation constitutes delivery for**
30 **consideration of heroin, cocaine, fentanyl, methamphetamine or**

1 **3,4-methylenedioxyamphetamine,**
2 **3,4-methylenedioxymethamphetamine** or
3 **3,4-methylenedioxy-N-ethylamphetamine and:**

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

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

10 **“(c) The delivery occurs within a public park.**

11 “[2] (3) A violation of ORS 475.752 or 475.806 to 475.894 shall be classi-
12 fied as crime category 6 of the sentencing guidelines grid of the Oregon
13 Criminal Justice Commission if:

14 **“(a) The violation constitutes delivery of heroin, cocaine, fentanyl, meth-**
15 **amphetamine or 3,4-methylenedioxyamphetamine,**
16 **3,4-methylenedioxymethamphetamine or**
17 **3,4-methylenedioxy-N-ethylamphetamine and is for consideration.**

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

21 **“(A) Five grams or more of a mixture or substance containing a detect-**
22 **able amount of heroin;**

23 **“(B) Five grams or more or 25 or more user units of a mixture or sub-**
24 **stance containing a detectable amount of fentanyl, or any substituted deriv-**
25 **ative of fentanyl as defined by the rules of the State Board of Pharmacy;**

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

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

30 **“(E) Two hundred or more user units of a mixture or substance containing**

1 a detectable amount of lysergic acid diethylamide;

2 “(F) Sixty grams or more of a mixture or substance containing a detect-
3 able amount of psilocybin or psilocin; or

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

6 “(i) 3,4-methylenedioxyamphetamine;

7 “(ii) 3,4-methylenedioxymethamphetamine; or

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

9 “(4) **A violation of ORS 475.752 or 475.806 to 475.894 shall be classified**
10 **as crime category 5 of the sentencing guidelines grid of the Oregon**
11 **Criminal Justice Commission if the violation constitutes delivery of**
12 **heroin, cocaine, fentanyl, methamphetamine or**
13 **3,4-methylenedioxyamphetamine,**
14 **3,4-methylenedioxymethamphetamine or**
15 **3,4-methylenedioxy-N-ethylamphetamine and:**

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

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

22 “(c) **The delivery occurs within a public park.**

23 “[3] (5) Any felony violation of ORS 475.752 or 475.806 to 475.894 not
24 contained in subsection (1) or (2) of this section shall be classified as crime
25 category 4 of the sentencing guidelines grid of the Oregon Criminal Justice
26 Commission if the violation involves delivery or manufacture of a controlled
27 substance.

28 “[4] (6) In order to prove a commercial drug offense, the state shall
29 plead in the accusatory instrument sufficient factors of a commercial drug
30 offense under subsections (1) and (2) of this section. The state has the burden

1 of proving each factor beyond a reasonable doubt.

2 “[5] (7) As used in this section[,]:

3 **“(a) ‘Mixture or substance’ means any mixture or substance, whether or**
4 **not the mixture or substance is in an ingestible or marketable form at the**
5 **time of the offense.**

6 **“(b) ‘Public park’ means a park operated by the state, a county, a**
7 **city or a park and recreation district.**

8 **“(c) ‘Temporary residence shelter’ means a building that provides**
9 **shelter on a temporary basis for individuals and families who lack**
10 **permanent housing.**

11 **“(d) ‘Treatment facility’ has the meaning given that term in ORS**
12 **430.306.**

13

14 **“(Reevaluation of Release Guidelines)**

15

16 **“SECTION 22. No later than June 1, 2024, the Chief Justice of the**
17 **Supreme Court, with input from a criminal justice advisory committee**
18 **appointed by the Chief Justice, shall reevaluate and update the release**
19 **guidelines for the pretrial release orders established under ORS 135.233**
20 **for persons arrested for or charged with delivery or manufacture of a**
21 **controlled substance.**

22 **“SECTION 23. Section 22 of this 2024 Act is repealed on January 2,**
23 **2025.**

24

25 **“POSSESSION OF CONTROLLED SUBSTANCES**

26 **“(Defense to Charge)**

27

28 **“SECTION 24. Section 25 of this 2024 Act is added to and made a**
29 **part of ORS 475.752 to 475.980.**

30 **“SECTION 25. (1) Except as provided in subsection (2) of this sec-**

1 tion, and subject to the requirements described in subsection (3) of this
2 section, it is an affirmative defense to a charge of unlawful possession
3 of a controlled substance under ORS 475.752, 475.814, 475.824, 475.834,
4 475.854, 475.874, 475.884 and 475.894, constituting a Class C
5 misdemeanor, that the person is at least 18 years of age and:

6 “(a) Completed a qualified deflection program to which the person
7 was referred when contacted by a law enforcement officer concerning
8 the conduct constituting the alleged possession; or

9 “(b) Was not referred to a qualified deflection program when the
10 person was contacted by a law enforcement officer concerning the
11 conduct constituting the alleged possession.

12 “(2) A person does not qualify for the affirmative defense described
13 in subsection (1)(b) of this section if, at the time the person was con-
14 tacted by a law enforcement officer concerning the conduct consti-
15 tuting the alleged possession, the law enforcement officer had probable
16 cause to arrest or cite the person for any other offense.

17 “(3)(a) A defendant may not introduce evidence of an affirmative
18 defense described in subsection (1) of this section unless the defendant
19 gives notice in writing specifying the defense upon which the defend-
20 ant intends to rely. The notice must be filed with the court and served
21 on the prosecuting attorney at least 21 days before the first trial date
22 set for the case, unless the court authorizes a later date for good cause
23 shown.

24 “(b) The notice described in paragraph (a) of this subsection must
25 be accompanied by any document the defendant intends to introduce
26 into evidence as proof of the defense.

27 “(4) As used in this section:

28 “(a) ‘Completed’ means that the person, after being referred to the
29 qualified deflection program:

30 “(A) Received, as part of the program, a behavioral health screening

1 described in ORS 430.389 (2)(e)(A) or an equivalent screening; and

2 “(B) Engaged in at least one additional contact with the program
3 following the screening, which may include but is not limited to indi-
4 vidual intervention planning, case management or connection to ser-
5 vices.

6 “(b) ‘Qualified deflection program’ means a program certified by the
7 Oregon Criminal Justice Commission under section 26 of this 2024 Act.

8 **“SECTION 26. (1) The Oregon Criminal Justice Commission shall**
9 **establish a certification process for deflection programs that qualify**
10 **for the defense described in section 25 of this 2024 Act.**

11 **“(2) To be eligible for certification under this section, a deflection**
12 **program:**

13 **“(a) Must be coordinated by a community mental health program**
14 **or a local mental health authority with the following program coordi-**
15 **nator duties:**

16 **“(A) Convening deflection program partners as needed for the op-**
17 **eration of the program;**

18 **“(B) Managing grant program funds awarded under section 62 of**
19 **this 2024 Act, if applicable;**

20 **“(C) Ensuring that the program receives certification under this**
21 **section; and**

22 **“(D) Providing the written verifications and notices described in**
23 **paragraph (g) of this subsection to the referring law enforcement**
24 **agency;**

25 **“(b) Must be focused on serving individuals who are referred to the**
26 **program as follows:**

27 **“(A) A law enforcement officer engages with an individual whom**
28 **the officer has probable cause to arrest or cite for unlawful possession**
29 **of a controlled substance; and**

30 **“(B) The law enforcement officer refers the individual to the pro-**

1 **gram, completion of which results in the individual not being prose-**
2 **cuted for the charges;**

3 **“(c) Must be made available to referred individuals at no cost;**

4 **“(d) Must provide an initial contact with a referred individual with**
5 **the program within 30 days of the referral;**

6 **“(e) Must provide participants with a behavioral health screening**
7 **described in ORS 430.389 (2)(e)(A) or an equivalent screening;**

8 **“(f) Must provide participants with at least one additional contact**
9 **with the program following the screening, which may include but is**
10 **not limited to individual intervention planning, case management or**
11 **connection to services;**

12 **“(g) Must provide to the program coordinator:**

13 **“(A) Written verification of a participant’s completion of the**
14 **screening described in paragraph (e) of this subsection and the addi-**
15 **tional contact described in paragraph (f) of this subsection; or**

16 **“(B) Written notice that a participant did not complete the screen-**
17 **ing described in paragraph (e) of this subsection or the additional**
18 **contact described in paragraph (f) of this subsection;**

19 **“(h) Must involve partnerships with the local Behavioral Health**
20 **Resource Networks established under ORS 430.389 and a law enforce-**
21 **ment agency; and**

22 **“(i) May involve a partnership with one or more of the following**
23 **entities:**

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

25 **“(B) A community provider;**

26 **“(C) A treatment provider;**

27 **“(D) A community-based organization;**

28 **“(E) A case management provider;**

29 **“(F) A recovery support services provider; or**

30 **“(G) Any other individual or entity deemed necessary by the pro-**

1 **gram coordinator to carry out the purposes of the deflection program,**
2 **including individuals with lived experience with substance use disorder,**
3 **a behavioral health disorder or co-occurring disorders.**

4 **“(3) The commission may certify a deflection program that offers**
5 **services in addition to the services described in subsection (2)(e) and**
6 **(f) of this section, or that provides services to individuals in addition**
7 **to the referred individuals described in subsection (2)(b) of this section.**

8 **“(4) The commission shall maintain a list of deflection programs**
9 **certified under this section, and shall make the list publicly available**
10 **on the website of the commission.**

11 **“(5) As used in this section, ‘deflection program’ means a**
12 **collaborative program between law enforcement agencies and behav-**
13 **ioral health entities that assists individuals who may have substance**
14 **use disorder, another behavioral health disorder or co-occurring dis-**
15 **orders, to create community-based pathways to treatment, recovery**
16 **support services, housing, case management or other services.**

17 **“SECTION 27. ORS 40.510 is amended to read:**

18 **“40.510. (1) Extrinsic evidence of authenticity as a condition precedent to**
19 **admissibility is not required with respect to the following:**

20 **“(a) A document bearing a seal purporting to be that of the United States,**
21 **or of any state, district, commonwealth, territory, or insular possession**
22 **thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Is-**
23 **lands, or of a political subdivision, department, officer, or agency thereof,**
24 **and a signature purporting to be an attestation or execution.**

25 **“(b) A document purporting to bear the signature, in an official capacity,**
26 **of an officer or employee of any entity included in subsection (1)(a) of this**
27 **section, having no seal, if a public officer having a seal and having official**
28 **duties in the district or political subdivision of the officer or employee cer-**
29 **tifies under seal that the signer has the official capacity and that the sig-**
30 **nature is genuine.**

1 “(c) A document purporting to be:

2 “(A) Executed or attested in an official capacity by a person authorized
3 by the laws of a foreign country to make the execution or attestation; and

4 “(B) Accompanied by a final certification as provided in subsection (3)
5 of this section as to the genuineness of the signature and official position
6 of:

7 “(i) The executing or attesting person; or

8 “(ii) Any foreign official whose certificate of genuineness of signature and
9 official position relates to the execution or attestation or is in a chain of
10 certificates of genuineness of signature and official position relating to the
11 execution or attestation.

12 “(d) A copy of an official record or report or entry therein, or of a docu-
13 ment authorized by law to be recorded or filed and actually recorded or filed
14 in a public office, including data compilations in any form, certified as cor-
15 rect by the custodian or other person authorized to make the certification,
16 by certificate complying with subsection (1)(a), (b) or (c) of this section or
17 otherwise complying with any law or rule prescribed by the Supreme Court.

18 “(e) Books, pamphlets or other publications purporting to be issued by
19 public authority.

20 “(f) Printed materials purporting to be newspapers or periodicals.

21 “(g) Inscriptions, signs, tags or labels purporting to have been affixed in
22 the course of business and indicating ownership, control or origin.

23 “(h) Documents accompanied by a certificate of acknowledgment executed
24 in the manner provided by law by a notary public or other officer authorized
25 by law to take acknowledgments.

26 “(i) Commercial paper, signatures thereon and documents relating thereto
27 to the extent provided by the Uniform Commercial Code or ORS chapter 83.

28 “(j) Any signature, documents or other matter declared by law to be
29 presumptively or prima facie genuine or authentic.

30 “(k)(A) A document bearing a seal purporting to be that of a federally

1 recognized Indian tribal government or of a political subdivision, department,
2 officer, or agency thereof, and a signature purporting to be an attestation
3 or execution.

4 “(B) A document purporting to bear the signature, in an official capacity,
5 of an officer or employee of any entity included in subparagraph (A) of this
6 paragraph, having no seal, if a public officer having a seal and having offi-
7 cial duties in the district or political subdivision or the officer or employee
8 certifies under seal that the signer has the official capacity and that the
9 signature is genuine.

10 “(L)(A) Any document containing data prepared or recorded by the
11 Oregon State Police pursuant to ORS 813.160 (1)(b)(C) or (E), or pursuant to
12 ORS 475.235 (4), if the document is produced by data retrieval from the Law
13 Enforcement Data System or other computer system maintained and operated
14 by the Oregon State Police, and the person retrieving the data attests that
15 the information was retrieved directly from the system and that the docu-
16 ment accurately reflects the data retrieved.

17 “(B) Any document containing data prepared or recorded by the Oregon
18 State Police that is produced by data retrieval from the Law Enforcement
19 Data System or other computer system maintained and operated by the
20 Oregon State Police and that is electronically transmitted through public or
21 private computer networks under an electronic signature adopted by the
22 Oregon State Police if the person receiving the data attests that the docu-
23 ment accurately reflects the data received.

24 “(m) A report prepared by a forensic scientist that contains the results
25 of a presumptive test conducted by the forensic scientist as described in ORS
26 475.235, if the forensic scientist attests that the report accurately reflects the
27 results of the presumptive test.

28 “(n) **A document purporting to be a record of a completion of a**
29 **deflection program as defined in section 26 of this 2024 Act.**

30 “(2) For the purposes of this section, ‘signature’ includes any symbol ex-

1 ecuted or adopted by a party with present intention to authenticate a writ-
2 ing.

