

# DRUGS/FORFEITURE

## HB 2403: Disabling a Hidden Compartment

HB 2403 allows a law enforcement agency to remove a hidden compartment from a vehicle that has been forfeited and to be reimbursed for expense associated with removal out of proceeds of selling the vehicle. The measure makes changes to both the civil (Chapter 475A) and criminal (Chapter 131) forfeiture statutes and requires the following:

- Requires law enforcement to disable the hidden compartment of a vehicle that is lawfully seized when the compartment is used or intended to be used to facilitate the commission of a criminal offense.
- If the vehicle is forfeited and retained for law enforcement purposes then law enforcement will deduct what it would cost to disable the vehicle then distribute proceeds based on value of the vehicle.
- If the vehicle is forfeited and sold then law enforcement is required to disable the compartment and can deduct the cost of disabling the vehicle then distribute the proceeds.
- If the vehicle is forfeited and the cost of disabling the compartment exceeds the value of the vehicle then the vehicle can be salvaged or scrapped and those proceeds distributed.
- Provides that law enforcement is not liable for the diminution in value as a result of disabling the compartment.
- Provides that law enforcement is required to disable a hidden compartment when the vehicle is to be returned to the owner and/or person the vehicle seized from.

### VITAL STATISTICS

Effective Date: January 1st, 2010  
2009 ORS Site: Chapter



## SB 355: Prescription Drug Monitoring Database

SB 355 requires the State Board of Pharmacy to establish and maintain an electronic database to collect and centrally store pharmacy records for controlled substances (Schedule II, III, IV) that are dispensed throughout the state. The measure specifies conditions under which the Board can disclose data to individuals, researchers, certified practitioners and pharmacists, law enforcement agencies, health professional regulatory boards, and other state reporting programs. SB 355 stipulates that providers are not required to utilize information in the database when making prescribing decisions and imposes an annual \$25 licensing fee on each individual licensed by the board who is authorized to prescribe or dispense controlled substances. The measure creates the Prescription Monitoring Program Advisory Commission to provide guidance to the Board and establishes the membership and roles of Commission.

### VITAL STATISTICS

Effective Date: July 23rd, 2009  
2009 ORS Site: Chapter 799



## SB 356: Civil Forfeiture Clean Up

SB 356 re-enacts Oregon's civil forfeiture laws in order to ensure that any parts of the law that were in constitutional limbo after the Court of Appeals decision on Ballot Measure 3 are not challenged on the grounds that a law once found unconstitutional does not automatically become constitutional by a later court ruling, but requires legislative action. SB 356 includes the following language that identifies the purpose of the measure as it relates to civil forfeiture:

### VITAL STATISTICS

Effective Date: April 28th, 2009  
2009 ORS Site: Chapter 78

“The Legislative Assembly adopts the provisions of sections 1 to 51 of this 2009 Act as the sole and exclusive law of the state governing civil forfeiture of real and personal property based on prohibited conduct. Sections 1 to 51 of this 2009 Act supersede all charter provisions, ordinances, regulations and other enactments adopted by cities and counties relating to civil forfeitures. All forfeitures under the provisions of sections 1 to 51 of this 2009 Act are subject to the limitations of section 10, Article XV of the Oregon Constitution.”

## SB 676: Production of Industrial Hemp Products

SB 676 authorizes the production, possession and commerce in industrial hemp commodities and products. The measure identifies that industrial hemp is an agricultural product that is subject to regulation by the Oregon Department of Agriculture (ODA) and includes the following requirements:

- Requires that all growers and handlers have an industrial hemp license issued by ODA.
- Requires that growers and handlers engaged in the production of agriculture hemp seed must have a production permit in addition to the license.
- Establishes permit application requirements and a three-year non-transferable permit length.
- Authorizes ODA to make an inspection or audit records to ensure compliance.
- Authorizes ODA to inspect and take composite samples of any industrial hemp crop during the growth phase.
- Authorizes ODA to detain, seize, or embargo a crop if it contains an average concentration exceeding 0.3 percent of tetrahydrocannabinol on a dry weight basis. Authorizes a grower to retain seeds from each hemp crop to ensure a sufficient supply of seeds the following year.
- Authorizes ODA to issue agriculture hemp seed production permits and authorizes ODA to charge growers and handlers a reasonable fee.
- Authorizes ODA to revoke or refuse to issue an industrial hemp license or an agriculture hemp seed production permit in addition to a civil penalty for violating a permit or license requirement, condition, rule, or order issued by ODA.
- Limits civil penalty to \$2,500.

### VITAL STATISTICS

Effective Date: January 1st, 2010  
2009 ORS Site: Chapter



*“Hopefully the protections built into the industrial hemp production bill will prevent the kind of abuse that is rampant with the Oregon Medical Marijuana Act”*

## SB 728: Marijuana Reclassification

SB 728 establishes that a person who manufactures or delivers a controlled substance in Schedule IV and who thereby causes death to any person is guilty of a Class C felony where the controlled substance plays “a substantial role” in the death. In addition SB 728 requires the State Board of Pharmacy to:

- classify marijuana as a controlled substance in Schedule II, III, IV or V
- classify methamphetamine as a controlled substance in Schedule 1
- classify methamphetamine its salts, isomers and salts of its isomers shall be classified as a controlled substance in Schedule II for purposes of currently accepted medical use in treatment in the United States and currently accepted medical use with severe restrictions within the meaning of 21 U.S.C. 812(b)(2).

### VITAL STATISTICS

Effective Date: January 1st, 2010  
2009 ORS Site: Chapter



The measure requires the State Board of Pharmacy to classify marijuana and methamphetamine no later than 180 days after the effective date of the bill.