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# 191445

Emergency Ordinance

## \*Amend Alcohol on Public Property and Public Rights of Way Code to add a provision that bans consumption of controlled substances in public subject to state law limitations (amend Code Section 14A.50.010)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland recognizes the importance of a health-centered approach in addressing substance use disorders, acknowledging alcoholism and drug addiction as diseases;
2. The opioid epidemic, fueled by substances including Oxycontin, fentanyl, and synthetic fentanyl, has led to a rapid increase in accidental drug overdose deaths, necessitating coordinated efforts to restore public health and safety;
3. The City of Portland and the State of Oregon have witnessed a significant increase in fentanyl-related deaths, and the escalating trend of overdose deaths underscores the urgent need for regulatory measures;
4. The consumption of controlled substances in public areas poses risks to the greater general public due to exposure to fumes and contaminated paraphernalia;
5. State law already acknowledges the regulation of public behaviors, evident in the prohibition of public consumption of alcohol and cannabis;
6. The need to regulate public consumption of controlled substances aligns with the precedent set for alcohol and cannabis consumption;
7. The City of Portland recognizes the importance of regulating public consumption of controlled substances given their potency and associated dangers;
8. The City of Portland acknowledges the need to provide adequate treatment and sobering resources to individuals affected by addiction;
9. There is a need to expand sobering facilities and treatment resources to address the increased demand of addiction cases;
10. The City of Portland aims to collaborate with Multnomah County to secure funding and resources for addressing these addiction-related challenges;

NOW, THEREFORE, the Council directs:

- A. City Code Section 14A.50.010 is amended as set forth in Exhibit A.

### Changes

[Ordinance 191445](#)

September 6, 2023

[View all changes](#)

### Introduced by

[Mayor Ted Wheeler](#);  
[Commissioner Rene Gonzalez](#);  
[Commissioner Mingus Mapps](#);  
[Commissioner Carmen Rubio](#);  
[Commissioner Dan Ryan](#)

### Bureau

[Police](#)

### Contact

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Chief of Staff to Commissioner Gonzalez

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#### Stephanie Howard

Mayor's Director of Community Safety

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### Requested Agenda Type

Time Certain

### Date and Time Information

#### Requested Council Date

September 6, 2023

#### Requested Start Time


2:00 pm

#### Time Requested

45 min (2 of 2)

Section 2. The Council declares an emergency exists because the amendments will allow the ordinance to become effective concurrently with efforts by the Office of Government relations to collaborate with state and local actors on a meaningful response to the opioid epidemic; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/item-757-exhibit-a-changes-marked-pcc-section-14a.50.010.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/item-757-exhibit-a-changes-marked-pcc-section-14a.50.010.pdf) 398.25 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
September 6, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Amending City Code 14A.50.010 as amended on June 17, 2011 to include controlled substances as defined in ORS 475.005. The purpose of this emergency ordinance is to confront the public health risks associated with the rapid increase in instances of open public use of controlled substances including but not limited to Methamphetamine, Oxycontin, fentanyl, and synthetic fentanyl in the City of Portland.

### Financial and Budgetary Impacts

No budgetary impact.

### Community Impacts and Community Involvement

The community impact of this emergency ordinance is to create alignment in city code when responding to open use of controlled substances in the same manner as open use of alcohol and cannabis. Decreasing the occurrences of open use of substances like methamphetamine, heroin, oxycontin, fentanyl, and synthetic fentanyl will improve public health outcomes for residents, visitors, and first responders. It will expand the ability for public safety officials to take action in situations of open use.

## 100% Renewable Goal

Not applicable.

## Budget Office Financial Impact Analysis

This emergency ordinance amends City Code to more expressly and strictly prohibit consumption of alcohol and controlled substances. The enforcement mechanism of this updated policy remains the Portland Police Bureau and its partnering mutual aid agencies, who have resource to fund patrols in their base budget.

## Agenda Items

757 Time Certain in [September 6, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/9/6)  
(<https://www.portland.gov/council/agenda/2023/9/6>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea