

SENATE COMMITTEE ON JUDICIARY

March 17, 2005
8:30 A.M.

Blue Mountain Community College, Pendleton, OR
Tapes 68 - 73

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Vicki Walker
Sen. Doug Whitsett

GUEST MEMBERS: Rep. Wayne Krieger, Chair
Rep. Greg Macpherson, Vice-Chair
Rep. Andy Olson, Vice-Chair
Rep. Bob Ackerman
Rep. Jeff Barker
Rep. Linda Flores
Rep. Bob Jensen
Sen. Nelson
Rep. Kim Thatcher
Rep. Kelley Wirth

MEMBER EXCUSED: Sen. Charlie Ringo
Rep. Bill Garrard

STAFF PRESENT: Heidi Moawad, Committee Administrator
Dale Penn, Committee Assistant
Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:
SB 907 – Public Hearing
SB 910 – Public Hearing
SB 911 – Public Hearing
HB 2485 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 68, A		
003	Chair Burdick	Calls the meeting to order at 8:46 a.m. Discusses the methamphetamine (meth) problem in Pendleton and Oregon in general.
025	Rep. Jensen	House District 58. Discusses the meth epidemic in the Pendleton area and welcomes the Judiciary committees to Pendleton, Oregon.
057	Chair Burdick	Introduces Rep. Krieger, chair of the House Judiciary Committee.
065	Chair Krieger	Discusses the statewide meth problem, the budget issues, and the meth bills facing the committee.

082	Chair Burdick	Asks Counsel to introduce the different meth bills.
091	Heidi Moawad	Counsel. Introduces SB 907 relating to meth and children.
130	Moawad	Introduces SB 910 relating to public nuisances.
137	Moawad	Introduces SB 911 relating to meth waste.
144	Moawad	Introduces HB 2485, an omnibus meth bill.
185	Chair Krieger	Opens a public hearing on SB 907, SB 910, SB 911, and HB 2485.

SB 907, SB 910, SB 911, HB 2485 – PUBLIC HEARING

197	Kevin Campbell	Executive Director, Oregon Association of Chiefs of Police (OACP). Comments on the meth epidemic on behalf of the Salem Chief of Police, Walt Myers, and the Methamphetamine Task Force.
242	Campbell	Discusses meth prevention and enforcement in Oregon communities.
275	Campbell	Continues his discussion on meth, and addresses meth treatment. Describes dopamine levels in pleasurable experiences when using meth.
325	Campbell	Describes the dangers of meth regarding children.
375	Campbell	Introduces the invited speakers.
394	Chair Krieger	Questions the task force recommendation on early intervention.
401	Campbell	Discusses the children affected by meth and their different ages.
434	Sheriff John Trumbo	Umatilla County, Meth Task Force. Expresses his appreciation for the members traveling to Pendleton. Explains the actions needed to eliminate the meth epidemic in Oregon.

TAPE 69, A

008	Trumbo	Continues his discussion of effective methods in fighting the meth epidemic.
040	Trumbo	Identifies the problems in dealing with meth dealers from a Department of Corrections standpoint.
073	Sen. Walker	Clarifies that there is adequate bed space but not enough staff, and wonders about bed spaces leased out to other communities. Asks about the jail funded through the county budget?
077	Trumbo	Confirms that the lack of funds prevent the jails from staffing to full capacity. Responds affirmatively in regards to the jails being funded through the county budget.
084	Sen. Nelson	Senate District 29. Inquires about the obligations of the state in relation to community corrections.
090	Trumbo	Explains the drug and alcohol treatment programs available through his community corrections jurisdiction.
112	Sen. Nelson	Asks about a promise made by the legislature to fund this program.
116	Trumbo	Explains the cuts made in their budget in order to continue support of community corrections.
132	Chair Burdick	Acknowledges Senator Nelson and his wife/assistant.
141	Chief Dan Coulombe	Chief of Police, City of Hermiston. Testifies in support of the current meth bills. Discusses the tremendous meth problem in Hermiston.
180	Coulombe	Offers statistics and illustrations of the impact of meth on Hermiston.
236	Sen. Whitsett	Inquires how much pseudo ephedrine is required for 1 pound of meth, and how it is acquired in a small town like Hermiston.
241	Coulombe	Describes the process of “smurfing,” where individuals go from store to store purchasing small amounts of pseudo ephedrine.
255	Sen. Nelson	Questions the state of the art technology systems.

260	Coulombe	Explains the use of state of the art video streaming systems.
276	Chair Burdick	Mentions the testimony forms available to the audience members in order to write questions for the committee members and the meth experts.
290	Craig Prins	Executive Director, Criminal Justice Commission. Introduces the meth experts and thanks the committee for hearing this expert testimony.
310	Sgt. Jim Gerhardt	Thornton Police Department, Thornton, Colorado. Provides his background in drug crimes. Explains the increase in meth popularity.
356	Gerhardt	Describes the studies being done on meth.
385	Gerhardt	Submits presentation materials and begins a presentation on Meth studies done by Rocky Mountain HIDTA (EXHIBIT A).
TAPE 68, B		
006	Gerhardt	Continues presentation, discusses the effects of meth on facilities.
058	Gerhardt	Continues presentation, discusses contamination.
093	Gerhardt	Plays a video of a meth lab bust.
138	Gerhardt	Explains the state of the meth lab when this Colorado bust occurred (April, 2002).
165	Gerhardt	Lists the over-the-counter drugs that are used to manufacture meth, and how they are turned into meth.
192	Gerhardt	Explains the effects of state laws on the production and usage of meth.
245	Gerhardt	Describes the amounts of pseudo ephedrine needed to produce meth.
295	Gerhardt	Reviews the main points of his presentation on meth.
340	Gerhardt	Talks about the legislative and regulatory actions taken to combat methamphetamine.
360	Gerhardt	Shows a press conference in Denver.
400	Gerhardt	Discusses a panel set up of experts to study the meth epidemic.
435	Sen. Walker	Asks if the 70% of individuals who didn't care to show ID in order to purchase pseudo ephedrine-based products, knew law enforcement would have access to their names. Stresses that Sudafed is not the only pseudo ephedrine product on the market. Questions if there is any other way to produce meth without these products.
445	Gerhardt	Believes the study is in his testimony book (Exhibit A). Lists the names of other products that can be used to produce meth. Explains the international efforts to keep these products out of the country.
TAPE 69, B		
016	Rep. Barker	Brings up the issue that 80% of the meth is from Super Labs and only 16% are coming out of smaller labs.
024	Gerhardt	Explains the separate problems of meth super labs and smaller production methods.
037	Rep. Wirth	Inquires about EXHIBIT T on page 5 of the testimony binder (Exhibit H). Wonders if the number of lab busts correlate with meth usage in those states. Asks about EXHIBIT T, third bullet, on page 2, concerning the increase in usage among teenage girls and trends in access and usage.
045	Gerhardt	Explains that there is a correlation, but not necessarily a one-to-one ratio. States that meth has the same trends as other drugs, but abuse is more extreme, and the drug is easier to produce.
091	Chair Burdick	Introduces a presentation by Dr. Richard Rawson.

102	Dr. Richard Rawson	Associate Professor, Psychology, University of California, Los Angeles. Provides his background in the topic on substance abuse. Submits presentation materials and begins his presentation on meth (EXHIBIT B).
150	Dr. Rawson	Discusses the reasons people cite for beginning their drug abuse and how the recent meth epidemic has brought to light these issues.
204	Dr. Rawson	Talks about the dopamine transporter loss (brain malfunction, motor problems) after heavy meth use.
254	Dr. Rawson	Continues the discussion of dopamine transporter loss due to meth abuse, and comments on several test monkeys' recovery time after their introduction to meth.
312	Dr. Rawson	Explains the meth problem in Thailand relating to children and psychotic disorders. Talks about prenatal introduction to meth.
340	Dr. Rawson	Addresses the problems women face with meth addiction.
395	Dr. Rawson	Comments on the problems in the gay community involving meth.
415	Dr. Rawson	Discusses the treatment possible through the use of drug courts.
465	Dr. Rawson	Talks about the introduction methods of meth; how an individual can begin taking meth or other drugs.
TAPE 70, A		
038	Dr. Rawson	Explains the recidivism rates with inmates who suffered from drug abuse.
085	Dr. Rawson	Describes a recent study created by UCLA to address the meth problem in seven US cities.
140	Dr. Rawson	Continues his analysis on the UCLA study; talking about the cost-effective nature of some meth addiction solutions.
155	Dr. Rawson	Summarizes the conclusions made by the UCLA study.
171	Chair Burdick	Asks about contingency intervention methods.
174	Dr. Rawson	Describes the contingency intervention methods (rewards for good behavior) employed by the UCLA study.
211	Chair Burdick	Inquires about the gateway nature of meth.
214	Dr. Rawson	Replies with information on gateway drugs. Explains that many people use nicotine, marijuana, and meth as gateway drugs.
241	Sen. Prozanski	Comments on the incentive based programs, and expresses his support for such methods.
251	Dr. Rawson	Talks about the incentive based programming.
272	Sen. Prozanski	Wonders about the term "social bonding."
277	Dr. Rawson	States that meth is often used as a part of a relationship, and eventually the individual's whole life is connected to the drug.
293	Sen. Walker	Asks about the fiscal impacts of the studies performed by UCLA.
303	Dr. Rawson	Addresses the questions on funding and results of the studies.
324	Sen. Walker	Comments on Oregon's drug court process and how it is an effective preventative method.
330	Dr. Rawson	Talks about the need for preventative methods, and the lack of preparedness of most communities across the nation for dealing with the meth epidemic.
352	Sen. Nelson	Inquires about the typical costs associated with meth and other drugs.
355	Dr. Rawson	Explains the costs and payoff (psychological and timeframe of the "high" resulting from those drugs) of different drugs.
392	Chair Burdick	Wonders about the toxicity and addiction rate of meth compared to legal drugs.
400	Dr. Rawson	Addresses addiction problems with meth compared to doses of

440	Rep. Thatcher	legal drugs (Ritalin, etc.). Asks about Oregon's rate of treatment and admissions into drug programs dealing with meth.
451	Dr. Rawson	Talks about problems with drug treatment programs. Comments on the extremely long waiting list for Oregon's drug courts.
TAPE 71, A		
019	Susan M. Paddock, Ph.D.	Statistician, RAND Corporation. Testifies on current and past studies addressing the meth problem. Talks about school-based drug prevention programs. Submits presentation materials and begins her presentation (EXHIBIT C).
074	Paddock	Discusses, and lists, several of the criteria used for identifying model school-based prevention programs.
125	Paddock	Addresses the different prevention strategies studied (LifeSkills, Northland, Iowa, etc.)
178	Paddock	Explains the process of translating post-program effects into lifetime reductions in use.
210	Paddock	Talks about the correlation between age and lifetime marijuana abuse.
255	Paddock	Describes the benefit of prevention as the social cost averted by reducing drug consumption.
284	Paddock	Comments on the cost of school-based prevention per participant, and the cost-benefit of implementing prevention programs.
315	Paddock	Discusses the estimates of the cost-benefits of school-based prevention programs.
368	Paddock	Addresses studies being done on other drugs to prevent illicit drugs.
TAPE 70, B		
002	Paddock	Reviews key findings of school-based prevention programs and concludes with information on the options to consider for prevention programs.
028	Sen. Beyer	Inquires about the annual price of meth and what caused the 1994 valley in the cost.
035	Paddock	Responds that producers have been creative in manufacturing meth, especially in 1994.
047	Rep. Thatcher	Asks if there is evidence that spikes in prices causes a decrease in usage.
053	Paddock	Replies that she does not have that information.
057	Sen. Prozanski	Wonders if the programs will start doing studies regarding use related to ease of access
070	Paddock	Admits that she is not aware of current programs focusing particularly on meth. Notes that many programs seek to reduce drug use in one particular substance.
082	Sen. Prozanski	Inquires about the composition of the cost-benefits discussed in the studies.
094	Paddock	States that the cost-benefit includes incarceration.
097	Chair Burdick	Reads a question from Rob Bovvett, who asks if only evidence-based programs will be implemented. Answers that there is always room for new programs.
110	Paddock	Expresses that she understands the need for experimental programs, but believes that with such limited funds, she can only support evidence-based programs.
127	Chair Burdick	Invites the audience to lunch after the law enforcement panel concludes their testimony. Announces that public testimony will take place after the break.

145	Chief Stuart Roberts	Chief of Police, City of Pendleton. Testifies about meth offenses in Pendleton and the methods needed to halt the meth epidemic.
185	Roberts	Discusses local drug task forces in Pendleton, and the funding struggles they face.
225	Roberts	Talks about the difficulty in the treatment of meth users.
269	Sheriff Boyd Rasmussen	Sheriff, Union County. Recent Narcotics Officer, Drug Task Force. Testifies on the meth problem in his community. Explains his personal history dealing with Meth as a narcotics officer on the drug task force.
308	Rasmussen	Advocates the inclusion of state troopers in the meth prevention process.
315	Rasmussen	Describes the testimony of an individual, Matt Price, who had been an abuser of methamphetamine.
374	Doug Fischer	Director, Intermountain Public Defenders. Testifies on the meth epidemic from a public defender's standpoint; having to deal with the meth addicts face-to-face.
430	Fischer	Details the destruction of his clients' lives due to drug addiction, and how it serves as a motivator to get clean. Talks about the effectiveness of the drug courts.
TAPE 71, B		
028	Fischer	Advocates the creation of a drug court to combat the methamphetamine epidemic.
039	Dan Norris	Malheur County District Attorney. Talks about the men's and women's drug courts in his county.
087	Norris	Discusses the problems of recidivism and repeat offenders. Addresses some of the fundamental changes needed to make these numbers decrease.
112	Chris Brauer	Umatilla County District Attorney. Comments on the funding for drug courts.
160	Brauer	Details the budget cuts facing state police.
185	Rep. Jensen	Addresses Umatilla County's drop from #1 to #3 for new judgeships.
195	Brauer	Replies with information on the budget cuts and court closings that caused such a decrease in standing in county courts.
217	Sen. Prozanski	Asks about the recidivism rates addressed about earlier.
224	Rasmussen	Discusses the recidivism rates and the comparison between in-patient and out-patient treatments. Stresses the importance of the out-patient treatments.
274	Chair Burdick	Adjourns the meeting at 12:30 p.m.
280	Chair Krieger	Calls the meeting to order at 1:06 p.m.
299	Stephen Donnell	Submits testimony and testifies on the meth epidemic (EXHIBIT D).
337	Donnell	Expresses his opinions on the methods in combating meth as well as the current funding problems.
387	Donnell	Continues to express his ideas on battling meth addiction.
441	Chair Krieger	States that the House and Senate Judiciary will look at all the meth bills facing the Legislature and combine the applicable bills into an omnibus bill.
454	Marcia Keith	Oregon Veterinary Medical Association. Testifies on the meth epidemic.
475	Dr. Douglas Corey	Oregon Veterinary Medical Association. Submits testimony and testifies on the meth bills facing the committee (EXHIBIT E).
TAPE 72, A		
022	Dr. Corey	Addresses several issues from his handout dealing with

072	John Hummel	veterinarian's problems with the meth bills (Exhibit E). Oregon Criminal Defense Lawyers Association. Submits testimony and testifies in a neutral stance on the meth bills facing the committee. (EXHIBIT F).
114	Hummel	Describes the drug court process.
151	Chris Cooper	Community Development Manager, Umatilla/ Morrow Head Start. Describes the Head Start methods for preventing drug abuse. Stresses the need to bring parents into the Head Start projects for their children.
200	Cooper	Advocates the continuation of the Head Start program.
218	Karen Wheeler	Manager, Office of Mental Health and Addiction Services, Oregon Department of Human Services. Submits testimony and testifies in support of SB 907 and HB 2485 (EXHIBIT G).
263	Wheeler	Details the methods her office is taking to combat the meth epidemic.
318	Wheeler	Raises the issue of federal regulation conflicts with SB 907.
369	Rob Bovett	Legal Counsel, Oregon Narcotics Enforcement Association. Addresses the packet handed out to the committee and testifies in support of SB 907 and HB 2485 (EXHIBIT H). Describes the recommendations from his group for "crushing" meth in Oregon.
420	Bovett	Talks about the Meth Task Force packet, and goes on to discuss the recommendations made to the Governor (Exhibit H).
460	Bovett	Comments on the other bills and amendments dealing with meth in the legislature.
TAPE 73, A		
023	Rep. Wirth	Asks about the different amendments dealing with Sudafed tablets.
034	Bovett	Replies with information on the meth crafting process and the red Sudafed tablets.
052	Sen. Whitsett	Inquires about the usual sources of lithium and sodium used in meth creation.
054	Bovett	Explains how meth labs acquire the lithium and sodium for methamphetamine production.
069	Rep. Wirth	Wonders about the impact on the Oregon Department of Corrections (DOC) if these bills were passed.
075	Bovett	Responds with economic estimations on possible costs for the DOC.
093	Lieutenant Craig Durbin	Oregon State Police. Submits testimony and testifies in support of HB 2485 (EXHIBIT I).
150	Durbin	Talks about the Governor's Meth Task Force.
195	Durbin	Discusses the problem of crystal meth, as opposed to powder meth.
240	Sen. Walker	Comments on the national protocol for children in meth lab busts.
262	Durbin	Explains the protocol when dealing with children at meth lab stings.
297	Sen. Walker	Expresses her increased alarm over the meth epidemic's effect on children.
314	Bovett	Describes the protocol for dealing with children in meth environments.
355	Bovett	Stresses the importance of breaking children from the cycle of addiction as early as possible.
396	Durbin	States the danger of an active lab for children; the drug gets everywhere at that time.
409	Sen. Prozanski	Commends Lieutenant Durbin and Mr. Bovett on their work.