3 “(3) A final certification for purposes of subsection (1)(c) of this section
4 may be made by a secretary of embassy or legation, consul general, consul,
5 vice consul, or consular agent of the United States, or a diplomatic or
6 consular official of the foreign country assigned or accredited to the United
7 States. If reasonable opportunity has been given to all parties to investigate
8 the authenticity and accuracy of official documents, the court may, for good
9 cause shown, order that they be treated as presumptively authentic without
10 final certification or permit them to be evidenced by an attested summary
11 with or without final certification.

12

13 **“(Class C Misdemeanor Penalties)”**

14

15 **“SECTION 28.** ORS 475.752 is amended to read:

16 “475.752. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752
17 to 475.980, it is unlawful for any person to manufacture or deliver a con-
18 trolled substance. Any person who violates this subsection with respect to:

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

21 “(b) A controlled substance in Schedule II, is guilty of a Class B felony,
22 except as otherwise provided in ORS 475.878, 475.880, 475.882, 475.904 and
23 475.906.

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

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

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

30 “(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980,

1 it is unlawful for any person to create or deliver a counterfeit substance.

2 Any person who violates this subsection with respect to:

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

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

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

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

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

10 “(3) It is unlawful for any person knowingly or intentionally to possess
11 a controlled substance unless the substance was obtained directly from, or
12 pursuant to a valid prescription or order of, a practitioner while acting in
13 the course of professional practice, or except as otherwise authorized by ORS
14 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this sub-
15 section with respect to:

16 “(a) A controlled substance in Schedule I, is guilty of a [*Class E*
17 *violation*] **Class C misdemeanor**, except as otherwise provided in ORS
18 475.854, 475.874 and 475.894 and subsection (7) of this section.

19 “(b) A controlled substance in Schedule II, is guilty of a [*Class E*
20 *violation*] **Class C misdemeanor**, except as otherwise provided in ORS
21 475.814, 475.824, 475.834 or 475.884 or subsection (8) of this section.

22 “(c) A controlled substance in Schedule III, is guilty of a [*Class E vio-*
23 *lation*] **Class C misdemeanor**.

24 “(d) A controlled substance in Schedule IV, is guilty of a [*Class E vio-*
25 *lation*] **Class C misdemeanor**.

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

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

1 “(a) In connection with the good faith practice of a religious belief;
2 “(b) As directly associated with a religious practice; and
3 “(c) In a manner that is not dangerous to the health of the user or others
4 who are in the proximity of the user.

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

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

11 “(b) For purposes of this subsection, causation is established when the
12 controlled substance plays a substantial role in the death of the other per-
13 son.

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

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

17 “(A) Forty or more user units of a mixture or substance containing a de-
18 tectable amount of lysergic acid diethylamide; or

19 “(B) Twelve grams or more of a mixture or substance containing a de-
20 tectable amount of psilocybin or psilocin.

21 “(b) unlawful possession of a controlled substance in Schedule I is a Class
22 B felony if:

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

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

27 “(8) Notwithstanding subsection (3)(b) of this section:

28 “(a) Unlawful possession of a controlled substance in Schedule II is a
29 Class A misdemeanor if the person possesses one gram or more or five or
30 more user units of a mixture or substance containing a detectable amount

1 of fentanyl, or any substituted derivative of fentanyl as defined by the rules
2 of the State Board of Pharmacy.

3 “(b) Unlawful possession of a controlled substance in Schedule II is a
4 Class C felony if:

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

7 “(B) The person possesses a substantial quantity under ORS 475.900
8 [(2)(b)] (3)(b).

9 “(9) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person
10 is convicted of a Class C misdemeanor under subsection (3) of this
11 section, the court may not include in the judgment a requirement that
12 the person pay a fine, cost, assessment or attorney fee.

13 **“SECTION 29.** ORS 475.814 is amended to read:

14 “475.814. (1) It is unlawful for any person knowingly or intentionally to
15 possess hydrocodone unless the hydrocodone was obtained directly from, or
16 pursuant to a valid prescription or order of, a practitioner while acting in
17 the course of professional practice, or except as otherwise authorized by ORS
18 475.005 to 475.285 and 475.752 to 475.980.

19 “(2)(a) Unlawful possession of hydrocodone is a [*Class E violation*] **Class**
20 **C misdemeanor.**

21 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
22 session of hydrocodone is a Class A misdemeanor if:

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

25 “(B) The person possesses 40 or more pills, tablets, capsules or user units
26 of a mixture or substance containing a detectable amount of hydrocodone.

27 “(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person
28 is convicted of a Class C misdemeanor under this section, the court
29 may not include in the judgment a requirement that the person pay
30 a fine, cost, assessment or attorney fee.

1 **“SECTION 30.** ORS 475.824 is amended to read:

2 “475.824. (1) It is unlawful for any person knowingly or intentionally to
3 possess methadone unless the methadone was obtained directly from, or
4 pursuant to a valid prescription or order of, a practitioner while acting in
5 the course of professional practice, or except as otherwise authorized by ORS
6 475.005 to 475.285 and 475.752 to 475.980.

7 “(2)(a) Unlawful possession of methadone is a [*Class E violation*] **Class**
8 **C misdemeanor.**

9 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
10 session of methadone is a Class A misdemeanor if the person possesses 40
11 or more user units of a mixture or substance containing a detectable amount
12 of methadone.

13 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful
14 possession of methadone is a Class C felony if the possession is a commercial
15 drug offense under ORS 475.900 (1)(b).

16 **“(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person**
17 **is convicted of a Class C misdemeanor under this section, the court**
18 **may not include in the judgment a requirement that the person pay**
19 **a fine, cost, assessment or attorney fee.**

20 **“SECTION 31.** ORS 475.834 is amended to read:

21 “475.834. (1) It is unlawful for any person knowingly or intentionally to
22 possess oxycodone unless the oxycodone was obtained directly from, or pur-
23 suant to a valid prescription or order of, a practitioner while acting in the
24 course of professional practice, or except as otherwise authorized by ORS
25 475.005 to 475.285 and 475.752 to 475.980.

26 “(2)(a) Unlawful possession of oxycodone is a [*Class E violation*] **Class C**
27 **misdemeanor.**

28 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
29 session of oxycodone is a Class A misdemeanor if the person possesses 40 or
30 more pills, tablets, capsules or user units of a mixture or substance con-

1 taining a detectable amount of oxycodone.

2 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful
3 possession of oxycodone is a Class C felony if the possession is a commercial
4 drug offense under ORS 475.900 (1)(b).

5 **“(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person**
6 **is convicted of a Class C misdemeanor under this section, the court**
7 **may not include in the judgment a requirement that the person pay**
8 **a fine, cost, assessment or attorney fee.**

9 **“SECTION 32.** ORS 475.854 is amended to read:

10 “475.854. (1) It is unlawful for any person knowingly or intentionally to
11 possess heroin.

12 “(2)(a) Unlawful possession of heroin is a [*Class E violation*] **Class C**
13 **misdemeanor.**

14 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
15 session of heroin is a Class A misdemeanor if the person possesses one gram
16 or more of a mixture or substance containing a detectable amount of heroin.

17 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful
18 possession of heroin is a Class B felony if:

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

21 “(B) The person possesses a substantial quantity under ORS 475.900
22 [(2)(b)] (3)(b).

23 **“(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person**
24 **is convicted of a Class C misdemeanor under this section, the court**
25 **may not include in the judgment a requirement that the person pay**
26 **a fine, cost, assessment or attorney fee.**

27 **“SECTION 33.** ORS 475.874 is amended to read:

28 “475.874. (1) It is unlawful for any person knowingly or intentionally to
29 possess 3,4-methylenedioxymethamphetamine.

30 “(2)(a) Unlawful possession of 3,4-methylenedioxymethamphetamine is a

1 [Class E violation] **Class C misdemeanor.**

2 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
3 session of 3,4-methylenedioxymethamphetamine is a Class A misdemeanor if
4 the person possesses one gram or more or five or more pills, tablets or cap-
5 sules of a mixture or substance containing a detectable amount of:

6 “(A) 3,4-methylenedioxyamphetamine;

7 “(B) 3,4-methylenedioxymethamphetamine; or

8 “(C) 3,4-methylenedioxy-N-ethylamphetamine.

9 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, unlawful
10 possession of 3,4-methylenedioxymethamphetamine is a Class B felony if:

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

13 “(B) The person possesses a substantial quantity under ORS 475.900
14 [(2)(b)] (3)(b).

15 “(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person
16 is convicted of a Class C misdemeanor under this section, the court
17 may not include in the judgment a requirement that the person pay
18 a fine, cost, assessment or attorney fee.

19 “**SECTION 34.** ORS 475.884 is amended to read:

20 “475.884. (1) It is unlawful for any person knowingly or intentionally to
21 possess cocaine unless the substance was obtained directly from, or pursuant
22 to, a valid prescription or order of a practitioner while acting in the course
23 of professional practice, or except as otherwise authorized by ORS 475.005
24 to 475.285 and 475.752 to 475.980.

25 “(2)(a) Unlawful possession of cocaine is a [Class E violation] **Class C**
26 **misdemeanor.**

27 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
28 session of cocaine is a Class A misdemeanor if the person possesses two
29 grams or more of a mixture or substance containing a detectable amount of
30 cocaine.

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

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

5 “(B) The person possesses a substantial quantity under ORS 475.900
6 [(2)(b)] (3)(b).

7 “(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person
8 is convicted of a Class C misdemeanor under this section, the court
9 may not include in the judgment a requirement that the person pay
10 a fine, cost, assessment or attorney fee.

11 “SECTION 35. ORS 475.894 is amended to read:

12 “475.894. (1) It is unlawful for any person knowingly or intentionally to
13 possess methamphetamine unless the substance was obtained directly from,
14 or pursuant to, a valid prescription or order of a practitioner while acting
15 in the course of professional practice, or except as otherwise authorized by
16 ORS 475.005 to 475.285 and 475.752 to 475.980.

17 “(2)(a) Unlawful possession of methamphetamine is a [*Class E violation*]
18 **Class C misdemeanor.**

19 “(b) Notwithstanding paragraph (a) of this subsection, unlawful pos-
20 session of methamphetamine is a Class A misdemeanor if the person pos-
21 sesses two grams or more of a mixture or substance containing a detectable
22 amount of methamphetamine.

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

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

27 “(B) The person possesses a substantial quantity under ORS 475.900
28 [(2)(b)] (3)(b).

29 “(3) Notwithstanding ORS 135.050, 161.635 and 161.665, when a person
30 is convicted of a Class C misdemeanor under this section, the court

1 **may not include in the judgment a requirement that the person pay**
2 **a fine, cost, assessment or attorney fee.**

3

4

“(Supervision Duty and Funding)”

5

6 **“SECTION 36.** ORS 423.478 is amended to read:

7 **“423.478. (1) The Department of Corrections shall:**

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

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

11 **“(A) Allow tracking of offenders; and**

12 **“(B) Permit analysis of correlations between sanctions, supervision, ser-**
13 **vices and programs, and future criminal conduct; and**

14 **“(c) Provide interstate compact administration and jail inspections.**

15 **“(2) Subject to ORS 423.483, each county, in partnership with the depart-**
16 **ment, shall assume responsibility for community-based supervision, sanctions**
17 **and services for offenders convicted of felonies, designated drug-related**
18 **misdemeanors or designated person misdemeanors, or persons who have**
19 **entered into a probation agreement on a designated drug-related**
20 **misdemeanor pursuant to section 41 of this 2024 Act, who are:**

21 **“(a) On parole;**

22 **“(b) On probation;**

23 **“(c) On post-prison supervision;**

24 **“(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-**
25 **ceration;**

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

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

30 **“(3) Notwithstanding the fact that the court has sentenced a person to a**

1 term of incarceration, when an offender is committed to the custody of the
2 supervisory authority of a county under ORS 137.124 (2) or (4), the supervi-
3 sory authority may execute the sentence by imposing sanctions other than
4 incarceration if deemed appropriate by the supervisory authority. If the su-
5 pervisory authority releases a person from custody under this subsection and
6 the person is required to report as a sex offender under ORS 163A.010, the
7 supervisory authority, as a condition of release, shall order the person to
8 report to the Department of State Police, a city police department or a
9 county sheriff's office or to the supervising agency, if any:

10 “(a) When the person is released;

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

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

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

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

17 “(4) As used in this section:

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

20 “(b) ‘Designated drug-related misdemeanor’ means:

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

23 “(B) **Unlawful possession of a Schedule II controlled substance un-**
24 **der ORS 475.752 (3)(b);**

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

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

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

1 “[A] **(F)** Unlawful possession of fentanyl under ORS 475.752 (8)(a);
2 **“(G) Unlawful possession of hydrocodone under ORS 475.814 (2)(a);**
3 **“(H) Unlawful possession of hydrocodone under ORS 475.814 (2)(b);**
4 **“(I) Unlawful possession of methadone under ORS 475.824 (2)(a);**
5 “[B] **(J)** Unlawful possession of methadone under ORS 475.824 (2)(b);
6 **“(K) Unlawful possession of oxycodone under ORS 475.834 (2)(a);**
7 “[C] **(L)** Unlawful possession of oxycodone under ORS 475.834 (2)(b);
8 **“(M) Unlawful possession of heroin under ORS 475.854 (2)(a);**
9 “[D] **(N)** Unlawful possession of heroin under ORS 475.854 (2)(b);
10 **“(O) Unlawful possession of 3,4-methylenedioxymethamphetamine**
11 **under ORS 475.874 (2)(a);**
12 “[E] **(P)** Unlawful possession of 3,4-methylenedioxymethamphetamine
13 under ORS 475.874 (2)(b);
14 **“(Q) Unlawful possession of cocaine under ORS 475.884 (2)(a);**
15 “[F] **(R)** Unlawful possession of cocaine under ORS 475.884 (2)(b); [or]
16 **“(S) Unlawful possession of methamphetamine under ORS 475.894**
17 **(2)(a); or**
18 “[G] **(T)** Unlawful possession of methamphetamine under ORS 475.894
19 (2)(b).
20 “(c) ‘Designated person misdemeanor’ means:
21 “(A) Assault in the fourth degree constituting domestic violence if the
22 judgment document is as described in ORS 163.160 (4);
23 “(B) Menacing constituting domestic violence if the judgment document
24 is as described in ORS 163.190 (3); or
25 “(C) Sexual abuse in the third degree under ORS 163.415.
26 **“SECTION 37.** ORS 423.483 is amended to read:
27 “423.483. (1)(a) The baseline funding for biennia beginning after June 30,
28 1999, is the current service level for the expenses of providing management,
29 support services, supervision and sanctions for offenders described in ORS
30 423.478 (2). At a minimum, each biennium’s appropriation must be established

1 at this baseline.

