Controlled Substances

As of February 1, 2021, personal noncommercial possession of small amounts of controlled substances (schedules I-IV) are now a Class E violation --- resulting in a maximum fine of $100.

Quantity limits for Class E violations:

» Under 1 gram of heroin
» Under 1 gram, or fewer than 5 pills, of MDMA
» Under 2 grams of methamphetamine
» Under 2 grams of cocaine
» Under 40 units of LSD
» Under 12 grams of psilocybin
» Under 40 units of methadone
» Fewer than 40 pills of oxycodone

Failure to pay citation fines are not to become a basis for further penalties or for a term of incarceration. Further, the fine will be waived if the individual completes a health assessment through Addiction Recovery Centers within 45 days of citation.

Those with a prior felony conviction or 2 or more prior possession convictions may still be charged with a crime.

Also in effect as of February 1, 2021, charges of simple possession of certain controlled substances (within limits) have been dropped from felony to misdemeanor offenses.

Quantity limits for new misdemeanor offenses:

» 1 to 3 grams of heroin
» 1 to 4 grams of MDMA
» 2 to 8 grams of methamphetamine
» 2 to 8 grams of cocaine

New laws do not apply retroactively to past convictions or change penalties for other offenses. Drug manufacturing, sales, distribution, and possession of greater quantities than what is listed here are still felonies and penalties are unchanged.

Paraphernalia

Simple possession of drug paraphernalia (not intended for sale) is not a federal crime, but city ordinances may call for a fine of not more than $500.

Paraphernalia items and non-criminal quantities of drugs are no longer, by themselves, grounds for search under new laws. A violation is not the same as a crime and does not, in itself, constitute probable cause for search and seizure.

Overdose Reporting

Oregon’s Good Samaritan overdose law grants temporary immunity from certain drug-related offenses. If someone is overdosing and you seek medical help for them, neither of you can be arrested or prosecuted for:

➢ Possession of drugs or paraphernalia
➢ Being in a place where drugs are used
➢ Violation of probation or parole due to either of the above
➢ Outstanding warrants related to possession charges

IF SOMEONE IS OVERDOSES, PLEASE CALL 911!

Note: This law does not protect against arrest for drug sales, weapons, violent crimes, out-of-state warrants, or other non-drug related offenses.
Oregon has passed a series of drug-related laws in the past several years, aimed at making treatment more accessible for those who need it, and helping people using drugs to stay safe. Our new decriminalization laws went into effect on February 1, 2021, and will hopefully work to encourage treatment as a response to substance use, rather than jail.