

Lawmakers Pass Bill to Recriminalize Drug Possession



Oregon Gov. Tina Kotek speaks during a signing ceremony in Washington, Friday, Feb. 23, 2024. (AP Photo/Susan Walsh, File)

Responding to the Deadliest Overdose Crisis in U.S. History

AP-A bill recriminalizing the possession of small amounts of drugs was passed by the Oregon Legislature on Friday, undoing a key part of the state's first-in-the-nation drug decriminalization law as governments struggle to respond to the deadliest overdose crisis in U.S. history.

The state Senate approved House Bill 4002 in a 21-8 vote after the House passed it 51-7 on Thursday. The bill now heads to the desk of Gov. Tina Kotek, who said in January that she is open to signing a bill that would roll back decriminalization, Oregon Public Broadcasting reported.

"With this bill, we are doubling down on our commitment to make sure Oregonians have access to the treatment and care that they need," said Democratic Senate Majority Leader Kate Lieber, of Portland, one of the bill's authors, adding that its passage will "be the start of real and transformative change for our justice system." The measure makes the possession of small amounts of drugs such as heroin or methamphetamine a misdemeanor, punishable by up to six months in jail. It enables police to confiscate the drugs and crack down on their use on sidewalks and in parks. Drug treatment is to be offered as an alternative to criminal penalties. The bill also aims to make it easier to prosecute people who sell drugs. It increases access to addiction medication, and to obtain and keep housing

without facing discrimination for using that medication.

Decriminalization of personal-use amounts of drugs, OK'd by voters in 2020 under Ballot Measure 110, was supposed to move hundreds of millions of dollars of marijuana tax revenues into drug treatment and harm reduction programs. That didn't translate into an improved care network for a state with the second-highest rate of substance use disorder in the nation and ranked 50th for access to treatment, according to an audit report released in 2023. And with Oregon experiencing one of the nation's largest spikes in overdose deaths, Republican pressure intensified, and a well-funded campaign group called for a ballot measure that would further weaken Measure 110. Researchers have said it was too soon to determine whether the law contributed to the overdose surge, and supporters of the decriminalization measure say the decades long approach of arresting people for possessing and using drugs didn't work. Lawmakers who opposed the bill voiced those concerns. Some called it a return to the war on drugs that disproportionately impacted and imprisoned millions of Black men.

Democratic Sen. Lew Erick, of Portland, one of four Black senators, said the bill had too many flaws and that testimony on the bill heard again and again was that substance use disorder requires primarily a medical response. "I'm concerned that it (the bill) will attempt to use the same tactics of the past, and fail, only to reinforce the punishment narrative that has failed for 50 years," he said, adding that the measure could move more people into the court system without making them healthier.



The Asante Rogue Regional Medical Center is pictured in Medford, Ore., on Jan. 4, 2024. The first lawsuit filed Monday, Feb. 26, 2024, brought amid reports that a nurse at the southern Oregon hospital replaced intravenous fentanyl drips with tap water seeks up to \$11.5 million on behalf of the estate of a 65-year-old man who died.

Lawsuit Seeks Up to \$11.5M over Allegations

A wrongful death suit was filed Monday against Asante

(AP) — The first lawsuit brought amid reports that a nurse at a southern Oregon hospital replaced intravenous fentanyl drips with tap water seeks up to \$11.5 million on behalf of the estate of a 65-year-old man who died.

The wrongful death suit was filed Monday against Asante Rogue Regional Medical Center in Medford, The Oregonian/OregonLive reported. It also names nurse Dani Marie Schofield as a defendant.

Last month, Medford police disclosed that they were investigating potential crimes against patients involving the theft of "controlled substances," which may have led to "adverse" outcomes for some.

Fentanyl is a powerful synthetic opioid that has helped fuel the nation's overdose epidemic, but it is also used in legitimate medical settings to relieve severe pain. Drug theft from hospitals is a longstanding problem. Police declined to provide more information. Schofield agreed to a volun-

tary nursing license suspension last November "pending the completion of an investigation," according to Oregon Board of Nursing records. No charges have been filed.

Justin Idiart, a southern Oregon lawyer, told The Oregonian/OregonLive that he represents nine clients whose medication was swapped out, and five others have reached out for possible representation. They include the loved ones of patients who died as well as some who survived. All of his clients were treated by Schofield, he said. Other local law firms also have been exploring litigation. Attorneys say they expect as many as three dozen cases could be filed.

The hospital did not immediately return an email from The Associated Press seeking comment Tuesday. The AP could not immediately locate contact information for Schofield, and it was not clear if Schofield is represented by an attorney.

"We were distressed to learn of this issue," Asante said in a statement last month. "We reported it to law enforcement and are working closely with them."

Idiart filed the lawsuit in Jackson County Circuit Court over the death of Horace E. Wilson, who died in Febru-

ary 2022. Wilson, the founder of a cannabis company called Decibel Farms in Jacksonville, Oregon, was treated at the hospital after he fell off a ladder. He suffered bleeding from his spleen and had it removed.

But doctors then noted "unexplained high fevers, very high white blood cell counts, and a precipitous decline," the complaint said. Tests confirmed an infection of treatment-resistant bacteria, *Staphylococcus epidermidis*. Wilson progressed to multi-system organ failure and died weeks later.

Idiart said patients who were deprived of medication suffered as a result of the medication diversion. In Wilson's case, his family believed he was in pain even though he was supposed to be sedated, Idiart said.

Asante last December contacted Medford police regarding a former employee "that they believe was involved in the theft of fentanyl prescribed to patients resulting in some adverse patient outcomes," the complaint said.

That month, hospital representatives "began contacting patients and their relatives telling them a nurse had replaced fentanyl with tap water causing bacterial infections," it said.