2 “(b) The baseline funding described in paragraph (a) of this subsection:

3 “(A) May not be decreased as a result of a reduction under ORS 137.633.

4 “(B) May not be increased as a result of community-based sanctions, ser-
5 vices and programs that are funded under section 53, chapter 649, Oregon
6 Laws 2013.

7 “(2) If the total state community corrections appropriation is less than the
8 baseline calculated under subsection (1) of this section, a county may dis-
9 continue participation by written notification to the director 180 days prior
10 to implementation of the change. If a county discontinues participation, the
11 responsibility for correctional services transferred to the county and the
12 portion of funding made available to the county under ORS 423.530 revert
13 to the Department of Corrections. Responsibility for supervision of and pro-
14 vision of correctional services to misdemeanor offenders does not revert to
15 the department under any circumstances except those of offenders convicted
16 of designated drug-related misdemeanors or designated person
17 misdemeanors, **or of persons who have entered into a probation agree-**
18 **ment on a designated drug-related misdemeanor pursuant to section**
19 **41 of this 2024 Act.**

20 “(3) As used in this section:

21 “(a) ‘Current service level’ means the calculated cost of continuing cur-
22 rent legislatively funded programs, phased in programs and increased
23 caseloads minus one-time costs, decreased caseloads, phased out programs
24 and pilot programs with the remainder adjusted for inflation as determined
25 by the Legislative Assembly in its biennial appropriation to the Department
26 of Corrections.

27 “(b) ‘Designated drug-related misdemeanor’ has the meaning given that
28 term in ORS 423.478.

29 “(c) ‘Designated person misdemeanor’ has the meaning given that term in
30 ORS 423.478.

1 **“SECTION 38.** ORS 423.483, as amended by section 22, chapter 649,
2 Oregon Laws 2013, section 3, chapter 140, Oregon Laws 2015, and section 2,
3 chapter 341, Oregon Laws 2023, is amended to read:

4 “423.483. (1)(a) The baseline funding for biennia beginning after June 30,
5 1999, is the current service level for the expenses of providing management,
6 support services, supervision and sanctions for offenders described in ORS
7 423.478 (2). At a minimum, each biennium’s appropriation must be established
8 at this baseline.

9 “(b) The baseline funding described in paragraph (a) of this subsection
10 may not be decreased as a result of a reduction under ORS 137.633.

11 “(2) If the total state community corrections appropriation is less than the
12 baseline calculated under subsection (1) of this section, a county may dis-
13 continue participation by written notification to the director 180 days prior
14 to implementation of the change. If a county discontinues participation, the
15 responsibility for correctional services transferred to the county and the
16 portion of funding made available to the county under ORS 423.530 revert
17 to the Department of Corrections. Responsibility for supervision of and pro-
18 vision of correctional services to misdemeanor offenders does not revert to
19 the department under any circumstances except those of offenders convicted
20 of designated drug-related misdemeanors or designated person
21 misdemeanors, **or of persons who have entered into a probation agree-**
22 **ment on a designated drug-related misdemeanor pursuant to section**
23 **41 of this 2024 Act.**

24 “(3) As used in this section:

25 “(a) ‘Current service level’ means the calculated cost of continuing cur-
26 rent legislatively funded programs, phased in programs and increased
27 caseloads minus one-time costs, decreased caseloads, phased out programs
28 and pilot programs with the remainder adjusted for inflation as determined
29 by the Legislative Assembly in its biennial appropriation to the Department
30 of Corrections.

1 “(b) ‘Designated drug-related misdemeanor’ has the meaning given that
2 term in ORS 423.478.

3 “(c) ‘Designated person misdemeanor’ has the meaning given that term in
4 ORS 423.478.

5 **“SECTION 39.** ORS 423.525 is amended to read:

6 “423.525. (1) A county, group of counties or intergovernmental corrections
7 entity shall apply to the Director of the Department of Corrections in a
8 manner and form prescribed by the director for funding made available under
9 ORS 423.500 to 423.560. The application shall include a community cor-
10 rections plan. The Department of Corrections shall provide consultation and
11 technical assistance to counties to aid in the development and implementa-
12 tion of community corrections plans.

13 “(2)(a) From July 1, 1995, until June 30, 1999, a county, group of counties
14 or intergovernmental corrections entity may make application requesting
15 funding for the construction, acquisition, expansion or remodeling of
16 correctional facilities to serve the county, group of counties or intergovern-
17 mental corrections entity. The department shall review the application for
18 funding of correctional facilities in accordance with criteria that consider
19 design, cost, capacity, need, operating efficiency and viability based on the
20 county’s, group of counties’ or intergovernmental corrections entity’s ability
21 to provide for ongoing operations.

22 “(b)(A) If the application is approved, the department shall present the
23 application with a request to finance the facility with financing agreements
24 to the State Treasurer and the Director of the Oregon Department of Ad-
25 ministrative Services. Except as otherwise provided in subparagraph (B) of
26 this paragraph, upon approval of the request by the State Treasurer and the
27 Director of the Oregon Department of Administrative Services, the facility
28 may be financed with financing agreements, and certificates of participation
29 issued pursuant thereto, as provided in ORS 283.085 to 283.092. All decisions
30 approving or denying applications and requests for financing under this

1 section are final. No such decision is subject to judicial review of any kind.

2 “(B) If requests to finance county correctional facility projects are sub-
3 mitted after February 22, 1996, and the requests have not been approved by
4 the department on the date a session of the Legislative Assembly convenes,
5 the requests are also subject to the approval of the Legislative Assembly.

6 “(c) After approval but prior to the solicitation of bids or proposals for
7 the construction of a project, the county, group of counties or intergovern-
8 mental corrections entity and the department shall enter into a written
9 agreement that determines the procedures, and the parties responsible, for
10 the awarding of contracts and the administration of the construction project
11 for the approved correctional facility. If the parties are unable to agree on
12 the terms of the written agreement, the Governor shall decide the terms of
13 the agreement. The Governor’s decision is final.

14 “(d) After approval of a construction project, the administration of the
15 project shall be conducted as provided in the agreement required by para-
16 graph (c) of this subsection. The agreement must require at a minimum that
17 the county, group of counties or intergovernmental corrections entity shall
18 submit to the department any change order or alteration of the design of the
19 project that, singly or in the aggregate, reduces the capacity of the
20 correctional facility or materially changes the services or functions of the
21 project. The change order or alteration is not effective until approved by the
22 department. In reviewing the change order or alteration, the department
23 shall consider whether the implementation of the change order or alteration
24 will have any material adverse impact on the parties to any financing
25 agreements or the holders of any certificates of participation issued to fund
26 county correctional facilities under this section. In making its decision, the
27 department may rely on the opinions of the Department of Justice, bond
28 counsel or professional financial advisers.

29 “(3) Notwithstanding ORS 283.085, for purposes of this section, ‘financing
30 agreement’ means a lease purchase agreement, an installment sale agreement,

1 a loan agreement or any other agreement to finance a correctional facility
2 described in this section, or to refinance a previously executed financing
3 agreement for the financing of a correctional facility. The state is not re-
4 quired to own or operate a correctional facility in order to finance it under
5 ORS 283.085 to 283.092 and this section. The state, an intergovernmental
6 corrections entity, county or group of counties may enter into any agree-
7 ments, including, but not limited to, leases and subleases, that are reasonably
8 necessary or generally accepted by the financial community for purposes of
9 acquiring or securing financing as authorized by this section. In financing
10 county correctional facilities under this section, ‘property rights’ as used in
11 ORS 283.085 includes leasehold mortgages of the state’s rights under leases
12 of correctional facilities from counties.

13 “(4) Notwithstanding any other provision of state law, county charter or
14 ordinance, a county may convey or lease to the State of Oregon, acting by
15 and through the Department of Corrections, title to interests in, or a lease
16 of, any real property, facilities or personal property owned by the county for
17 the purpose of financing the construction, acquisition, expansion or remodel-
18 ing of a correctional facility. Upon the payment of all principal and inter-
19 est on, or upon any other satisfaction of, the financing agreement used to
20 finance the construction, acquisition, expansion or remodeling of a
21 correctional facility, the state shall reconvey its interest in, or terminate and
22 surrender its leasehold of, the property or facilities, including the financed
23 construction, acquisition, expansion or remodeling, to the county. In addi-
24 tion to any authority granted by ORS 283.089, for the purposes of obtaining
25 financing, the state may enter into agreements under which the state may
26 grant to trustees or lenders leases, subleases and other security interests in
27 county property conveyed or leased to the state under this subsection and
28 in the property or facilities financed by financing agreements.

29 “(5) In connection with the financing of correctional facilities, the Di-
30 rector of the Oregon Department of Administrative Services may bill the

1 Department of Corrections, and the Department of Corrections shall pay the
2 amounts billed, in the same manner as provided in ORS 283.089. As required
3 by ORS 283.091, the Department of Corrections and the Oregon Department
4 of Administrative Services shall include in the Governor's budget all
5 amounts that will be due in each fiscal period under financing agreements
6 for correctional facilities. Amounts payable by the state under a financing
7 agreement for the construction, acquisition, expansion or remodeling of a
8 correctional facility are limited to available funds as defined in ORS 283.085,
9 and no lender, trustee, certificate holder or county has any claim or recourse
10 against any funds of the state other than available funds.

11 “(6) The director shall adopt rules that may be necessary for the admin-
12 istration, evaluation and implementation of ORS 423.500 to 423.560. The
13 standards shall be sufficiently flexible to foster the development of new and
14 improved supervision or rehabilitative practices and maximize local control.

15 “(7) When a county assumes responsibility under ORS 423.500 to 423.560
16 for correctional services previously provided by the department, the county
17 and the department shall enter into an intergovernmental agreement that
18 includes a local community corrections plan consisting of program de-
19 scriptions, budget allocation, performance objectives and methods of evalu-
20 ating each correctional service to be provided by the county. The
21 performance objectives must include in dominant part reducing future crim-
22 inal conduct. The methods of evaluating services must include, to the extent
23 of available information systems resources, the collection and analysis of
24 data sufficient to determine the apparent effect of the services on future
25 criminal conduct.

26 “(8) All community corrections plans shall comply with rules adopted
27 pursuant to ORS 423.500 to 423.560, and shall include but need not be limited
28 to an outline of the basic structure and the supervision, services and local
29 sanctions to be applied to offenders convicted of felonies, designated drug-
30 related misdemeanors and designated person misdemeanors, **or persons who**

1 **have entered into a probation agreement on a designated drug-related**
2 **misdemeanor pursuant to section 41 of this 2024 Act, who are:**

3 “(a) On parole;

4 “(b) On probation;

5 “(c) On post-prison supervision;

6 “(d) Sentenced, on or after January 1, 1997, to 12 months or less incar-
7 ceration;

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

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

12 “(9) All community corrections plans shall designate a community cor-
13 rections manager of the county or counties and shall provide that the ad-
14 ministration of community corrections under ORS 423.500 to 423.560 shall be
15 under such manager.

16 “(10) No amendment to or modification of a county-approved community
17 corrections plan shall be placed in effect without prior notice to the director
18 for purposes of statewide data collection and reporting.

19 “(11) The obligation of the state to provide funding and the scheduling for
20 providing funding of a project approved under this section is dependent upon
21 the ability of the state to access public security markets to sell financing
22 agreements.

23 “(12) No later than January 1 of each odd-numbered year, the Department
24 of Corrections shall:

25 “(a) Evaluate the community corrections policy established in ORS
26 423.475, 423.478, 423.483 and 423.500 to 423.560; and

27 “(b) Assess the effectiveness of local revocation options.

28 “(13) As used in this section, ‘designated drug-related misdemeanor’ and
29 ‘designated person misdemeanor’ have the meanings given those terms in
30 ORS 423.478.

1 **“(Conditional Discharge)**

2

3 **“SECTION 40. Section 41 of this 2024 Act is added to and made a**
4 **part of ORS 475.752 to 475.980.**

5 **“SECTION 41. (1)(a) When a person is charged with unlawful pos-**
6 **session of a controlled substance under ORS 475.752, 475.814, 475.824,**
7 **475.834, 475.854, 475.874, 475.884 or 475.894, constituting a Class C**
8 **misdemeanor, the court, at the request of the person and subject to**
9 **paragraph (b) of this subsection, shall defer further proceedings and**
10 **place the person on probation. The terms of the probation shall be**
11 **defined by a probation agreement.**

12 **“(b) A person may enter into a probation agreement under this**
13 **section no later than 30 days after the person’s first appearance, un-**
14 **less the court authorizes a later date for good cause shown.**

15 **“(c) A person is eligible to enter into a probation agreement under**
16 **this section on the charge described in paragraph (a) of this subsection**
17 **regardless of whether the person is charged with other offenses within**
18 **the same charging instrument or as part of a separate charging in-**
19 **strument.**

20 **“(2)(a) A probation agreement described in this section carries the**
21 **understanding that if the defendant fulfills the terms of the agree-**
22 **ment, the criminal charges filed against the defendant will be dis-**
23 **missed with prejudice.**

24 **“(b) The initial term of probation shall be 12 months, subject to**
25 **early termination by the court. The terms of the probation shall in-**
26 **clude the general conditions of probation described in ORS 137.540 (1)**
27 **and a requirement that the defendant complete a substance abuse**
28 **evaluation and any treatment recommended by the evaluator.**

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

1 **“(A) The right to a speedy trial and trial by jury;**
2 **“(B) The right to present evidence on the defendant’s behalf;**
3 **“(C) The right to confront and cross-examine witnesses against the**
4 **defendant;**
5 **“(D) The right to contest evidence presented against the defendant,**
6 **including the right to object to hearsay evidence; and**
7 **“(E) The right to appeal from a judgment of conviction resulting**
8 **from an adjudication of guilt entered under subsection (3) of this sec-**
9 **tion, unless the appeal is based on an allegation that the sentence**
10 **exceeds the maximum allowed by law or constitutes cruel and unusual**
11 **punishment.**
12 **“(d) The agreement may not contain a requirement that the de-**
13 **fendant enter a plea of guilty or no contest on any charge in the**
14 **accusatory instrument.**
15 **“(e) Entering into a probation agreement does not constitute an**
16 **admission of guilt and is not sufficient to warrant a finding or adju-**
17 **dications of guilt by a court.**
18 **“(f) Police reports or other documents associated with the criminal**
19 **charges in a court file other than the probation agreement may not**
20 **be admitted into evidence, and do not establish a factual basis for**
21 **finding the defendant guilty, unless the court resumes criminal pro-**
22 **ceedings and enters an adjudication of guilt under subsection (3) of**
23 **this section.**
24 **“(3) Upon violation of a term or condition of the probation agree-**
25 **ment, the court may resume the criminal proceedings and may find**
26 **the defendant guilty of the offenses in the accusatory instrument in**
27 **accordance with the waiver of rights in the probation agreement. The**
28 **defendant may not contest the sufficiency of the evidence establishing**
29 **the defendant’s guilt of the offenses in the accusatory instrument.**
30 **“(4) Upon the conclusion or early termination of the probation pe-**

1 riod and fulfillment of the terms and conditions of the probation
2 agreement, the court shall discharge the person and dismiss the pro-
3 ceedings against the person. Discharge and dismissal under this sec-
4 tion shall be without adjudication of guilt and is not a conviction for
5 purposes of this section or for purposes of disqualifications or disabil-
6 ities imposed by law upon conviction of a crime.

