



from the

OFFICE OF STATE REPRESENTATIVE ANNA SCHARF

For Immediate Release

Date: October 20, 2023

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Representative Scharf Calls for the Immediate Repeal of M110; *Repeal, Re-criminalize and Rehabilitation*

Amity, OR – Representative Anna Scharf (R-Amity) released the following Op-ed.

This week, the Legislature convened a Measure 110 bipartisan workgroup to figure out how to solve the ever-growing drug problem in our state. The workgroup is full of bright people; 4 lawyers, an activist, a Union strategic planner, etc. So, they should be able to figure this out, right?

Wrong. The committee is mostly for show and to build campaign talking points for the upcoming 2024 election. It is driven by the party that refused to have conversations about this during the 2023 Legislative session. Now, less than 4 months after the end of that session, it is an emergency that needs a bipartisan package solution before the February short session.

HOW WE GOT HERE: A HISTORY LESSON ON M110

In November of 2020, Oregon had been in lockdown for over six months when voters went to the polls. It was a contentious Presidential election year and Measure 110 passed in a divisive manner as well with only 58% of voters supporting it. The result, Oregon became the first state in the nation to make personal possession of a controlled substance no more than a Class E violation (max fine of \$100 fine). In comparison, a Class C traffic violation, going 11-20 miles per hour over the speed limit, carries a \$165 fine.

[The voter's pamphlet in 2020](#) was, at best, misleading to the average voter. The Secretary of State's approved Ballot title was "*Provides statewide addiction/recovery services; marijuana taxes partially finance; reclassifies possession/penalties for specified drugs*".

Result of 'Yes' Vote: 'Yes' vote provides addiction recovery centers/services; marijuana taxes partially finance (reduces revenues for other purposes); reclassifies possession of specified drugs, reduces penalties; requires audits.

Result of 'No' Vote: 'No' vote rejects requiring addiction recovery centers/ services; retains current marijuana tax revenue uses; maintains current classifications/ penalties for possession of drugs.[16]

There were 18 pages of YES on M110 information. To the average voter, it would appear that more people favored this measure, and who wouldn't, after all it was going to "provide addiction recovery centers /services".

M110 was supported by large one-time Political Action Committees (PAC): A More Humane Approach, Yes on 110 Committee, More Treatment for a Better Oregon, and Washington County Justice Initiative. \$6M dollars was received by these various PACs from the Drug Policy Alliance (DPA) out of New York. This out of state organizations mission is *"working to end the drug war, repair its harms, and build a non-punitive, equitable, and regulated drug market. We envision a world that embraces the full humanity of people, regardless of their relationship to drugs"*. In other words, legalize and normalize drug use.

The statements in the voters' pamphlet statements also appeared to come from credible and well known organizations: Oregon Nurses Association, Oregon Academy of Family Physicians, a wide variety of faith organizations, Oregon ALF-CIO, AFSCME 75, IBEW Local 48 and other union organizations, organizations representing underserved communities such as Hacienda CDC and Latino Health Coalition, multiple addiction and diversion counselors alongside Oregon School Social Workers Association and Oregon School Psychologists' Association and pages from individual Oregonians. The average Oregonian would be skeptical to question these supporters.

In contrast, the NO on M110 campaign had one PAC fighting the measure, the No on M110 committee, and they raised a total of \$167,000. Add to that the mere 7 pages of opposition, and the argument paled in comparison and organizational backing. There was a lone doctor and registered nurse, a candidate for State Representative who lost her election, a single recovery treatment provider, a sitting Senator from rural Eastern Oregon, a school district superintendent, who would later run for Governor and lose in the primary and a few dozen citizens. The backing was lackluster at best.

However, it was opposed by 25 of the 36 Count District Attorneys from across the state. They knew what the real consequences would be to our cities, counties and our state and the voters didn't listen.

THE TRUTH ABOUT WHAT REALLY HAPPENED: VOTERS WERE MISLEAD

So, what really happened between 2020 and today? That's simple, M110 failed to do what the voters thought it would do which was to increase access to treatment by creating more treatment options and access. Instead, it decriminalized heroin, meth, cocaine, oxycodone and fentanyl and eliminated the legal options for lifesaving interventions and mandatory treatment. It tied the hands of law enforcement and District Attorneys and portrayed individuals with active addictions as rational actors who would naturally seek out and accept treatment for their condition willingly. A person with an addiction does not make rational decisions. They are either led to it or forced into it. M110 did neither. It gave permission to use drugs and the State funded the ongoing addiction through a network of Community Based Organizations (CBO's) who provided tents, food, clean needles, money and very little treatment. Remember, the treatment is voluntary.

WE DON'T NEED A TASK FORCE THE VOTERS HAVE SPOKEN: POLLING AND BEYONE

Over the last several months, multiple polling resources have shown that Oregonians want a repeal of M110. They want to criminalize drug use again so why will the Legislature not act?

[August 23, 2023 Oregon Live](#) "Emerson College Polling, a leading pollster, conducted the survey this month, finding 56% of Oregonians support a total repeal of Measure 110, with 64% saying they support repealing parts of the law.

[September 27, 2023 OPB](#) "An April poll by DHM Research found that 63% of voters support bringing back criminal penalties for drug possession".

DHM Research surveys (they are an independent research firm that specializes in measuring the values and priorities that drive public opinion). [April 24, 2023](#) – Oregon Voter Survey; 6 in 10 voters think M110 has made drug addiction, homelessness, and crime worse. [May 12, 2023 - 63% of Oregon Voters support brining back criminal penalties](#) for drug possession

WHY THE TASKFORCE WILL ONLY APPEAR TO ACT: ITS AN ELECTION YEAR

Unlike previous short sessions, the Democrats are face to face with a real public opinion shift. They simply can't do nothing, but they don't want to do repeal M110 and take all that money away from the CBO's that facilitate the drug use in order to gain the funding from the marijuana tax. No addiction crisis, no money for them. That was clear in the first meeting of the Joint Committee on Addiction and Community Safety Response meeting. "Oregonians across the state are providing vital prevention and treatment services, meeting people where they're at and saving lives. They need more support to maintain and expand this work," said Representative Jason Kropf (D - Bend), co-chair of the Joint Committee. In other words, the state just needs to send those CBOs more support, i.e., money. This despite the Oregon Health Authority [ending M110 grants over misuse of funds](#) to three addiction providers in September for failure to provide services for the grant funds they received. These are the ones they know of. How many more are there?

However, the Democrats need to do something in order to appease voters and retain control of the House and the Senate. Unlike previous short sessions, they are feeling the pressure to heed public opinion. Oregonians from all corners of the state see the failure of M110 and they want action now. They must come up with something that appeals to voters and makes them feel like change is coming, without actually doing anything. Remember, the major supporters of M110 in 2020 were Unions, Oregon ALF-CIO, AFSCME 75, IBEW Local 48, etc., and other special interest groups who financially back the campaigns of Democrats. They need those backers and their money to stay in control and they need the voters to think change is coming down the road as long as they stay in charge.

REPUBLICANS AS THE PATSIES: THE FAKE SOLUTION

Now we come full circle to the Joint Interim Committee on Addiction and Community Safety and its value to the Democrats. In order for a Legislative solution to appease the 64%+ of Oregonians who want a “Measure 110 do over”, a repeal, the Democrats need Republicans for cover. They need them so that when nothing changes, they can blame the Republicans and continue to retain control. They will be able to convince voters in November that Republicans were on board, so when it fails, they were equally to blame. In addition, a key Democrat has failed to run for a statewide office throwing an additional layer to the importance of having Republicans to blame. Representative Dan Rayfield (D-Corvallis) has failed to run for the open Attorney General seat. The last thing he needs going into the 2024 campaign is a Democrat policy that failed under his watch, a weak solution that failed to listen to voters across the state.

WHAT SHOULD THE REPUBLICANS DO: DEMAND REPEAL, DEMAND RE-CRIMINALIZATION AND DEMAND REHABILITATION

Instead of facilitating a committee to make the Democrats look like they care about bi-partisan legislation and that they are listening to the majority of Oregonians, Republicans should be demanding a complete repeal, re-installation of the criminalization of drug possession and a commitment to a comprehensive rehabilitation plan that includes mandatory drug treatment, long-term support and funding accountability by all CBOs that receive money to help treat drug addiction. Now is not the time to continue down the road of M110 or wait for it to get better. November 2024 is the time to change the course of Oregon completely and eliminate the one-party control that got Oregon into this addiction crisis.

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