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## 37632

Resolution

### Direct the Office of Government Relations to collaborate with state and local partners in the pursuit of consistent criminal regulation of controlled substances in public and adequate resources for drug treatment

Adopted

WHEREAS, legislative policy recognizes both alcoholism and drug addiction as diseases, reflecting a commitment to a health-centered approach to these issues; and

WHEREAS, the opioid epidemic, exacerbated by substances like Oxycontin, fentanyl, and counterfeit fentanyl, frequently involves opioids categorized as controlled substances under ORS 475.005; Oregon Law; and

WHEREAS, according to the CDC, national accidental drug overdose deaths surpassed 100,000 for the first time on record between May 2020 and April 2021, primarily because of synthetic opioids such as illicitly manufactured fentanyl; and

WHEREAS, Oregon saw a 74% surge in fentanyl-related deaths from 2019 to 2020; and

WHEREAS, Oregon continues to experience an escalating trend of overdose deaths, with the number of deaths doubling in number between 2019 and 2022 and projected to continue to rise in 2023, accentuating the pressing need for coordinated efforts to restore public health and safety among municipal, county, and state level governments; and

WHEREAS, the public consumption of these perilous drugs has subjected the general public to unnecessary risks through exposure to fumes resulting from smoking dangerous mixtures of drugs and other substances, as well as the presence of fentanyl-contaminated drug paraphernalia in public areas; and

WHEREAS, state law acknowledges the importance of regulating public behaviors, evident in its prohibition of the public consumption of alcohol and cannabis; and

WHEREAS, the possession of alcohol and cannabis is legal in Oregon, the possession of small amounts of certain controlled substances has been decriminalized; and

#### Introduced by

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

#### Bureau

[Government Relations](#)

#### 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 (1 of 2)

WHEREAS, current state law neither prohibits the public consumption of controlled substances, nor allows local governments to prohibit the public consumption of such drugs, resulting in a regulatory disparity between alcohol, cannabis, and other controlled substances; and

WHEREAS, given the established precedence in regulating the public consumption of substances such as alcohol and cannabis, it is both reasonable and appropriate to extend such regulations to the public consumption of controlled substances; and

WHEREAS, state law stipulates that criminal violations, such as prohibitions on the public consumption of controlled substances, if enacted by the legislature, are more likely than city ordinances to be rigorously booked and prosecuted; and

WHEREAS, the Controlled Substances Act was in part intended to classify controlled substances based on their danger to users and the public; and

WHEREAS, given the potency and associated dangers of controlled substances, including but not limited to methamphetamine, cocaine, and fentanyl, and any combination thereof, the public consumption of these substances should be regulated and carry greater penalties than the consumption of substances already deemed unlawful for public use, such as alcohol and cannabis; and

WHEREAS, criminal violations of state law, such as prohibitions on the public consumption of controlled substances, if enacted by the legislature, are more likely than city ordinances to be rigorously booked and prosecuted; and

WHEREAS, the City acknowledges that addressing the increase in addiction also necessitates the provision of adequate treatment and sobering resources to affected individuals; and

WHEREAS, currently, there are few sobering facility options in Portland for first responders to take individuals who are intoxicated by controlled substances, leaving first responders with the options of taking these individuals to hospitals when there is an imminent health threat requiring medical treatment or jails if a crime has been committed that is deemed bookable by the Multnomah County Sheriff; and

WHEREAS, the City is committed to a health-centered methodology in addressing substance use disorder and has partnered with Multnomah County through the Behavioral Health Emergency Coordination Network to plan and advocate for expanding sobering facilities to meet demand, and state funding for treatment and sobering facilities, which flows to Multnomah County; and

WHEREAS, the City recognizes the challenges facing the Multnomah County Sheriff's Office, including staffing shortages and a loss of state funding that will likely require difficult decisions to be made concerning booking criteria and potential reductions in jail capacity. The City intends to advocate with Multnomah County to obtain appropriate funding and resources sufficient to meet the safety needs of the community; and

WHEREAS, the City is further cognizant that there are additional hurdles facing the criminal legal system that impact public safety, including pretrial release

standards established by the Chief Justice of the Oregon Supreme Court<sup>[1]</sup>, and a public defender crisis that requires systemic reform and expedient implementation of newly available funding; and

WHEREAS, the City is committed to supporting and advocating for the County to seek appropriate funding and address these challenges with the urgency that the health and safety of our community demands.

NOW, THEREFORE, BE IT RESOLVED:

The Office of Government Relations is hereby directed to pursue partnerships with other Oregon local governments and the state legislature to collaborate on solutions to address the substantial impact of public consumption of controlled substances on community safety and public health.

The Office of Government Relations is directed to collaborate toward the following objectives:

- State legislation that aligns with existing regulations governing alcohol and cannabis to make the public consumption of controlled substances, as delineated by ORS 475.005, a Class A Misdemeanor.
- State legislation that amends ORS 430.402 to empower local governments to enact and enforce laws that recognize the impact of public consumption of controlled substances on the health and safety of our community.
- Continue to support and advocate for state funding to Multnomah County to expedite treatment programs and sobering facilities, ensuring that appropriate options are available to first responders when they encounter a person who is intoxicated by controlled substances.
- Continue to support and advocate for appropriate funding to ensure the Multnomah County Sheriff can meet the demands of individuals arrested for committing crimes that contribute to the public health and safety crisis, including distribution and ingestion of controlled substances.
- Continue to support and advocate for public defense reform to ensure those who are arrested for any offense are provided effective legal counsel throughout the criminal legal process.

## Documents and Exhibits

 [Supplemental documents](#)

(<https://www.portland.gov/sites/default/files/council-documents/2023/2023-019-oregon-chief-justice-orders-pretrial-release-order.pdf>) 1.16 MB

## Impact Statement

### Purpose of Proposed Legislation and Background Information

A resolution to advance public safety and health in the City of Portland through the regulation of the public consumption of controlled substances by directing the Office of Government Relations to collaborate with state and other local partners in the pursuit of consistent criminal regulation of controlled substance use in public and adequate resources for drug treatment.

## Financial and Budgetary Impacts

No budgetary impact.

## Community Impacts and Community Involvement

The community impact of this resolution is intentional and additional collaboration between the City of Portland's Office of Government Relations and state legislative members with the intent of making necessary changes in state law to allow for a larger municipal influence in the regulation and open use of controlled substances as to align with alcohol and cannabis.

## 100% Renewable Goal

Not applicable.

## Budget Office Financial Impact Analysis

No immediate fiscal impact. This is a resolution that acts as a formal expression of intent that this Council directs the Office of Government Relations to lobby for specific state regulatory outcomes and potential non-GF discretionary funding sources. OGR has a State Lobbying team as well as a contract with a law firm for state lobbying—all funded in its base budget—with which it can operationalize this resolution.

## Agenda Items

756 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>)

Adopted

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea