

*Notice of Meeting*

November 2, 2023

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Springfield City Council  
*Legislative Committee Meeting*  
4:30 – 5:30 p.m.

Hybrid

Zoom Meeting

[https://us06web.zoom.us/webinar/register/WN\\_PcmHbTB9R6COIhottos3kg](https://us06web.zoom.us/webinar/register/WN_PcmHbTB9R6COIhottos3kg)

Meeting ID 838 6320 2839

To dial in using your phone in Listen Only Mode:

Dial 1 (971) 247-1195

Toll Free 1 (877) 853-5247

Oregon Relay/TTY: 711 or 800-735-1232

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CALL TO ORDER

1. Measure 110 Draft Resolution and Ordinance  
[Mary Bridget Smith] (20 Minutes)
  
2. Federal Legislative Update  
[Sam Kelly-Quattrocchi] (10 Minutes)
  
3. State Legislative Update  
[Sam Kelly-Quattrocchi] (30 Minutes)

ADJOURNMENT

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**AGENDA ITEM SUMMARY**

**Meeting Date:** 11/2/2023  
**Meeting Type:** Work Session  
**Staff Contact/Dept.:** Mary Bridget Smith/CAO  
**Staff Phone No:** 541.744.4061  
**Estimated Time:** 20 Minutes

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**LEGISLATIVE COMMITTEE**

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**ITEM TITLE:** MEASURE 110 DRAFT RESOLUTION AND ORDINANCE PROHIBITING DRUG USE ON PUBLIC PROPERTY

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**ACTION**

**REQUESTED:** Provide initial direction about a Council response to Measure 110 by reviewing draft resolution asking legislature to reform Measure 110 and an ordinance prohibiting public drug use that would take effect upon action of the legislature to address the underlying preemption issue.

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**ISSUE**

**STATEMENT:** Local governments are concerned about the impacts of the Drug Addiction and Recovery Act, Measure 110 and Council is considering a resolution asking the legislature to modify the act and a municipal code change that would prohibit drug use on public property similar to drinking in public or an open container violation.

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**ATTACHMENTS:** [1: Measure 110 Draft Resolution](#)  
[2: Measure 110 Draft Ordinance](#)

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**DISCUSSION/  
FINANCIAL  
IMPACT:**

The purpose of this item is to give the Legislative Committee an opportunity to review and provide comment on a City of Springfield response to Measure 110, the Drug Addiction and Recovery Act.

Concern about Measure 110 is increasing, and several local governments have requested the legislature reexamine it in the upcoming legislative session. In September the Council directed staff to look at a resolution asking the legislature to modify Measure 110 and a municipal code change that would prohibit drug use on public property. The state has preempted local governments from prohibiting drug use on public property, so the municipal court code change would only be effective upon the legislature addressing the preemption in the next legislative session.

Attachment 1 is a resolution asking the legislature to modify Measure 110 and directs staff to work with local partners to advocate for the Council's position. Attachment 2 is an ordinance prohibiting drug use on public property. Council leadership asked that these draft ordinances be vetted through the Legislative Committee before being considered by the Council. The Council is scheduled to deliberate and provide direction about the resolution and code change on December 4, 2023.

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**CITY OF SPRINGFIELD, OREGON  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ASKING THE LEGISLATURE TO MODIFY MEASURE 110 TO REINTRODUCE ACCOUNTABILITY FOR DRUG OFFENSES AND DIRECTING STAFF 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**

**WHEREAS**, in November of 2020, a majority of voters in the State of Oregon passed Measure 110, with the goals being to "expand access to drug treatment" and adopt a "health based approach to addiction and overdose" that would be more "effective, humane, and cost effective";

**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;

**WHEREAS**, Eugene Springfield Fire has experienced an increase in overdose calls primarily because of synthetic opioids such as illicitly manufactured fentanyl;

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

**WHEREAS**, Oregon continues to experience an escalating trend of overdose deaths accentuating the pressing need for coordinated efforts to restore public health and safety among municipal, county, and state level governments;

**WHEREAS**, the public consumption of these controlled substances 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;

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

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

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

**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;

**WHEREAS**, given the established precedent 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;

**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;

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

**WHEREAS**, currently, there are few sobering facility options in Springfield 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 Lane County Sheriff;

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

**WHEREAS**, the City recognizes the challenges facing local law enforcement agencies, 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 Lane County to obtain appropriate funding and resources sufficient to meet the safety needs of the community; and

**WHEREAS**, the City is committed to supporting and advocating for Lane 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 BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The City Council hereby requests that the Oregon Legislature take all necessary action to modify Measure 110 to reintroduce accountability for drug offenses.

Section 2: City staff 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.

- Section 3: City staff is hereby directed to collaborate toward the following objectives:
- (a) 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, prohibited by law.
  - (b) 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.
  - (c) Continue to support and advocate for state funding to Lane 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.
  - (d) Continue to support and advocate for appropriate funding to ensure the local law enforcement Lane County 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.

Section 4: This Resolution will take effect upon adoption by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this \_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ for and \_\_\_\_ against.

ATTEST:

\_\_\_\_\_  
City Recorder

DRAFT

**CITY OF SPRINGFIELD, OREGON**  
**ORDINANCE NO. \_\_\_\_\_ (General)**

**AN ORDINANCE REPEALING AND REPLACING SPRINGFIELD MUNICIPAL CODE  
SECTION 5.256 TO ADD A PROHIBITION FOR USE OF CONTROLLED SUBSTANCES ON  
PUBLIC PROPERTY**

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

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

**WHEREAS**, Eugene Springfield Fire has experienced an increase in overdose calls primarily because of synthetic opioids such as illicitly manufactured fentanyl;

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

**WHEREAS**, Oregon continues to experience an escalating trend of overdose deaths accentuating the pressing need for coordinated efforts to restore public health and safety among municipal, county, and state level governments;

**WHEREAS**, the public consumption of these controlled substances 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;

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

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

**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;

**WHEREAS**, given the established precedent 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;

**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;

**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, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. Springfield Municipal Code Section 5.256 is hereby repealed and replaced as follows:

**"5.256 Alcohol and Controlled Substances in Public Places.**

- (1) No person shall consume alcoholic liquor, as defined in ORS 471.001, or a controlled substance, as defined in ORS 475.005, on public property.
- (2) No person shall possess on any public property, street, sidewalk, or other public right-of-way, any bottle, can, or other container containing alcoholic liquor if it has been opened, its seal broken, or its contents partially removed.
- (3) The prohibitions set forth in Subsections (1) and (2) of this Section do not apply to:
  - (a) The consumption of alcoholic liquor in sidewalk cafes that have obtained permits pursuant to Chapter 7.302 of this Code.
  - (b) The use of alcohol in street areas licensed for that purpose by the Oregon Liquor Cannabis Commission and adherence to all relevant Oregon Liquor and Cannabis Commission guidelines or regulations.
  - (c) The consumption of medications, as directed by a prescriber, as stipulated in ORS 414.351.
- (4) The term "consume" denotes the act of imbibing, injecting, ingesting, inhaling, or otherwise introducing a substance into the human body.
- (5) The restrictions on consuming controlled substances outlined in this code section will take immediate effect if any of the following occurs:
  - (a) The State of Oregon passes a law granting local jurisdictions the power to regulate public consumption of controlled substances;
  - (b) A court with appropriate jurisdiction determines that cities can regulate the public consumption of such substances within their boundaries; or
  - (c) A regulatory body of the State of Oregon identifies or drafts regulations allowing implementation.
- (6) Penalties Violation
  - (a) Violation of the offense in subsection 1 of this section is also punishable as a violation and may include a fine not exceeding \$720.00 pursuant to SMC section 1.205.
  - (b) Violation of the offense in subsection 2 of this section is punishable as Class X misdemeanor pursuant to SMC section 1.205."

Section 2. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 3. Effective date of this Ordinance is 30 days after adoption by Council.

ADOPTED by the Common Council of the City of Springfield this \_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ for and \_\_\_\_ against.

APPROVED by the Mayor of the City of Springfield this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

DRAFT