7 “(5) In the event that the period of probation under this section
8 expires, but the terms and conditions of the probation agreement have
9 not been fulfilled and no probation violation proceeding was initiated
10 prior to the expiration of the period of probation, the court may not
11 discharge the person and dismiss the proceedings against the person.
12 The court shall instead issue an order requiring the person to appear
13 and to show cause why the court should not enter an adjudication of
14 guilt as described in subsection (3) of this section due to the failure
15 of the person to fulfill the terms and conditions of the probation
16 agreement prior to expiration of the period of probation. At the hear-
17 ing on the order to show cause, after considering any evidence or ar-
18 gument from the district attorney and the person, the court may:

19 “(a) Order a new period of probation to allow the person to fulfill
20 the terms and conditions of the probation agreement; or

21 “(b) Enter an adjudication of guilt as described in subsection (3) of
22 this section.

23

24

“(Expungement)

25

26 “SECTION 42. (1)(a) When a law enforcement agency receives
27 written verification from a deflection program coordinator that a
28 person has completed a qualified deflection program, as those terms
29 are defined in section 25 of this 2024 Act, after being referred to the
30 program due to the alleged commission of conduct constituting un-

1 lawful possession of a controlled substance constituting a Class C
2 misdemeanor, the law enforcement agency shall immediately provide
3 the verification to the district attorney with authority to prosecute the
4 possession offense.

5 “(b) Within 60 days of receiving a verification described in para-
6 graph (a) of this subsection, the law enforcement agency and district
7 attorney shall seal all records related to the person’s participation in
8 the program and the alleged conduct that resulted in the referral to
9 the program. Records sealed under this subsection are not subject to
10 disclosure under ORS 192.311 to 192.478 or any other law.

11 “(2)(a) After two years have elapsed from the date that a person is
12 cited for unlawful possession of a controlled substance constituting a
13 Class C misdemeanor, or contacted by a law enforcement officer con-
14 cerning the alleged commission of conduct constituting unlawful pos-
15 session of a controlled substance constituting a Class C misdemeanor,
16 and no further prosecutorial action on the citation or conduct has
17 occurred, within 60 days after the conclusion of the two year time pe-
18 riod:

19 “(A) Any law enforcement agency or district attorney that pos-
20 sesses records related to the citation or conduct shall seal the records.

21 “(B) Any court with electronic records related to the citation or
22 conduct shall seal the records.

23 “(b) Records sealed under this subsection are not subject to disclo-
24 sure under ORS 192.311 to 192.478 or any other law.

25 “(3)(a) Notwithstanding ORS 137.225, when a person successfully
26 completes a probation agreement and the court discharges the person
27 and dismisses the proceedings against the person under section 41 (4)
28 of this 2024 Act, the court shall enter an order sealing all records re-
29 lated to the arrest or citation and the criminal proceedings. The clerk
30 of the court shall forward a certified copy of the order to such agencies

1 as directed by the court.

2 “(b) Notwithstanding ORS 137.225, after three years have passed
3 from the date of conviction for unlawful possession of a controlled
4 substance under ORS 475.752, 475.814, 475.824, 475.834, 475.854, 475.874,
5 475.884 or 475.894, constituting a Class C misdemeanor, the court shall
6 enter an order sealing all records related to the arrest or citation,
7 charges and conviction. The clerk of the court shall forward a certified
8 copy of the order to such agencies as directed by the court.

9 “(c) The Judicial Department shall develop a standardized form for
10 obtaining the information necessary for the department to seal records
11 as required by paragraphs (a) and (b) of this subsection.

12 “(d) When a person enters into a probation agreement under section
13 41 of this 2024 Act, or is convicted of unlawful possession of a con-
14 trolled substance under ORS 475.752, 475.814, 475.824, 475.834, 475.854,
15 475.874, 475.884 or 475.894, constituting a Class C misdemeanor, the
16 district attorney and the defense attorney shall ensure that a copy of
17 the form described in paragraph (c) of this subsection is completed and
18 submitted to the court.

19 “SECTION 43. ORS 137.225 is amended to read:

20 “137.225. (1)(a) At any time after the person becomes eligible as described
21 in paragraph (b) of this subsection, any person convicted of an offense who
22 has fully complied with and performed the sentence of the court for the of-
23 fense, and whose conviction is described in subsection (5) of this section, by
24 motion may apply to the court where the conviction was entered for entry
25 of an order setting aside the conviction. A person who is still under super-
26 vision as part of the sentence for the offense that is the subject of the motion
27 has not fully complied with or performed the sentence of the court.

28 “(b) A person is eligible to file a motion under paragraph (a) of this
29 subsection:

30 “(A) For a Class B felony, seven years from the date of conviction or the

1 release of the person from imprisonment for the conviction sought to be set
2 aside, whichever is later.

3 “(B) For a Class C felony, five years from the date of conviction or the
4 release of the person from imprisonment for the conviction sought to be set
5 aside, whichever is later.

6 “(C) For a Class A misdemeanor, three years from the date of conviction
7 or the release of the person from imprisonment for the conviction sought to
8 be set aside, whichever is later.

9 “(D) For a Class B or Class C misdemeanor, a violation or the finding
10 of a person in contempt of court, one year from the date of conviction or
11 finding or the release of the person from imprisonment for the conviction or
12 finding sought to be set aside, whichever is later.

13 “(c) If no accusatory instrument is filed, at any time after 60 days from
14 the date the prosecuting attorney indicates that the state has elected not to
15 proceed with a prosecution or contempt proceeding, an arrested, cited or
16 charged person may apply to the court in the county in which the person
17 was arrested, cited or charged, for entry of an order setting aside the record
18 of the arrest, citation or charge.

19 “(d) At any time after an acquittal or a dismissal other than a dismissal
20 described in paragraph (c) of this subsection, an arrested, cited or charged
21 person may apply to the court in the county in which the person was ar-
22 rested, cited or charged, for entry of an order setting aside the record of the
23 arrest, citation or charge.

24 “(e) Notwithstanding paragraph (b) of this subsection, a person whose
25 sentence of probation was revoked may not apply to the court for entry of
26 an order setting aside the conviction for which the person was sentenced to
27 probation for a period of three years from the date of revocation or until the
28 person becomes eligible as described in paragraph (b) of this subsection,
29 whichever occurs later.

30 “(f) A person filing a motion under this section is not required to pay the

1 filing fee established under ORS 21.135.

2 “(2)(a) A copy of the motion shall be served upon the office of the prose-
3 cuting attorney who prosecuted the offense, or who had authority to prose-
4 cute the charge if there was no accusatory instrument filed. The prosecuting
5 attorney may object to a motion filed under subsection (1)(a) of this section
6 and shall notify the court and the person of the objection within 120 days
7 of the date the motion was filed with the court.

8 “(b) When a prosecuting attorney is served with a copy of a motion to set
9 aside a conviction under subsection (1)(a) of this section, the prosecuting
10 attorney shall provide a copy of the motion and notice of the hearing date
11 to the victim, if any, of the offense by mailing a copy of the motion and
12 notice to the victim’s last-known address.

13 “(c) When a person makes a motion under this section, the person shall
14 forward to the Department of State Police a full set of the person’s finger-
15 prints on a fingerprint card or in any other manner specified by the depart-
16 ment.

17 “(d) When a person makes a motion under subsection (1)(a) of this section,
18 the person must pay a fee to the Department of State Police for the purpose
19 of the department performing a criminal record check. The department shall
20 establish a fee in an amount not to exceed the actual cost of performing the
21 criminal record check. If the department is required to perform only one
22 criminal record check for the person, the department may only charge one
23 fee, regardless of the number of counties in which the person is filing a
24 motion to set aside a conviction, arrest, charge or citation under this section.
25 The department shall provide a copy of the results of the criminal record
26 check to the prosecuting attorney.

27 “(e) The prosecuting attorney may not charge the person a fee for per-
28 forming the requirements described in this section.

29 “(3)(a) If an objection is received to a motion filed under subsection (1)(a)
30 of this section, the court shall hold a hearing, and may require the filing of

1 such affidavits and may require the taking of such proofs as the court deems
2 proper. The court shall allow the victim to make a statement at the hearing.
3 If the person is otherwise eligible for relief under this section, the court
4 shall grant the motion and enter an order as described in paragraph (b) of
5 this subsection unless the court makes written findings, by clear and con-
6 vincing evidence, that the circumstances and behavior of the person, from
7 the date of the conviction the person is seeking to set aside to the date of
8 the hearing on the motion, do not warrant granting the motion due to the
9 circumstances and behavior creating a risk to public safety. When deter-
10 mining whether the person's circumstances and behavior create a risk to
11 public safety, the court may only consider criminal behavior, or violations
12 of regulatory law or administrative rule enforced by civil penalty or other
13 administrative sanction that relate to the character of the conviction sought
14 to be set aside. The court may not consider nonpunitive civil liability,
15 monetary obligations and motor vehicle violations. Upon granting the mo-
16 tion, the court shall enter an appropriate order containing the original arrest
17 or citation charge, the conviction charge, if different from the original, the
18 date of charge, the submitting agency and the disposition of the charge.
19 Upon the entry of the order, the person for purposes of the law shall be
20 deemed not to have been previously convicted, and the court shall issue an
21 order sealing the record of conviction and other official records in the case,
22 including the records of arrest, citation or charge.

23 “(b) The court shall grant a motion filed under subsection (1)(c) or (d) of
24 this section, or under subsection (1)(a) of this section if no objection to the
25 motion is received, and shall enter an appropriate order containing the ori-
26 ginal arrest or citation charge, the conviction charge, if applicable and dif-
27 ferent from the original, the date of charge, the submitting agency and the
28 disposition of the charge. Upon the entry of the order, the person for pur-
29 poses of the law shall be deemed not to have been previously convicted, ar-
30 rested, cited or charged, and the court shall issue an order sealing all official

1 records in the case, including the records of arrest, citation or charge,
2 whether or not the arrest, citation or charge resulted in a further criminal
3 proceeding.

4 “(4) The clerk of the court shall forward a certified copy of the order to
5 such agencies as directed by the court. A certified copy must be sent to the
6 Department of Corrections when the order concerns a conviction. Upon entry
7 of the order, the conviction, arrest, citation, charge or other proceeding shall
8 be deemed not to have occurred, and the person may answer accordingly any
9 questions relating to its occurrence.

10 “(5) The provisions of subsection (1)(a) of this section apply to a con-
11 viction for:

12 “(a) A Class B felony, except for a violation of ORS 166.429 or any crime
13 classified as a person felony as defined in the rules of the Oregon Criminal
14 Justice Commission.

15 “(b) Any misdemeanor, Class C felony or felony punishable as a
16 misdemeanor pursuant to ORS 161.705.

17 “(c) An offense constituting a violation under state law or local ordi-
18 nance.

19 “(d) An offense committed before January 1, 1972, that, if committed after
20 that date, would qualify for an order under this section.

21 “(e) The finding of a person in contempt of court.

22 “(6) Notwithstanding subsection (5) of this section, the provisions of sub-
23 section (1)(a) of this section do not apply to a conviction for:

24 “(a) Criminal mistreatment in the second degree under ORS 163.200 if the
25 victim at the time of the crime was 65 years of age or older.

26 “(b) Criminal mistreatment in the first degree under ORS 163.205 if the
27 victim at the time of the crime was 65 years of age or older, or when the
28 offense constitutes child abuse as defined in ORS 419B.005.

29 “(c) Endangering the welfare of a minor under ORS 163.575 (1)(a), when
30 the offense constitutes child abuse as defined in ORS 419B.005.

1 “(d) Criminally negligent homicide under ORS 163.145, when that offense
2 was punishable as a Class C felony.

3 “(e) Assault in the third degree under ORS 163.165 (1)(h).

4 “(f) Any sex crime, unless:

5 “(A) The sex crime is listed in ORS 163A.140 (1)(a) and:

6 “(i) The person has been relieved of the obligation to report as a sex
7 offender pursuant to a court order entered under ORS 163A.145 or 163A.150;
8 and

9 “(ii) The person has not been convicted of, found guilty except for insan-
10 ity of or found to be within the jurisdiction of the juvenile court based on
11 a crime for which the court is prohibited from setting aside the conviction
12 under this section; or

13 “(B) The sex crime constitutes a Class C felony and:

14 “(i) The person was under 16 years of age at the time of the offense;

15 “(ii) The person is:

16 “(I) Less than two years and 180 days older than the victim; or

17 “(II) At least two years and 180 days older, but less than three years and
18 180 days older, than the victim and the court finds that setting aside the
19 conviction is in the interests of justice and of benefit to the person and the
20 community;

21 “(iii) The victim’s lack of consent was due solely to incapacity to consent
22 by reason of being less than a specified age;

23 “(iv) The victim was at least 12 years of age at the time of the offense;

24 “(v) The person has not been convicted of, found guilty except for insanity
25 of or found to be within the jurisdiction of the juvenile court based on a
26 crime for which the court is prohibited from setting aside the conviction
27 under this section; and

28 “(vi) Each conviction or finding described in this subparagraph involved
29 the same victim.

