



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, SEPTEMBER 29, 2022

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St - Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://us02web.zoom.us/j/84186141395?pwd=WjRaaVd2MzNNb0pad3FScUZzV3didz09>

Passcode: 894743

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 841 8614 1395 and Passcode: 894743. Written comments can also be provided for the public comment section to planning@deschutes.org by 5:00 p.m. on September 29. They will be entered into the record.

I. CALL TO ORDER

II. PUBLIC COMMENT

III. ACTION ITEMS

- [1.](#) Public Hearing: Psilocybin TPM Text Amendments (*Tanya Saltzman, Senior Planner*)

IV. PLANNING COMMISSION AND STAFF COMMENTS

V. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: September 22, 2022

SUBJECT: Public Hearing – Psilocybin TPM Amendments

The Deschutes County Planning Commission will conduct a public hearing on September 29, 2022 at 5:30 P.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms, to consider legislative text amendments for time, place, and manner (TPM) regulations for psilocybin (File no. 247-22-000676-TA). Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on August 25, 2022. Staff presented the proposed amendments to the Planning Commission at a work session on September 8, 2022.¹ Attached to this memorandum are the proposed text amendments and findings, which have not changed since the Planning Commission work session. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~. The public hearing will be conducted in-person, electronically, and by phone.²

The record is available for inspection at the Planning Division and at the following website: <https://www.deschutes.org/cd/page/247-22-000676-ta-psilocybin-time-place-and-manner-tpm-text-amendments>.

I. BACKGROUND

On June 1, 2022, staff provided the Board of County Commissioners (Board) with an overview of Measure 109, which legalized psilocybin in Oregon subject to the criteria noted in the measure and subsequent rulemaking.³ The memorandum introduced the origin of the measure, the types of licenses that will be available, the role of the Oregon Health Authority (OHA) and its committees, and the rulemaking process. During the discussion, staff noted the compressed timeline: OHA is currently in the process of rulemaking, which may not be complete until December 2022, yet OHA is due to begin accepting applications for licenses on January 2, 2023. As noted, OHA licenses will require a Land Use Compatibility Statement (LUCS) to be issued by the County. This timeline places the Planning Commission and the

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-16>

² See Deschutes County Planning Commission September 29, 2022 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-19>

³ <https://www.deschutes.org/bcc/page/board-commissioners-meeting>

Board—as well as the industry and the public—in a difficult position of not knowing key aspects of the program in advance of the program beginning.

Measure 109 automatically opts cities and counties into the psilocybin program. However, Measure 109 offers the option for cities and counties to opt out of the program via a ballot measure in the next general election—in this case, November 8, 2022. On July 13, 2022, the Board of County Commissioners conducted an afternoon and evening hearing to consider Ordinance No. 2022-009, Referring a Measure to the Electors to Prohibit Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Deschutes County.⁴ The Board deliberated on the matter on July 20 and held a first reading of Ordinance No. 2022-009. Second reading occurred on August 8. The opt-out ordinance will be subject to Deschutes County voters for the November 8, 2022 General Election.

Measure 109—and the corresponding Oregon Revised Statute 475A.530—allows cities and counties to adopt “reasonable regulations” for time, place, and manner (TPM) concerning psilocybin businesses. During deliberation the Board expressed interest in developing TPM amendments in the event voters reject prohibiting psilocybin manufacturing and psilocybin service centers in the unincorporated county. Amendments could be adopted by the end of the calendar year, prior to OHA accepting applications for licensure on January 2, 2023. On July 27, the Board directed staff to begin the TPM process.⁵

Staff continues to monitor the rulemaking process as it continues this fall and is coordinating with Association of Oregon Counties (AOC) on any pertinent developments to the program. In September 2022, OHA published draft rules addressing certain criteria ranging from qualifications for facilitators to safety plans for service centers. The Rules Advisory Subcommittee (RAC) is in the process of providing input on these rules this month, which will then be revised and shared with the public for comment on November 1. A copy of the September 2022 draft rules under consideration by the RAC is provided as an attachment to this memorandum.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendments is to create time, place, and manner regulations concerning psilocybin manufacturing, service centers, and testing laboratories. A brief summary of the amendments are as follows, with further description following:

