

Oregon, Measure 110, and Drug Possession Decriminalization



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In 2020, Oregon voters overwhelmingly approved Measure 110 and decriminalized possession of small amounts of drugs by reducing criminal possession offenses from misdemeanors to civil violations. Measure 110 also significantly increases funding for needed addiction services, including low-barrier and culturally competent substance use disorder treatment, harm reduction, and recovery support services.

Prior to Measure 110, Oregon only had 50% of the addiction service capacity it needed to meet demand.ⁱ

Policy Components of Measure 110

Instead of arrests and criminal records, people possessing small amounts of drugs may be cited and fined up to \$100. People are also given the option to contact a 24/7 support line to complete a voluntary health needs screening. Upon completion of the screening, their citation and fine are dismissed, and people have the option to be linked to vital services. Other conduct involving drugs — like manufacturing, dealing, intent to sell, driving under the influence, etc. — remain criminal offenses.

Measure 110 establishes Behavioral Health Resource Networks (BHRNs). BHRNs are coordinated networks of service providers that will increase access to vital harm reduction and addiction recovery services in every county in Oregon. Examples of these services include, but are not limited to:

- Behavioral health treatment that is evidence-based, trauma-informed, culturally specific, linguistically accessible, and patient-centered;
- Low-barrier substance use disorder treatment;

- Peer support and recovery services designed to help people continue to address their substance use;
- Employment support;
- Housing; and
- Harm reduction interventions including overdose prevention, access to naloxone, and drug education and outreach.

Measure 110 builds on critical services offered by existing community-based providers throughout the state. The law intentionally prioritizes funding for services not typically covered by Medicaid. All services funded by Measure 110 are available at no cost to anyone accessing them.

Measure 110 services are funded through cannabis tax revenues. The Oregon Legislature allocated over \$300 million for Measure 110 services for the 2021-23 biennium. Additional funding will go out every subsequent biennium.

The law also established an Oversight and Accountability Council (OAC) composed of people with lived experience, including people who actively use drugs, as well as with addiction and service delivery experts. Working with the Oregon Health Authority, the OAC determines how funds will be distributed. The Secretary of State conducts regular financial and performance audits to ensure proper oversight and fiscal management of the program.

Measure 110 Is Already Having Positive Impacts

Measure 110 is changing the system so that there is no wrong door to access services. The Oregon Health Authority reports that, during the earliest phases of implementation when only a small portion of the funding was made available, Measure 110 provided

critical services to more than 60,000 people in Oregon.ⁱⁱ Measure 110 has provided over \$300 million for the current budget year to 234 providers in 44 BHRNs in every county.ⁱⁱⁱ

As a result of the passage of Measure 110, there has been a significant reduction in drug arrests and convictions, even when the decrease in arrests during the pandemic is accounted for. The average monthly drug possession arrests had already dropped by 50% during the first year of the COVID-19 pandemic. Once Measure 110 took effect in 2021, this monthly average fell by another 67% and continued to decline into 2022.^{iv} This means that thousands of people have avoided the lifelong barriers caused by a drug possession arrest and/or conviction. A criminal record for even a misdemeanor drug charge can sometimes be an automatic barrier to getting a job or professional license, accessing housing, qualifying for a credit card, or going on a school field trip with their children.

Despite the sensationalism from some elected officials and media outlets about the alleged rise in crime in recent years, data show that, in general, crime rates have held steady or even declined since 2018.^v Most crime rates within Oregon's largest cities have held steady or even gone down since Measure 110 passed.^{vi} According to a study done by RTI International, public-initiated calls to 911 in Portland followed nearly identical trends as other comparable cities without decriminalization, even after Measure 110 was enacted.^{vii}

The majority of voters continue to support Measure 110 nearly two years after its passage by a +22-point margin.^{viii}

Majority support for the measure was found in all parts of the state. A strong bipartisan majority (72%, a +48-point lead) further believes addiction should be addressed through the public health system and not the criminal legal system.

Oregon Led the Way

Oregon blazed a trail by becoming the first state in the country to decriminalize possession of small amounts of all drugs. Although implementation continues, Measure 110 is already resulting in positive impacts, including massive investments in addiction services and reducing criminal justice involvement. Other states and the federal government should follow Oregon's

lead and treat drug use as a public health issue by decriminalizing possession and investing in health services.

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- ⁱ Oregon Health & Science University-Portland State University School of Public Health, *Oregon Substance Use Disorder Services Inventory and Gap Analysis Estimating the need and capacity for services in Oregon across the continuum of care* (September 30, 2022). <https://www.thelundreport.org/sites/default/files/OHSU%20-%20Oregon%20Gap%20Analysis%20and%20Inventory%20Report.pdf>.
 - ⁱⁱ Oregon Health Authority, "Combined Measure 110 providers served more than 60,000 people during early implementation, preliminary reporting shows" (February 2023), <https://content.govdelivery.com/accounts/ORDHS/bulletins/3465dc9>.
 - ⁱⁱⁱ Oregon Health Authority, M110 BHRN Grantees 2022, <https://app.smartsheet.com/b/publish?EQBCT=daa407edd645460ba9d0a727eda67690>.
 - ^{iv} Oregon Criminal Justice Commission, Data Request Briefing (August 22, 2022), https://drugpolicy.org/sites/default/files/ocjc_-_drug_possession_arrest_conviction_race_stats_8-22-22_002.pdf.
 - ^v Oregon Justice Resource Center, "Crime and Safety in Oregon in 2022: Myths, Facts and Solutions," (May 2022), <https://drive.google.com/file/d/14dTWPVFuWRp1nFHAvrgTiXTSILamoC4R/view>.
 - ^{vi} Ibid.
 - ^{vii} RTI International, RTI's evidence-based research on Oregon's Drug Addiction Treatment and Recovery Act, <https://www.rti.org/impact/oregon-drug-decriminalization>.
 - ^{viii} Data for Progress, Oregon Voters Want Measure 110 to Remain in Place (September 12, 2022), <https://www.dataforprogress.org/blog/2022/9/12/oregon-voters-want-measure-110-to-remain-in-place>.