30 “(7) Notwithstanding subsection (5) of this section, the provisions of sub-

1 section (1) of this section do not apply to:

2 “(a) A conviction for a state or municipal traffic offense.

3 “(b) A person convicted, within the following applicable time period im-
4 mediately preceding the filing of the motion pursuant to subsection (1) of
5 this section, of any other offense, excluding motor vehicle violations **and**
6 **unlawful possession of a controlled substance constituting a Class C**
7 **misdemeanor**, whether or not the other conviction is for conduct associated
8 with the same criminal episode that caused the arrest, citation, charge or
9 conviction that is sought to be set aside:

10 “(A) For a motion concerning a Class B felony, seven years.

11 “(B) For a motion concerning a Class C felony, five years.

12 “(C) For a motion concerning a Class A misdemeanor, three years.

13 “(D) For a motion concerning a Class B or Class C misdemeanor a vio-
14 lation or a finding of contempt of court, one year.

15 “(c) A single violation, other than a motor vehicle violation, within the
16 time period specified in paragraph (b) of this subsection is not a conviction
17 under this subsection. Notwithstanding subsection (1) of this section, a
18 conviction that has been set aside under this section shall be considered for
19 the purpose of determining whether paragraph (b) of this subsection is ap-
20 plicable.

21 “(d) A person who at the time the motion authorized by subsection (1) of
22 this section is pending before the court is under charge of commission of any
23 crime.

24 “(8) The provisions of subsection (1)(c) or (d) of this section do not apply
25 to an arrest or citation for driving while under the influence of intoxicants
26 if the charge is dismissed as a result of the person’s successful completion
27 of a diversion agreement described in ORS 813.200.

28 “(9) The provisions of subsection (1) of this section apply to convictions,
29 arrests, citations and charges that occurred before, as well as those that
30 occurred after, September 9, 1971. There is no time limit for making an ap-

1 plication.

2 “(10) For purposes of any civil action in which truth is an element of a
3 claim for relief or affirmative defense, the provisions of subsection (3) of this
4 section providing that the conviction, arrest, citation, charge or other pro-
5 ceeding be deemed not to have occurred do not apply and a party may apply
6 to the court for an order requiring disclosure of the official records in the
7 case as may be necessary in the interest of justice.

8 “(11)(a) Upon motion of any prosecutor or defendant in a case involving
9 records sealed under this section, supported by affidavit showing good cause,
10 the court with jurisdiction may order the reopening and disclosure of any
11 records sealed under this section for the limited purpose of assisting the in-
12 vestigation of the movant. However, such an order has no other effect on the
13 orders setting aside the conviction or the arrest, citation or charge record.

14 “(b) Notwithstanding paragraph (a) of this subsection, when an arrest,
15 citation or charge described in subsection (1)(c) of this section is set aside,
16 a prosecuting attorney may, for the purpose of initiating a criminal pro-
17 ceeding within the statute of limitations, unseal the records sealed under
18 this section by notifying the court with jurisdiction over the charge, record
19 of arrest or citation. The prosecuting attorney shall notify the person who
20 is the subject of the records of the unsealing under this paragraph by sending
21 written notification to the person’s last known address.

22 “(12) The State Court Administrator shall create forms to be used
23 throughout the state for motions and proposed orders described in this sec-
24 tion.

25 “(13) As used in this section:

26 “(a) ‘Affidavit’ includes a declaration under penalty of perjury.

27 “(b) ‘Sex crime’ has the meaning given that term in ORS 163A.005.

28

29 **“(Other Amendments Related to Expungement)”**

30

1 **“SECTION 44.** ORS 135.050 is amended to read:

2 “135.050. (1) Suitable counsel for a defendant shall be appointed by a
3 municipal, county or justice court if:

4 “(a) The defendant is before a court on a matter described in subsection
5 (5) of this section;

6 “(b) The defendant requests aid of counsel;

7 “(c) The defendant provides to the court a written and verified financial
8 statement; and

9 “(d) It appears to the court that the defendant is financially unable to
10 retain adequate representation without substantial hardship in providing
11 basic economic necessities to the defendant or the defendant’s dependent
12 family.

13 “(2) Suitable counsel for a defendant shall be appointed by a circuit court
14 if:

15 “(a) The defendant is before the court on a matter described in subsection
16 (5) of this section;

17 “(b) The defendant requests aid of counsel;

18 “(c) The defendant provides to the court a written and verified financial
19 statement; and

20 “(d)(A) The defendant is determined to be financially eligible under ORS
21 151.485 and the standards established by the Oregon Public Defense Com-
22 mission under ORS 151.216; or

23 “(B) The court finds, on the record, substantial and compelling reasons
24 why the defendant is financially unable to retain adequate representation
25 without substantial hardship in providing basic economic necessities to the
26 defendant or the defendant’s dependent family despite the fact that the de-
27 fendant does not meet the financial eligibility standards established by the
28 commission.

29 “(3) Appointed counsel may not be denied to any defendant merely be-
30 cause the defendant’s friends or relatives have resources adequate to retain

1 counsel or because the defendant has deposited or is capable of depositing
2 security for release. However, appointed counsel may be denied to a defend-
3 ant if the defendant's spouse has adequate resources which the court deter-
4 mines should be made available to retain counsel.

5 “(4) The defendant's financial statement under subsection (1) or (2) of this
6 section shall include, but not be limited to:

7 “(a) A list of bank accounts in the name of defendant or defendant's
8 spouse, and the balance in each;

9 “(b) A list of defendant's interests in real property and those of
10 defendant's spouse;

11 “(c) A list of automobiles and other personal property of significant value
12 belonging to defendant or defendant's spouse;

13 “(d) A list of debts in the name of defendant or defendant's spouse, and
14 the total of each; and

15 “(e) A record of earnings and other sources of income in the name of de-
16 fendant or defendant's spouse, and the total of each.

17 “(5) Counsel must be appointed for a defendant who meets the require-
18 ments of subsection (1) or (2) of this section and who is before a court on
19 any of the following matters:

20 “(a) Charged with a crime.

21 “(b) For a hearing to determine whether an enhanced sentence should be
22 imposed when such proceedings may result in the imposition of a felony
23 sentence.

24 “(c) For extradition proceedings under the provisions of the Uniform
25 Criminal Extradition Act.

26 “(d) For any proceeding concerning an order of probation, including but
27 not limited to the revoking or amending thereof.

28 “(6) Unless otherwise ordered by the court, the appointment of counsel
29 under this section shall continue during all criminal proceedings resulting
30 from the defendant's arrest through acquittal or the imposition of punish-

1 ment. The court having jurisdiction of the case may not substitute one ap-
2 pointed counsel for another except pursuant to the policies, procedures,
3 standards and guidelines of the Oregon Public Defense Commission under
4 ORS 151.216.

5 “(7) If, at any time after the appointment of counsel, the court having
6 jurisdiction of the case finds that the defendant is financially able to obtain
7 counsel, the court may terminate the appointment of counsel. If, at any time
8 during criminal proceedings, the court having jurisdiction of the case finds
9 that the defendant is financially unable to pay counsel whom the defendant
10 has retained, the court may appoint counsel as provided in this section.

11 “(8)(a) **Except as provided in paragraph (b) of this subsection,** the
12 court may order the defendant in a circuit court to pay to the Public Defense
13 Services Account established by ORS 151.225, through the clerk of the court,
14 in full or in part the administrative costs of determining the eligibility of
15 the defendant for appointed counsel and the costs of the legal and other
16 services that are related to the provision of appointed counsel under ORS
17 151.487.

18 “(b) **A court may not enter an order described in paragraph (a) of**
19 **this subsection when the defendant is charged only with unlawful**
20 **possession of a controlled substance constituting a Class C**
21 **misdemeanor.**

22 “(9) In addition to any criminal prosecution, a civil proceeding may be
23 initiated by any public body which has expended moneys for the defendant’s
24 legal assistance within two years of judgment if the defendant was not
25 qualified in accordance with subsection (1) or (2) of this section for legal
26 assistance.

27 “(10) The civil proceeding shall be subject to the exemptions from exe-
28 cution as provided for by law.

29 “(11) As used in this section unless the context requires otherwise,
30 ‘counsel’ includes a legal advisor appointed under ORS 135.045.

1 **“SECTION 45.** ORS 137.010 is amended to read:

2 “137.010. (1) The statutes that define offenses impose a duty upon the
3 court having jurisdiction to pass sentence in accordance with this section
4 or, for felonies committed on or after November 1, 1989, in accordance with
5 rules of the Oregon Criminal Justice Commission unless otherwise specif-
6 ically provided by law.

7 “(2) If it cannot be determined whether the felony was committed on or
8 after November 1, 1989, the defendant shall be sentenced as if the felony had
9 been committed prior to November 1, 1989.

10 “(3) Except when a person is convicted of a felony committed on or after
11 November 1, 1989, if the court is of the opinion that it is in the best interests
12 of the public as well as of the defendant, the court may suspend the imposi-
13 tion or execution of any part of a sentence for any period of not more than
14 five years. The court may extend the period of suspension beyond five years
15 in accordance with subsection (4) of this section.

16 “(4) If the court suspends the imposition or execution of a part of a sen-
17 tence for an offense other than a felony committed on or after November 1,
18 1989, the court may also impose and execute a sentence of probation on the
19 defendant for a definite or indefinite period of not more than five years **or,**
20 **for unlawful possession of a controlled substance constituting a Class**
21 **C misdemeanor, not more than three years.** However, upon a later find-
22 ing that a defendant sentenced to probation for a felony has violated a con-
23 dition of the probation and in lieu of revocation, the court may order the
24 period of both the suspended sentence and the sentence of probation extended
25 until a date not more than six years from the date of original imposition of
26 sentence. Time during which the probationer has absconded from supervision
27 and a bench warrant has been issued for the probationer’s arrest shall not
28 be counted in determining the time elapsed since imposition of the sentence
29 of probation.

30 “(5) If the court announces that it intends to suspend imposition or exe-

1 cution of any part of a sentence, the defendant may, at that time, object and
2 request imposition of the full sentence. In no case, however, does the de-
3 fendant have a right to refuse the court's order, and the court may suspend
4 imposition or execution of a part of the sentence despite the defendant's ob-
5 jection or request. If the court further announces that it intends to sentence
6 the defendant to a period of probation, the defendant may, at that time, ob-
7 ject and request that a sentence of probation or its conditions not be imposed
8 or that different conditions be imposed. In no case, however, does the de-
9 fendant have the right to refuse a sentence of probation or any of the con-
10 ditions of the probation, and the court may sentence the defendant to
11 probation subject to conditions despite the defendant's objection or request.

12 “(6) The power of the judge of any court to suspend execution of any part
13 of a sentence or to sentence any person convicted of a crime to probation
14 shall continue until the person is delivered to the custody of the Department
15 of Corrections.

16 “(7) When a person is convicted of an offense and the court does not
17 suspend the imposition or execution of any part of a sentence or when a
18 suspended sentence or sentence of probation is revoked, the court shall im-
19 pose the following sentence:

20 “(a) A term of imprisonment;

21 “(b) A fine;

22 “(c) Both imprisonment and a fine; or

23 “(d) Discharge of the defendant.

24 “(8) This section does not deprive the court of any authority conferred
25 by law to enter a judgment for the forfeiture of property, suspend or cancel
26 a license, remove a person from office or impose any other civil penalty. An
27 order exercising that authority may be included as part of the judgment of
28 conviction.

29 “(9) When imposing sentence for a felony committed on or after November
30 1, 1989, the court shall submit sentencing information to the commission in

1 accordance with rules of the commission.

2 “(10) A judgment of conviction that includes a term of imprisonment for
3 a felony committed on or after November 1, 1989, shall state the length of
4 incarceration and the length of post-prison supervision. The judgment of
5 conviction shall also provide that if the defendant violates the conditions of
6 post-prison supervision, the defendant shall be subject to sanctions including
7 the possibility of additional imprisonment in accordance with rules of the
8 commission.

9

10 **“(Repealing Class E Violation Provisions)”**

11

12 **“SECTION 46.** ORS 51.050 is amended to read:

13 “51.050. (1) Except as otherwise provided in this section, in addition to
14 the criminal jurisdiction of justice courts already conferred upon and exer-
15 cised by them, justice courts have jurisdiction of all offenses committed or
16 triable in their respective counties. The jurisdiction conveyed by this section
17 is concurrent with any jurisdiction that may be exercised by a circuit court
18 or municipal court.

19 “(2) In any justice court that has not become a court of record under ORS
20 51.025, a defendant charged with a misdemeanor shall be notified immediately
21 after entering a plea of not guilty of the right of the defendant to have the
22 matter transferred to the circuit court for the county where the justice court
23 is located. The election shall be made within 10 days after the plea of not
24 guilty is entered, and the justice shall immediately transfer the case to the
25 appropriate court.

26 “(3) A justice court does not have jurisdiction over the trial of any felony
27 or a designated drug-related misdemeanor as defined in ORS 423.478. [*A jus-*
28 *tice court does not have jurisdiction over Class E violations.*] Except as pro-
29 vided in ORS 51.037, a justice court does not have jurisdiction over offenses
30 created by the charter or ordinance of any city.

1 **“SECTION 47.** ORS 137.300 is amended to read:

2 “137.300. (1) The Criminal Fine Account is established in the General
3 Fund. Except as otherwise provided by law, all amounts collected in state
4 courts as monetary obligations in criminal actions shall be deposited by the
5 courts in the account. All moneys in the account are continuously appro-
6 priated to the Department of Revenue to be distributed by the Department
7 of Revenue as provided in this section. The Department of Revenue shall
8 keep a record of moneys transferred into and out of the account.