421	Bovett	Asks what the legislature can do to help the problem. Replies with information on techniques and methods used by Oregon and Oklahoma that work well.
451	Rep. Flores	Inquires about the older children exiting contaminated meth labs who enter school zones, and if the backpacks/clothing/etc. further contaminate areas.
464	Durbin	Cannot confirm or deny that at this time.
474	Sen. Prozanski	Comments on the meth getting into the clothes and skins of the people living in a meth lab.
480	Durbin	Discusses the hazards in raiding a meth lab.
499	Rep. Wirth	Wonders about allegations of child abuse dealing with meth.
TAPE 72, B		
022	Bovett	Replies that the charges depend on the county and the laws within those counties. Stresses Oregon's continuing success in battling meth.
057	Bob Wright	Eastern Oregon Alcoholism Foundation. Submits testimony and testifies on the meth bills (EXHIBIT J).
105	Wright	Suggests a constitutional amendment to limit prisoners' rights in order to curb increased costs.
166	Karla Nash	Attorney, Bend. Testifies in a neutral stance on SB 907.
215	Nash	Discusses meth addicts who become pregnant. Continues discussion of affects on mothers and child impacted by meth.
277	Chair Burdick	Requests that the amicus brief be submitted to the record.
282	Nancy Haidle	Ontario, Malheur County. Testifies on the meth epidemic, and addresses the issue of letting some offenders go to prosecute others.
330	Haidle	Continues discussion of problems with funding the needed programs to address the meth epidemic.
406	Sen. Prozanski	Inquires about the Health Insurance Portability and Accountability Act (HIPAA) confidentiality issues.
412	Nash	Explains the confidentiality rules that precluded HIPAA.
426	Sen. Nelson	Questions the profile of offenders and their corresponding treatment.
433	Wright	Mentions the largest incentive for mothers is the ability to keep custody of their children while prison is a greater incentive for men.
449	Sen. Nelson	Brings up the issue of some individuals choosing drugs over their families.
459	Wright	Reaffirms his belief that the individuals who are actually inclined to stop abusing drugs will be able to do so.
469	Nash	Discusses women who actively seek out treatment in order to keep their families together.
TAPE 73, B		
012	Karen Ashback	Pendleton. Offers a personal story about her daughter who is a meth offender and her grandchild who is in her custody.
065	Ashback	Continues her story that illustrates the addictive nature of meth.
094	Bill Hansell	Umatilla County Commissioner. Shares his opportunity to be President-elect of the National Association of Counties (NACO). Discusses what NACO is doing to develop meth programs on the national level.
134	Chair Burdick	Expresses her appreciation for the presenters and Rep. Jensen and Sen. Nelson, as well as Alice Nelson, for the beneficial experience. Closes the public hearing on SB 907, SB 910, SB

911, and HB 2485 and adjourns the meeting.

EXHIBIT SUMMARY

- A. **Methamphetamine, presentation materials, Sgt. James Gerhardt, 21 pp**
- B. **Methamphetamine, presentation materials, Dr. Richard Rawson, 20 pp**
- C. **Methamphetamine, presentation materials, Dr. Susan Paddock, 10 pp**
- D. **Methamphetamine, testimony, Stephen Donnell, 2 pp**
- E. **Methamphetamine, testimony, Dr. Doug Corey, 2 pp**
- F. **Methamphetamine, testimony, John Hummel, 5 pp**
- G. **HB 2485, testimony, Karen Wheeler, 8 pp**
- H. **Methamphetamine, packet, Rob Bovett, 333 pp and CD**
- I. **HB 2485, written testimony, Lieutenant Craig Durbin, 5 pp**
- J. **Methamphetamine, testimony, Robert L. Wright, 3 pp**