

Drug Laws 2024

HB 4002- "New" Crimes

PCS (U Misdemeanor) Drug Enforcement Misdemeanors

- 475.752 (3)(a) - PCS Schedule I (< 40 units LSD / Psilocybin < 12 g)
- 475.752 (3)(b) – PCS Schedule II (Fentanyl)
- 475.752 (3)(c) - PCS Schedule III
- 475.752 (3)(d) - PCS Schedule IV
- 475.814 (2)(a) – PCS Hydrocodone < 40 pills
- 475.824 (2)(a) – PCS Methadone < 40 user units
- 475.834 (2)(a) – PCS Oxycodone < 40 pills
- 475.854(2)(a) – PCS Heroin < 1g
- 475.874 (2)(a) – PCS MDMA < 1g < 5 pills
- 475.884 (2)(a) – PCS Cocaine < 2g
- 475.894 (2)(a) – PCS Methamphetamine < 2g

Effective September 1, 2024

DCS Location Enhancements

Level 7 (DCS for Consideration – Heroin, Cocaine, Fentanyl, Meth, MDMA)
 w/in 500 feet of Treatment facility
 w/in 500 feet of a “Temporary Residence Shelter”
 w/in 30 feet of a park

Level 5 (DCS – Heroin, Cocaine, Fentanyl, Meth, MDMA)
 w/in 500 feet of Treatment facility
 w/in 500 feet of a “Temporary Residence Shelter”
 w/in 30 feet of a park

Effective April 1, 2024

475.005 (8) Deliver

“Deliver” or “delivery” means the actual, constructive or attempted transfer of, or possession with the intent to transfer, other than by administering or dispensing, from one person to another, a controlled substance, whether or not there is an agency relationship.

Effective April 1, 2024

PCS Felony

- 475.752 (7)(a)(A) – PCS LSD (Substantial Quantity or CDO)
- 475.752 (7)(a)(B) – PCS Psilocybin (Substantial Quantity or CDO)
- 475.752 (8)(b) – PCS Fentanyl (Substantial Quantity or CDO)
- 475.834 (2)(a) – PCS Oxycodone (CDO)
- 475.854 – PCS Heroin (Substantial Quantity or CDO)
- 475.874 – PCS MDMA (Substantial Quantity or CDO)
- 475.884 – PCS Cocaine (Substantial Quantity or CDO)
- 474.894 – PCS Meth (Substantial Quantity or CDO)

PCS (A Misdemeanor)

- 475.752 (3)(a) - (7)(a)(A) – PCS LSD (40 units or more)
- 475.752 (3)(a) - (7)(a)(B) – PCS Psilocybin (12g)
- 475.752 (3)(b) - (8)(a) – PCS Fentanyl (1g / 5 or more user units)
- 475.814 (2)(a) – PCS Hydrocodone (CDO or 40 pills or more)
- 475.834 (2)(a) – PCS Oxycodone (40 or more pills)
- 475.854 – PCS Heroin (1 g or more)
- 475.874 – PCS MDMA (1g / 5 or more pills)
- 475.884 – PCS Cocaine (2g or more)
- 474.894 – PCS Methamphetamine (2 g or more)

Commercial Drug Offense (CDO) Factors (Need 3)

- For consideration
- \$300 in cash
- Unlawful possession of weapon or firearm (Felon)
- Poss. of deadly or dangerous weapon for use in offense
- Packaging materials
- Drug records
- Possession of stolen property
- Modification of a structure
- Manufacturing paraphernalia
- Security measures
- Possession of sub quantity of CS
 - Heroin - 3g
 - Cocaine – 8g
 - LSD – 20 user units
 - MDMA – 4 grams / 20 or more pills
 - Fentanyl – 3 g or 15 user units
 - Methamphetamine – 8g
 - Psilocybin – 10g

Substantial Quantities under ORS 475.900

- Heroin – 5g
- Fentanyl – 5g or 25 user units
- Cocaine – 10g
- Methamphetamine – 10g
- LSD - 200 user units
- Psilocybin – 60g
- MDMA – 5g or 25 user units

HB 4002 Frequently Asked Questions

What is HB 4002?

HB 4002 was passed by the 2024 Legislature overturning BM110, and it did two main things:

- (1) re-criminalized the possession of user amounts of controlled substances or “PCS”. These re-criminalized amounts are known as “Drug Enforcement Misdemeanors” or “DEMs”; and,
- (2) increased provability of delivery of controlled substances (“DCS”) by including within the definition of “Delivery” possession with an intent to deliver controlled substances, as well enhanced sentences for people delivering controlled substances near shelters, parks, or treatment facilities.

Is there a minimum quantity of drugs required to charge a (DEM)?

No. HB 4002 does not set any threshold for charging a person with a DEM. Under Oregon Law, a person possesses a controlled substance if they exercise ‘dominion or control’ over any detectible amount of a controlled substance, including trace amounts or residue only.

Are field tests required to charge a person with a drug crime?

In most cases, yes. The one exception is blue M-30 pills if: 1) the suspect or witness admits the pills are fentanyl; and, 2) LE can testify that based on training and experience the pill is consistent with fentanyl pills.

How do I investigate “possessing with an intent to deliver”?

Focus on and document the circumstantial evidence, such as amounts inconsistent with personal use; possession of clean packaging materials; possession of scales; individually packaged bindles of controlled substances; large amounts of cash; denominations of cash; cash in several locations on their person; admissions; text messages indicating sales popping up on cell phones during the contact. Facts like these are evidence of true intent behind why a person is possessing a controlled substance.

How will DCS cases and DEM’s be handled once they are charged?

Users get treatment, dealers go to prison.

- **USE only:** First, we encourage law enforcement to utilize L.E.A.D. rather than issue criminal citations for solely DEMs. More information can be found at [MARION COUNTY LEAD](#). L.E.A.D. Navigators can be contacted at (503) 576-2809.
- **USERS + low level property offenses:** DEMs + lower-level property offenses may be eligible for a new deflection program- “RESTORE” court. Participants in RESTORE will receive drug treatment and a community work crew obligation. Participants will be paid for their community service on work crews; however, their payment flows directly to their victim to cover owed restitution to the victim. If participants successfully complete treatment AND fulfill restitution, the DA will expunge the record of their offense.
- **DEALERS:** Based on the facts of each case, DCS crimes will be resolved in a manner that places public safety first. Low-level delivery conduct may provide an offender an opportunity to address their addiction while being held accountable. DCS crimes for profit, possession and use of firearms, frequent DCS offenders, and substantial quantities will receive prison recommendations as appropriate.

How do I get more information? Here are some helpful contacts:

- L.E.A.D Navigators, on call 24/7- (503) 576-2809.
- Marion County District Attorney’s Office on Call DDA, 24/7: (503) 931-2150
- HB 4002 Deputy District Attorney- DDA Michael Kummerman: (503) 588-5222
MKummerman@co.marion.or.us
- Drug Cases Trial Team Supervisor David Wilson: (971) 446-0150 or DRWilson@co.marion.or.us