9 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
10 inal Fine Account for the following purposes, in the following order of pri-
11 ority:

12 “(a) Allocations for public safety standards, training and facilities.

13 “(b) Allocations for criminal injuries compensation and assistance to
14 victims of crime and children reasonably suspected of being victims of crime.

15 “(c) Allocations for the forensic services provided by the Oregon State
16 Police, including, but not limited to, services of the Chief Medical Examiner.

17 “(d) Allocations for the maintenance and operation of the Law Enforce-
18 ment Data System.

19 “(3) After making allocations under subsection (2) of this section, the
20 Legislative Assembly shall allocate moneys from the Criminal Fine Account
21 for the following purposes:

22 “(a) Allocations to the Law Enforcement Medical Liability Account es-
23 tablished under ORS 414.815.

24 “(b) Allocations to the State Court Facilities and Security Account es-
25 tablished under ORS 1.178.

26 “(c) Allocations to the Department of Corrections for the purpose of
27 planning, operating and maintaining county juvenile and adult corrections
28 programs and facilities and drug and alcohol programs.

29 “(d) Allocations to the Oregon Health Authority for the purpose of grants
30 under ORS 430.345 for the establishment, operation and maintenance of al-

1 cohol and drug abuse prevention, early intervention and treatment services
2 provided through a county.

3 “(e) Allocations to the Oregon State Police for the purpose of the
4 enforcement of the laws relating to driving under the influence of
5 intoxicants.

6 “(f) Allocations to the Arrest and Return Account established under ORS
7 133.865.

8 “(g) Allocations to the Intoxicated Driver Program Fund established un-
9 der ORS 813.270.

10 “(h) Allocations to the State Court Technology Fund established under
11 ORS 1.012.

12 “*[(4) Notwithstanding subsections (2) and (3) of this section, the Legislative*
13 *Assembly shall allocate all moneys deposited into the Criminal Fine Account*
14 *as payment of fines on Class E violations to the Drug Treatment and Recovery*
15 *Services Fund established under ORS 430.384.]*

16 “*[(5)] (4)* It is the intent of the Legislative Assembly that allocations from
17 the Criminal Fine Account under subsection (3) of this section be consistent
18 with historical funding of the entities, programs and accounts listed in sub-
19 section (3) of this section from monetary obligations imposed in criminal
20 proceedings. Amounts that are allocated under subsection (3)(c) of this sec-
21 tion shall be distributed to counties based on the amounts that were trans-
22 ferred to counties by circuit courts during the 2009-2011 biennium under the
23 provisions of ORS 137.308, as in effect January 1, 2011.

24 “*[(6)] (5)* Moneys in the Criminal Fine Account may not be allocated for
25 the payment of debt service obligations.

26 “*[(7)] (6)* The Department of Revenue shall deposit in the General Fund
27 all moneys remaining in the Criminal Fine Account after the distributions
28 listed in subsections (2)[,] **and** (3) [*and (4)*] of this section have been made.

29 “*[(8)] (7)* The Department of Revenue shall establish by rule a process for
30 distributing moneys in the Criminal Fine Account. The department may not

1 distribute more than one-eighth of the total biennial allocation to an entity
2 during a calendar quarter.

3 **“SECTION 48.** ORS 430.384 is amended to read:

4 “430.384. (1) The Drug Treatment and Recovery Services Fund is estab-
5 lished in the State Treasury, separate and distinct from the General Fund.
6 Interest earned by the Drug Treatment and Recovery Services Fund shall be
7 credited to the fund.

8 “(2) The Drug Treatment and Recovery Services Fund shall consist of:

9 “(a) Moneys deposited into the fund pursuant to ORS 305.231;

10 “(b) Moneys appropriated or otherwise transferred to the fund by the
11 Legislative Assembly;

12 “(c) Moneys allocated from the Oregon Marijuana Account, pursuant to
13 ORS 475C.726 (3)(b); **and**

14 “[*d*] *Moneys allocated from the Criminal Fine Account pursuant to ORS*
15 *137.300 (4); and*]

16 “[*e*] **(d)** All other moneys deposited into the fund from any source.

17 “(3) Moneys in the fund shall be continuously appropriated to the Oregon
18 Health Authority for the purposes set forth in ORS 430.389.

19 “(4)(a) Pursuant to subsection (2)(b) of this section, the Legislative As-
20 sembly shall appropriate or transfer to the fund an amount sufficient to fully
21 fund the grants program required by ORS 430.389.

22 “(b) The total amount deposited and transferred into the fund shall not
23 be less than \$57 million for the first year ORS 430.383 to 430.390 and 430.394
24 are in effect.

25 “(c) In each subsequent year, the minimum transfer amount set forth in
26 paragraph (b) of this subsection shall be increased by not less than the sum
27 of:

28 “(A) \$57 million multiplied by the percentage, if any, by which the
29 monthly averaged U.S. City Average Consumer Price Index for the 12 con-
30 secutive months ending August 31 of the prior calendar year exceeds the

1 monthly index for the fourth quarter of the calendar year 2020; and

2 “(B) The annual increase, if any, in moneys distributed pursuant to ORS
3 475C.726 (3)(b).

4 **“SECTION 49.** ORS 153.012 is amended to read:

5 “153.012. Violations are classified for the purpose of sentencing into the
6 following categories:

7 “(1) Class A violations.

8 “(2) Class B violations.

9 “(3) Class C violations.

10 “(4) Class D violations.

11 “[*5*] *Class E violations.*]

12 “[*6*] **(5)** Unclassified violations as described in ORS 153.015.

13 “[*7*] **(6)** Specific fine violations as described in ORS 153.015.

14 **“SECTION 50.** ORS 153.018 is amended to read:

15 “153.018. (1) The penalty for committing a violation is a fine. The law
16 creating a violation may impose other penalties in addition to a fine but may
17 not impose a term of imprisonment.

18 “(2) Except as otherwise provided by law, the maximum fine for a vio-
19 lation committed by an individual is:

20 “(a) \$2,000 for a Class A violation.

21 “(b) \$1,000 for a Class B violation.

22 “(c) \$500 for a Class C violation.

23 “(d) \$250 for a Class D violation.

24 “[*e*] *\$100 for a Class E violation.*]

25 “[*f*] **(e)** \$2,000 for a specific fine violation, or the maximum amount
26 otherwise established by law for the specific fine violation.

27 “(3) If a special corporate fine is specified in the law creating the vio-
28 lation, the sentence to pay a fine shall be governed by the law creating the
29 violation. Except as otherwise provided by law, if a special corporate fine is
30 not specified in the law creating the violation, the maximum fine for a vio-

1 lation committed by a corporation is:

2 “(a) \$4,000 for a Class A violation.

3 “(b) \$2,000 for a Class B violation.

4 “(c) \$1,000 for a Class C violation.

5 “(d) \$500 for a Class D violation.

6 **“SECTION 51.** ORS 153.019 is amended to read:

7 “153.019. (1) Except as provided in ORS 153.020, [*153.062 and 430.391,*] the
8 presumptive fines for violations are:

9 “(a) \$440 for a Class A violation.

10 “(b) \$265 for a Class B violation.

11 “(c) \$165 for a Class C violation.

12 “(d) \$115 for a Class D violation.

13 “[*(e) \$100 for a Class E violation.*]

14 “(2) The presumptive fine for a specific fine violation is:

15 “(a) The amount specified by statute as the presumptive fine for the vio-
16 lation; or

17 “(b) An amount equal to the greater of 20 percent of the maximum fine
18 prescribed for the violation, or the minimum fine prescribed by statute for
19 the violation.

20 “(3) Any surcharge imposed under ORS 1.188 shall be added to and made
21 a part of the presumptive fine.

22 **“SECTION 52.** ORS 153.021 is amended to read:

23 “153.021. (1) Unless a specific minimum fine is prescribed for a violation,
24 and except as otherwise provided by law, the minimum fine a court shall
25 impose for a violation that is subject to the presumptive fines established
26 by ORS 153.019 (1) or 153.020 are as follows:

27 “(a) \$225 for a Class A violation.

28 “(b) \$135 for a Class B violation.

29 “(c) \$85 for a Class C violation.

30 “(d) \$65 for a Class D violation.

1 “[(e) \$45 for a Class E violation.]

2 “(2) Notwithstanding subsection (1) of this section, a court may waive
3 payment of the minimum fine described in this section, in whole or in part,
4 if the court determines that requiring payment of the minimum fine would
5 be inconsistent with justice in the case. In making its determination under
6 this subsection, the court shall consider:

7 “(a) The financial resources of the defendant and the burden that payment
8 of the minimum fine would impose, with due regard to the other obligations
9 of the defendant; and

10 “(b) The extent to which that burden could be alleviated by allowing the
11 defendant to pay the fine in installments or subject to other conditions set
12 by the court.

13 “(3) This section does not affect the manner in which a court imposes or
14 reduces monetary obligations other than fines.

15 “(4) The Department of Revenue or Secretary of State may audit any
16 court to determine whether the court is complying with the requirements of
17 this section. In addition, the Department of Revenue or Secretary of State
18 may audit any court to determine whether the court is complying with the
19 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Depart-
20 ment of Revenue or Secretary of State may file an action under ORS 34.105
21 to 34.240 to enforce the requirements of this section and of ORS 137.145 to
22 137.159 and 153.640 to 153.680.

23 “**SECTION 53.** ORS 153.064 is amended to read:

24 “153.064. (1) Except as provided in subsection (2) of this section, a warrant
25 for arrest may be issued against a person who fails to make a first appear-
26 ance on a citation for a violation, or fails to appear at any other subsequent
27 time set for trial or other appearance, only if the person is charged with
28 failure to appear in a violation proceeding under ORS 153.992.

29 “(2) If a person fails to make a first appearance on a citation for a vio-
30 lation [*other than a Class E violation*], or fails to appear at any other sub-

1 sequent time set for trial or other appearance on a violation [*other than a*
2 *Class E violation*], the court may issue an order that requires the defendant
3 to appear and show cause why the defendant should not be held in contempt.
4 The show cause order may be mailed to the defendant by certified mail, re-
5 turn receipt requested. If service cannot be accomplished by mail, the de-
6 fendant must be personally served. If the defendant is served and fails to
7 appear at the time specified in the show cause order, the court may issue
8 an arrest warrant for the defendant for the purpose of bringing the defendant
9 before the court.

10 **“SECTION 54.** ORS 153.992 is amended to read:

11 “153.992. (1) A person commits the offense of failure to appear in a vio-
12 lation proceeding if the person has been served with a citation issued under
13 this chapter for a violation [*other than a Class E violation*] and the person
14 knowingly fails to do any of the following:

15 “(a) Make a first appearance in the manner required by ORS 153.061
16 within the time allowed.

17 “(b) Make appearance at the time set for trial in the violation proceeding.

18 “(c) Appear at any other time required by the court or by law.

19 “(2) Failure to appear on a violation citation is a Class A misdemeanor.

20 **“SECTION 55.** ORS 221.339 is amended to read:

21 “221.339. (1) A municipal court has concurrent jurisdiction with circuit
22 courts and justice courts over all violations committed or triable in the city
23 where the court is located.

24 “(2) Except as provided in subsections (3) and (4) of this section, munici-
25 pal courts have concurrent jurisdiction with circuit courts and justice courts
26 over misdemeanors committed or triable in the city. Municipal courts may
27 exercise the jurisdiction conveyed by this section without a charter provision
28 or ordinance authorizing that exercise.

29 “(3) Municipal courts have no jurisdiction over felonies[,] **or** designated
30 drug-related misdemeanors as defined in ORS 423.478 [*or Class E violations*].

1 “(4) A city may limit the exercise of jurisdiction over misdemeanors by
2 a municipal court under this section by the adoption of a charter provision
3 or ordinance, except that municipal courts must retain concurrent jurisdic-
4 tion with circuit courts over:

5 “(a) Misdemeanors created by the city’s own charter or by ordinances
6 adopted by the city, as provided in ORS 3.132; and

7 “(b) Traffic crimes as defined by ORS 801.545.

8 “(5) Subject to the powers and duties of the Attorney General under ORS
9 180.060, the city attorney has authority to prosecute a violation of any of-
10 fense created by statute that is subject to the jurisdiction of a municipal
11 court, including any appeal, if the offense is committed or triable in the city.
12 The prosecution shall be in the name of the state. The city attorney shall
13 have all powers of a district attorney in prosecutions under this subsection.

14 **“SECTION 56.** ORS 419C.370 is amended to read:

15 “419C.370. (1) The juvenile court may enter an order directing that all
16 cases involving:

17 “(a) Violation of a law or ordinance relating to the use or operation of
18 a motor vehicle, boating laws or game laws be waived to criminal or mu-
19 nicipal court;

20 “(b) An offense classified as a violation [*other than a Class E violation*]
21 under the laws of this state or a political subdivision of this state be waived
22 to municipal court if the municipal court has agreed to accept jurisdiction;
23 and

24 “(c) A misdemeanor that entails theft, destruction, tampering with or
25 vandalism of property be waived to municipal court if the municipal court
26 has agreed to accept jurisdiction.

27 “(2) Cases waived under subsection (1) of this section are subject to the
28 following:

29 “(a) That the criminal or municipal court prior to hearing a case, other
30 than a case involving a parking violation, in which the defendant is or ap-

1 pears to be under 18 years of age notify the juvenile court of that fact; and

2 “(b) That the juvenile court may direct that any such case be waived to
3 the juvenile court for further proceedings.

4 “(3)(a) When a person who has been waived under subsection (1)(c) of this
5 section is convicted of a property offense, the municipal court may impose
6 any sanction authorized for the offense except for incarceration. The munic-
7 ipal court shall notify the juvenile court of the disposition of the case.

8 “(b) When a person has been waived under subsection (1) of this section
9 and fails to appear as summoned or is placed on probation and is alleged to
10 have violated a condition of the probation, the juvenile court may recall the
11 case to the juvenile court for further proceedings. When a person has been
12 returned to juvenile court under this paragraph, the juvenile court may
13 proceed as though the person had failed to appear as summoned to the ju-
14 venile court or had violated a juvenile court probation order under ORS
15 419C.446.

16 “(4) Records of cases waived under subsection (1)(c) of this section are
17 juvenile records for purposes of expunction under ORS 419A.260 to 419A.271.

18 “**SECTION 57.** ORS 475.235 is amended to read:

19 “475.235. (1) It is not necessary for the state to negate any exemption or
20 exception in ORS 475.005 to 475.285 and 475.752 to 475.980 in any complaint,
21 information, indictment or other pleading or in any trial, hearing or other
22 proceeding under ORS 475.005 to 475.285 and 475.752 to 475.980. The burden
23 of proof of any exemption or exception is upon the person claiming it.

24 “(2) In the absence of proof that a person is the duly authorized holder
25 of an appropriate registration or order form issued under ORS 475.005 to
26 475.285 and 475.752 to 475.980, the person is presumed not to be the holder
27 of the registration or form. The burden of proof is upon the person to rebut
28 the presumption.

29 “(3)(a) When a controlled substance is at issue in a criminal proceeding
30 before a grand jury, at a preliminary hearing, in a proceeding on a district

1 attorney's information[, *during a proceeding on a Class E violation*] or for
2 purposes of an early disposition program, it is prima facie evidence of the
3 identity of the controlled substance if:

4 “(A) A sample of the controlled substance is tested using a presumptive
5 test for controlled substances;

6 “(B) The test is conducted by a law enforcement officer trained to use the
7 test or by a forensic scientist; and

8 “(C) The test is positive for the particular controlled substance.

9 “(b) When the identity of a controlled substance is established using a
10 presumptive test for purposes of a criminal proceeding before a grand jury,
11 a preliminary hearing, a proceeding on a district attorney's information or
12 an early disposition program, the defendant, upon notice to the district at-
13 torney, may request that the controlled substance be sent to a state police
14 forensic laboratory for analysis. [*The defendant may not make a request under*
15 *this paragraph concerning a controlled substance at issue in a proceeding on*
16 *a Class E violation.*]

17 “(4) Notwithstanding any other provision of law, in all prosecutions in
18 which an analysis of a controlled substance or sample was conducted, a
19 certified copy of the analytical report signed by the director of a state police
20 forensic laboratory or the analyst or forensic scientist conducting the anal-
21 ysis shall be admitted as prima facie evidence of the results of the analytical
22 findings unless the defendant has provided notice of an objection in accord-
23 ance with subsection (5) of this section.

24 “(5) If the defendant intends to object at trial to the admission of a cer-
25 tified copy of an analytical report as provided in subsection (4) of this sec-
26 tion, not less than 15 days prior to trial the defendant shall file written
27 notice of the objection with the court and serve a copy on the district at-
28 torney.

29 “(6) As used in this section:

30 “(a) ‘Analyst’ means a person employed by the Department of State Police

1 to conduct analysis in forensic laboratories established by the department
2 under ORS 181A.150.

3 “(b) ‘Presumptive test’ includes, but is not limited to, chemical tests using
4 Marquis reagent, Duquenois-Levine reagent, Scott reagent system or modi-
5 fied Chen’s reagent.

6 **“SECTION 58.** ORS 670.280 is amended to read:

7 “670.280. (1) As used in this section:

8 “(a) ‘License’ includes a registration, certification or permit.

9 “(b) ‘Licensee’ includes a registrant or a holder of a certification or per-
10 mit.

11 “(2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing
12 board, commission or agency may not deny, suspend or revoke an occupa-
13 tional or professional license solely for the reason that the applicant or
14 licensee has been convicted of a crime, but it may consider the relationship
15 of the facts which support the conviction and all intervening circumstances
16 to the specific occupational or professional standards in determining the
17 fitness of the person to receive or hold the license. [*There is a rebuttable*
18 *presumption as to each individual applicant or licensee that an existing or*
19 *prior conviction for conduct that has been classified or reclassified as a Class*
20 *E violation does not make an applicant for an occupational or professional li-*
21 *cence or a licensee with an occupational or professional license unfit to receive*
22 *or hold the license.*]

23 “(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing
24 board, commission or agency may deny an occupational or professional li-
25 cense or impose discipline on a licensee based on conduct that is not
26 undertaken directly in the course of the licensed activity, but that is sub-
27 stantially related to the fitness and ability of the applicant or licensee to
28 engage in the activity for which the license is required. In determining
29 whether the conduct is substantially related to the fitness and ability of the
30 applicant or licensee to engage in the activity for which the license is re-

1 quired, the licensing board, commission or agency shall consider the re-
2 lationship of the facts with respect to the conduct and all intervening
3 circumstances to the specific occupational or professional standards. [*There*
4 *is a rebuttable presumption as to each individual applicant or licensee that an*
5 *existing or prior conviction for conduct that has been classified or reclassified*
6 *as a Class E violation is not related to the fitness and ability of the applicant*
7 *or licensee to engage in the activity for which the license is required.*]

8 **“SECTION 59.** ORS 430.392 is amended to read:

9 “430.392. (1) The Division of Audits of the office of the Secretary of State
10 shall conduct performance audits and financial reviews as provided in this
11 section, regarding the uses of the Drug Treatment and Recovery Services
12 Fund and the effectiveness of the fund in achieving the purposes of the fund
13 and the policy objectives of ORS 430.383. Recipients of grants or funds under
14 ORS 430.389 shall keep accurate books, records and accounts that are subject
15 to inspection and audit by the division.

16 “(2) The division shall monitor and report on the progress in implement-
17 ing any recommendations made in the audit or financial review. The division
18 shall follow up on recommendations as part of recurring audit work or as
19 an activity separate from other audit activity. When following up on recom-
20 mendations, the division may request from the appropriate agency evidence
21 of implementation.

22 “(3) The audits set forth in this section shall be conducted pursuant to
23 the provisions of ORS chapter 297, except to the extent any provision of ORS
24 chapter 297 conflicts with any provision of ORS 293.665 and 305.231 and
25 430.383 to 430.390 and 430.394, in which case the provisions of ORS 293.665
26 and 305.231 and 430.383 to 430.390 and 430.394 shall control.

27 “(4) No later than December 31, 2023, the division shall perform a:

28 “(a) Real-time audit, as prescribed by the division, which shall include an
29 assessment of the relationship between the Oversight and Accountability
30 Council and the Oregon Health Authority, the relationship between the

1 council and recipients of grants or funding and the structural integrity of
2 ORS 293.665 and 305.231 and 430.383 to 430.390 and 430.394, including but not
3 limited to assessing:

4 “(A) Whether the organizational structure of the council contains con-
5 flicts or problems.

6 “(B) Whether the rules adopted by the council are clear and functioning
7 properly.

8 “(C) Whether the council has sufficient authority and independence to
9 achieve the council’s mission.

10 “(D) Whether the authority is fulfilling the authority’s duties under ORS
11 430.384, 430.387, 430.390 and 430.391.

12 “(E) Whether there are conflicts of interest in the process of awarding
13 grants or funding.

14 “(F) Whether there are opportunities to expand collaboration between the
15 council and state agencies.

16 “(G) Whether barriers exist in data collection and evaluation mechanisms.

17 “(H) Who is providing the data.

18 “(I) Other areas identified by the division.

19 “(b) Financial review, which shall include an assessment of the following:

20 “(A) Whether grants and funding are going to organizations that are
21 culturally responsive and linguistically specific, including an assessment of:

22 “(i) The barriers that exist for grant and funding applicants who are
23 Black, Indigenous or People of Color.

24 “(ii) The applicants that were denied and why.

25 “(iii) Whether grants and other funding are being disbursed based on the
26 priorities specified in ORS 430.389.

27 “(iv) For government entities receiving grants or funding under ORS
28 430.389, the government entities’ subgrantees and whether the governmental
29 entity supplanted or decreased any local funding dedicated to the same ser-
30 vices after receiving grants or funds under ORS 430.389.

1 “(v) What proportion of grants or funds received by grantees and others
2 under ORS 430.389, was devoted to administrative costs.

3 “(B) The organizations and agencies receiving grants or funding under
4 ORS 430.389 and:

5 “(i) Which of the organizations and agencies are Behavioral Health Re-
6 source Network entities.

7 “(ii) The amount each organization and agency received.

8 “(iii) The total number of organizations and agencies that applied for
9 grants or funding.

10 “(iv) The amount of moneys from the fund that were used to administer
11 the programs selected by the council.

12 “(v) The moneys that remained in the Drug Treatment and Recovery
13 Services Fund after grants and funding were disbursed.

14 “(5) No later than December 31, 2025, the division shall conduct a per-
15 formance audit, which must include an assessment of the following:

16 “(a) All relevant data regarding the implementation of ORS 153.062 and
17 430.391, including demographic information on individuals who receive cita-
18 tions subject to ORS 153.062 and 430.391 and whether the citations resulted
19 in connecting the individuals with treatment.

20 “(b) The functioning of:

21 “[*A*] *Law enforcement and the courts in relation to Class E violation ci-*
22 *tations;*]

23 “[*B*] **(A)** The telephone hotline operated by the authority;

24 “[*C*] **(B)** Entities providing verification of screenings under ORS 430.389;
25 and

26 “[*D*] **(C)** The grants and funding systems between the council, the au-
27 thority and recipients of grants or funding, including by gathering informa-
28 tion about which entities are receiving grants or funding and what the
29 grants or funding are used for, the process of applying for grants or funding
30 and whether the process is conducive to obtaining qualified applicants for

1 grants or funding who are from communities of color.

2 “(c) Disparities shown by demographic data and whether the citation data
3 reveals a disproportionate use of citations in communities most impacted by
4 the war on drugs.

5 “(d) Whether ORS 153.062, 430.389 and 430.391 reduce the involvement in
6 the criminal justice system of individuals with substance use.

7 “(e) Training opportunities provided to law enforcement officials regard-
8 ing services that are available and how to connect individuals to the ser-
9 vices.

10 “(f) The efficacy of issuing citations as a method of connecting individuals
11 to services.

12 “(g) The role of the implementation of ORS 430.383 to 430.390 and 430.394
13 in reducing overdose rates.

14 “(h) Outcomes for individuals receiving treatment and other social ser-
15 vices under ORS 430.389, including, but not limited to, the following:

16 “(A) Whether access to care increased since December 3, 2020, and, if data
17 is available, whether, since December 3, 2020:

18 “(i) The number of drug and alcohol treatment service providers in-
19 creased.

20 “(ii) The number of culturally specific providers increased.

21 “(iii) Access to harm reduction services has increased.

22 “(iv) More individuals are accessing treatment than they were before
23 December 3, 2020.

24 “(v) Access to housing for individuals with substance use has increased.

25 “(B) Data on Behavioral Health Resource Networks and recipients of
26 grants and funding under ORS 430.389, including:

27 “(i) The outcomes of each network or recipient, including but not limited
28 to the number of clients with substance use receiving services from each
29 network or recipient, the average duration of client participation and client
30 outcomes.

1 “(ii) The number of individuals seeking assistance from the network or
2 recipients who are denied or not connected to substance use treatment and
3 other services, and the reasons for the denials.

4 “(iii) The average time it takes for clients to access services and fulfill
5 their individual intervention plan and the reason for any delays, such as
6 waiting lists at referred services.

7 “(iv) Whether average times to access services to which clients are re-
8 ferred, such as housing or medically assisted treatment, have decreased over
9 time since December 3, 2020.

10 “(v) Demographic data on clients served by Behavioral Health Resource
11 Networks, including self-reported demographic data on race, ethnicity,
12 gender and age.

13 “(i) Each recipient of a grant or funding.

14 “(j) Other areas identified by the division for ascertaining best practices
15 for overdose prevention.

16 “(6) The division shall conduct periodic performance audits and financial
17 reviews pursuant to the division’s annual audit plan and taking into con-
18 sideration the risks of the program.

19 **“SECTION 60. ORS 153.043, 153.062, 419C.460 and 475.237 are repealed.**

20

21 **“DATA TRACKING**

22

23 **“SECTION 61. (1) For purposes of tracking racial or other demo-**
24 **graphic disparities in enforcement, the Oregon Criminal Justice Com-**
25 **mission shall collect and analyze the following data concerning**
26 **deflections, arrests, charges and convictions for unlawful possession**
27 **of a controlled substance and delivery of a controlled substance of-**
28 **fenses:**

29 **“(a) The date and location of each deflection and arrest;**

30 **“(b) The specific offense for which each person was arrested,**

1 charged or convicted; and

2 “(c) Demographic data for each person deflected, arrested, charged
3 or convicted.

4 “(2) Beginning no later than August 31, 2025, and annually there-
5 after, the commission shall provide a report to the interim committees
6 of the Legislative Assembly related to the judiciary, in the manner
7 described in ORS 192.245, containing an analysis of the data described
8 in this section.

9 “(3) In carrying out the commission’s duties under this section, the
10 commission may use any information concerning deflections obtained
11 during the certification process described in section 26 of this 2024 Act
12 or the grant program application, monitoring and evaluation process
13 described in sections 62 and 63 of this 2024 Act.

14 “(4) Data reported under this section shall be used only for statis-
15 tical purposes and not for any other purpose. The data reports may
16 not contain information that reveals the identity of any individual.
17 Data collected by government agencies or held by the Oregon Criminal
18 Justice Commission under this section that may reveal the identity
19 of any individual is exempt from public disclosure in any manner.

20 “(5) The Oregon Criminal Justice Commission may adopt rules to
21 carry out the provisions of this section.

22

23 **“OREGON BEHAVIORAL HEALTH DEFLECTION PROGRAM**

24

25 **“SECTION 62. (1) As used in this section, ‘deflection program’**
26 **means a collaborative program between law enforcement agencies and**
27 **behavioral health entities that assists individuals who may have sub-**
28 **stance use disorder, another behavioral health disorder or co-**
29 **occurring disorders, to create community-based pathways to**
30 **treatment, recovery support services, housing, case management or**

1 other services.

2 “(2) The Oregon Behavioral Health Deflection Program is estab-
3 lished within the Improving People’s Access to Community-based
4 Treatment, Supports and Services Grant Review Committee estab-
5 lished under ORS 430.234. The program consists of grants awarded by
6 the committee to community mental health programs, local mental
7 health authorities and federally recognized tribal governments in
8 Oregon to fund deflection programs.

9 “(3)(a) The purpose of the program described in this section is to
10 address the need for more deflection programs to assist individuals
11 whose behavioral health conditions, including substance use disorder,
12 lead to interactions with law enforcement, incarceration, conviction
13 and other engagement with the criminal justice system.

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

16 “(4)(a) An application for a grant under this section may be sub-
17 mitted by a community mental health program, a local mental health
18 authority or a federally recognized tribal government.

19 “(b) The committee and the Oregon Criminal Justice Commission
20 shall develop separate grant application processes for community
21 mental health programs, local mental health authorities and federally
22 recognized tribal governments.

23 “(c) Prior to submitting an application for a grant under this sec-
24 tion, the applicant shall coordinate with all partners of the develop-
25 ment and administration of the proposed deflection program to ensure
26 that the partners have the resources necessary to implement the de-
27 flection program. The partners may include, but are not limited to,
28 Behavioral Health Resource Networks established under ORS 430.389,
29 treatment providers, peer support organizations, law enforcement
30 agencies, courts and local government bodies.

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

2 “(A) A description of the coordination required by paragraph (c) of
3 this subsection that has occurred; and

4 “(B) A description of how the program for which the applicant is
5 seeking funding is culturally and linguistically responsive, trauma-
6 informed and evidence-based.

7 “(5) To be eligible for funding under this section, a deflection pro-
8 gram:

9 “(a) Must be coordinated by a community mental health program
10 or a local mental health authority, either individually or as part of a
11 deflection program network, with the following program coordinator
12 duties:

13 “(A) Convening deflection program partners as needed for the op-
14 eration of the program;

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

16 “(C) Ensuring that the program receives certification under section
17 26 of this 2024 Act; and

18 “(D) Providing the written verifications and notices described in
19 paragraph (g) of this subsection to the referring law enforcement
20 agency;

21 “(b) Must be focused on serving individuals who are referred to the
22 program as follows:

23 “(A) A law enforcement officer engages with an individual whom
24 the officer has probable cause to arrest or cite for unlawful possession
25 of a controlled substance; and

26 “(B) The law enforcement officer refers the individual to the pro-
27 gram, completion of which results in the individual not being prose-
28 cuted for the charges;

29 “(c) Must be made available to referred individuals at no cost;

30 “(d) Must provide an initial contact with a referred individual

1 **within 30 days of the referral;**

2 **“(e) Must provide participants with a behavioral health screening**
3 **described in ORS 430.389 (2)(e)(A) or an equivalent screening;**

4 **“(f) Must provide participants with at least one additional contact**
5 **with the program following the screening, which may include but is**
6 **not limited to individual intervention planning, case management or**
7 **connection to services;**

8 **“(g) Must provide to the program coordinator:**

9 **“(A) Written verification of a participant’s completion of the**
10 **screening described in paragraph (e) of this subsection and the addi-**
11 **tional contact described in paragraph (f) of this subsection; or**

12 **“(B) Written notice that a participant did not complete the screen-**
13 **ing described in paragraph (e) of this subsection or the additional**
14 **contact described in paragraph (f) of this subsection;**

15 **“(h) Must involve a partnership with the local Behavioral Health**
16 **Resource Networks established under ORS 430.389 and a law enforce-**
17 **ment agency; and**

18 **“(i) May involve a partnership with one or more of the following**
19 **entities:**

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

21 **“(B) A community provider;**

22 **“(C) A treatment provider;**

23 **“(D) A community-based organization;**

24 **“(E) A case management provider;**

25 **“(F) A recovery support services provider; or**

26 **“(G) Any other individual or entity deemed necessary by the pro-**
27 **gram coordinator to carry out the purposes of the deflection program,**
28 **including individuals with lived experience with substance use disor-**
29 **der, a behavioral health disorder or co-occurring disorders.**

30 **“(6) A deflection program for which an applicant is requesting a**

1 grant under this section may:

2 “(a) Offer more contact and services than described in subsection
3 (5)(e) and (f) of this section.

4 “(b) Provide services to individuals in addition to the referred indi-
5 viduals described in subsection (5)(b) of this section.

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

9 “(a) The proportion of grant funds available to an applicant other
10 than a tribal government shall be determined based on the county
11 formula share employed by the Oversight and Accountability Council
12 established under ORS 430.388, but an applicant may not receive less
13 than \$_____.

14 “(b) The committee shall determine the proportion of funds avail-
15 able to an applicant that is a federally recognized tribal government
16 applicant.

17 “(8)(a) Grant funds awarded under this section may be used for
18 capital construction of behavioral health treatment infrastructure.

19 “(b) Notwithstanding subsection (5) of this section, the committee
20 may award planning grants for the development of deflection pro-
21 grams.

22 “(c) The committee may allocate up to three percent of program
23 funds to support grantee data collection and analysis or evaluation of
24 outcome measures.

25 “(9) The Oregon Criminal Justice Commission shall provide staff
26 support to the grant program.

27 “(10) The committee and the commission may adopt rules to carry
28 out the provisions of this section.

29 **“SECTION 63. (1) The Improving People’s Access to Community-
30 based Treatment, Supports and Services Grant Review Committee es-**

1 **ablished under ORS 430.234, in cooperation with the Oregon Criminal**
2 **Justice Commission and the Oregon Health Authority, shall monitor**
3 **the progress of and evaluate program outcomes for applicants that**
4 **receive grant funds as part of the Oregon Behavioral Health Deflection**
5 **Program established under section 62 of this 2024 Act.**

6 **“(2) Beginning no later than September 31, 2025, the committee**
7 **shall annually report, in the manner described in ORS 192.245 and in**
8 **conjunction with the report required under ORS 430.245 (3), the**
9 **findings of the evaluation described in subsection (1) of this section**
10 **to the relevant interim committees of the Legislative Assembly.**

11 **“SECTION 64. The Oregon Behavioral Health Deflection Program**
12 **Account is established in the State Treasury, separate and distinct**
13 **from the General Fund. All moneys in the account are continuously**
14 **appropriated to the Improving People’s Access to Community-based**
15 **Treatment, Supports and Services Grant Review Committee for the**
16 **purpose of carrying out the provisions of sections 62 and 63 of this 2024**
17 **Act.**

18 **“SECTION 65. ORS 430.234 is amended to read:**

19 **“430.234. (1) The Improving People’s Access to Community-based Treat-**
20 **ment, Supports and Services Grant Review Committee is established in the**
21 **Oregon Criminal Justice Commission consisting of [19] 21 members as fol-**
22 **lows:**

23 **“(a) The Director of the Oregon Health Authority, or the director’s**
24 **designee.**

25 **“(b) The Director of the Department of Corrections, or the director’s**
26 **designee.**

27 **“(c) The Chief Justice of the Supreme Court, or the Chief Justice’s**
28 **designee.**

29 **“(d) The executive director of the Oregon Criminal Justice Commission**
30 **or the director’s designee.**

1 “(e) **Two members of the Oregon Criminal Justice Commission, to**
2 **be appointed by the chair of the commission.**

3 “[(e)] (f) The Director of the Housing and Community Services Depart-
4 ment or the director’s designee.

5 “[(f)] (g) Nine members appointed by the Governor including:

6 “(A) A district attorney.

7 “(B) An attorney specializing in defense of individuals with mental health
8 or substance use disorders.

9 “(C) A chief of police.

10 “(D) A county commissioner.

11 “(E) A director of a hospital that provides acute mental health treatment.

12 “(F) A representative of a community-based mental health treatment fa-
13 cility or a practitioner in a community-based mental health treatment facil-
14 ity.

15 “(G) A representative of a community-based substance use disorder treat-
16 ment facility or a practitioner in a community-based substance use disorder
17 treatment facility.

18 “(H) A sheriff.

19 “(I) A representative of a federally recognized Indian tribe.

20 “[(g)] (h) One nonvoting member appointed by the President of the Senate
21 from among members of the Senate.

22 “[(h)] (i) One nonvoting member appointed by the Speaker of the House
23 of Representatives from among members of the House of Representatives.

24 “[(i)] (j) Three members of the public that represent the age demographics
25 of the target population.

26 “(2) A majority of the voting members of the committee constitutes a
27 quorum for the transaction of business.

28 “(3) The directors of the Oregon Criminal Justice Commission and the
29 Oregon Health Authority or their designees shall serve as cochairpersons.

30 “(4) If there is a vacancy for any cause, the appointing authority shall

1 make an appointment to become effective immediately.

2 “(5) The committee shall meet at times and places specified by the call
3 of the cochairpersons or a majority of the voting members of the committee.

4 “(6) The Oregon Criminal Justice Commission shall provide staff support
5 to the committee.

6 “(7) Legislative members of the committee shall be entitled to payment
7 of compensation and expenses under ORS 171.072, payable from funds appro-
8 priated to the Legislative Assembly.

9 “(8) Members of the committee who are not members of the Legislative
10 Assembly are not entitled to compensation but may be reimbursed for actual
11 and necessary travel and other expenses incurred by the member in the per-
12 formance of the member’s official duties in the manner and amount provided
13 in ORS 292.495.

14 “(9) All agencies of state government, as defined in ORS 174.111, are di-
15 rected to assist the committee in the performance of the duties of the com-
16 mittee and, to the extent permitted by laws relating to confidentiality, to
17 furnish information and advice that the members of the committee consider
18 necessary to perform their duties.

19 **“SECTION 66. In addition to and not in lieu of any other appropri-
20 ation, there is appropriated to the Oregon Criminal Justice Commis-
21 sion, for the biennium ending June 30, 2025, out of the General Fund,
22 the amount of \$_____, for deposit into the Oregon Behavioral
23 Health Deflection Program Account established under section 64 of
24 this 2024 Act.**

25

26

“EXPANSION OF WELFARE HOLDS

27

28 **“SECTION 67.** ORS 430.399 is amended to read:

29 “430.399. (1) Any person who is intoxicated or under the influence of
30 controlled substances in a public place may be sent home or taken to a so-

1 bering facility or to a treatment facility by a police officer. If the person is
2 incapacitated, the person shall be taken by the police officer to an appro-
3 priate treatment facility or sobering facility. If the health of the person ap-
4 pears to be in immediate danger, or the police officer has reasonable cause
5 to believe the person is dangerous to self or to any other person, the person
6 shall be taken by the police officer to an appropriate treatment facility or
7 sobering facility. A person shall be deemed incapacitated when in the opinion
8 of the police officer the person is unable to make a rational decision as to
9 acceptance of assistance.

10 “(2) When a person is taken to a treatment facility, the director of the
11 treatment facility shall determine whether the person shall be admitted as
12 a patient, referred to another treatment facility or a sobering facility or de-
13 nied referral or admission. If the person is incapacitated or the health of the
14 person appears to be in immediate danger, or if the director has reasonable
15 cause to believe the person is dangerous to self or to any other person, the
16 person must be admitted. The person shall be discharged within [48] **72** hours
17 unless the person has applied for voluntary admission to the treatment fa-
18 cility.

19 “(3) When a person is taken to a sobering facility, the staff of the sober-
20 ing facility shall, consistent with the facility’s comprehensive written poli-
21 cies and procedures, determine whether or not the person shall be admitted
22 into the sobering facility. A person who is admitted shall be discharged from
23 the sobering facility within 24 hours.

24 “(4) In the absence of any appropriate treatment facility or sobering fa-
25 cility, or if a sobering facility determines that a person should not be ad-
26 mitted to the sobering facility, an intoxicated person or a person under the
27 influence of controlled substances who would otherwise be taken by the po-
28 lice officer to a treatment facility or sobering facility may be taken to the
29 city or county jail where the person may be held until no longer intoxicated,
30 under the influence of controlled substances or incapacitated.

1 “(5) An intoxicated person or person under the influence of controlled
2 substances, when taken into custody by the police officer for a criminal of-
3 fense, shall immediately be taken to the nearest appropriate treatment fa-
4 cility when the condition of the person requires emergency medical
5 treatment.

6 “(6) The records of a person at a treatment facility or sobering facility
7 may not, without the person’s consent, be revealed to any person other than
8 the director and staff of the treatment facility or sobering facility. A person’s
9 request that no disclosure be made of admission to a treatment facility or
10 sobering facility shall be honored unless the person is incapacitated or dis-
11 closure of admission is required by ORS 430.397.

12
13 **“APPLICABILITY**

14
15 **“SECTION 68. Sections 24, 25, 40 and 41 of this 2024 Act, the**
16 **amendments to ORS 51.050, 135.050, 137.010, 137.300, 153.012, 153.018,**
17 **153.019, 153.021, 153.064, 153.992, 221.339, 419C.370, 423.478, 423.483, 423.525,**
18 **430.384, 430.392, 475.005, 475.235, 475.752, 475.814, 475.824, 475.834, 475.854,**
19 **475.874, 475.884, 475.894, 475.900 and 670.280 by sections 20 and 21, 28 to**
20 **39 and 46 to 59 of this 2024 Act and the repeal of ORS 153.043, 153.062,**
21 **419C.460 and 475.237 by section 60 of this 2024 Act apply to conduct oc-**
22 **curring on or after the effective date of this 2024 Act.**

23 **“SECTION 69. Section 2 of this 2024 Act and the amendments to**
24 **ORS 750.055 and 750.333 by sections 17 to 19 of this 2024 Act apply to**
25 **policies, certificates and contracts entered into, issued, renewed or**
26 **extended on or after the effective date of this 2024 Act.**

27
28 **“REPEALS**

29
30 **“SECTION 70. Section 12 of this 2024 Act is repealed on January 2,**

1 2026.

2 **“SECTION 71. Section 15 of this 2024 Act is repealed on January 2,**
3 **2027.**

4 **“SECTION 72. Section 16 of this 2024 Act is repealed on January 2,**
5 **2026.**

6

7

“CAPTIONS

8

9 **“SECTION 73. The unit and section captions used in this 2024 Act**
10 **are provided only for the convenience of the reader and do not become**
11 **part of the statutory law of this state or express any legislative intent**
12 **in the enactment of this 2024 Act.**

13

14

“EMERGENCY CLAUSE

15

16 **“SECTION 74. This 2024 Act being necessary for the immediate**
17 **preservation of the public peace, health and safety, an emergency is**
18 **declared to exist, and this 2024 Act takes effect on its passage.”.**

19