- DCC 18.04.030: Adds new definitions for terms relating to psilocybin.
- DCC 18.65 Rural Service Center, 18.66 Terrebonne Rural Community, 18.67 Tumalo Rural Community, 18.74 Rural Commercial, 18.108 Sunriver Urban Unincorporated Community: Adds psilocybin service centers as a conditional use with site plan review
- DCC 18.67 Tumalo Rural Community, 18.100 Rural Industrial: Adds psilocybin testing laboratories as a conditional use with site plan review

⁴ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-63>

⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-65>

- DCC 18.116.380: Adds a new chapter creating time, place, and manner criteria for psilocybin manufacture as farm use; psilocybin manufacture as a processing use; psilocybin service centers.

III. REGULATORY CONCEPT

Measure 109 provides no direction as to reasonable time, place, and manner restrictions. The measure contains limited basic criteria pertaining to land use. For instance, psilocybin service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier), and manufacturing facilities may not be located outdoors. Service centers may not be located in single family dwellings.

It is difficult for staff to estimate impacts from a transportation and land use standpoint without real world examples of psilocybin manufacturing, processing, and service centers that the Planning Commission and the Board can consider. Ultimately, in order for regulations to be “reasonable,” such regulations must be necessary to protect public health, safety and welfare. Erring on the side of more restrictive TPM regulations is defensible because the range and extent of potential impacts of psilocybin production, processing, testing, and service centers cannot be defined at this early stage.

Table 1 outlines the psilocybin uses in the proposed amendments.

Table 1 – Summary of Proposed TPM Amendments

Use	Description	Notes
Psilocybin Manufacturing as a Farm Use (manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, any packaging or repackaging)	Allowed in: <ul style="list-style-type: none"> • EFU zone 	<ul style="list-style-type: none"> • Psilocybin-producing fungi is recognized by Measure 109 as a farm use and is therefore permitted outright in EFU zones. • Psilocybin-producing fungi must be grown indoors. • Commercial activities in conjunction with farm use do not apply to growing psilocybin.
Psilocybin Manufacturing as a Processing Use (compounding, conversion, or processing of a psilocybin product)	Allowed in: <ul style="list-style-type: none"> • EFU zone.⁶ 	<ul style="list-style-type: none"> • Manufacturing may be carried on in conjunction with a psilocybin producing fungi crop according to Measure 109.

⁶ DCC 18.16.025 requires the facility uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Exception: A facility which uses less than 2,500 square feet for its processing area is exempt from any applicable siting standards.

<p>Psilocybin Service Centers</p>	<p>Allowed subject to a conditional use permit and site plan review in:</p> <ul style="list-style-type: none"> • Rural Commercial • Rural Service Centers • Sunriver Commercial District • Sunriver Town Center District • Terrebonne Commercial District • Tumalo Commercial District 	<ul style="list-style-type: none"> • Hours of operation will be limited to daily treatments. • No option for larger retreat-style, overnight operations. • Service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier).
<p>Psilocybin Testing Laboratories</p>	<p>Allowed subject to a conditional use permit and site plan review in:</p> <ul style="list-style-type: none"> • Rural Industrial • Tumalo Industrial 	<ul style="list-style-type: none"> • OHA rulemaking concerning testing requirements thus far appear in OAR 333-333-7010 through 333-333-7150

IV. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing and commence deliberations.

Attachments

1. Psilocybin Text Amendments
2. Psilocybin Findings
3. September 2022 Oregon Health Authority Draft Rules

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

* * *

"Psilocybin" means psilocybin or psilocin.

"Psilocybin manufacture as a farm use" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, any packaging or repackaging of psilocybin-producing fungi or labeling or relabeling of its container, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for fungi cultivation. It does not include psilocybin manufacture as a processing use.

"Psilocybin manufacture as a processing use" means the compounding, conversion, or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for psilocybin extraction and/or edible psilocybin production.

"Psilocybin premises" includes the following areas of a location licensed under ORS 475A.210 to 475A.722:

- A. All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;
- B. All areas outside a building that the Oregon Health Authority has specifically licensed for the manufacturing of psilocybin products or the operation of a psilocybin service center; and
- C. For a location that the authority has specifically licensed for the operation of a psilocybin service center outside a building, that portion of the location used to operate the psilocybin service center and provide psilocybin services to clients.

"Psilocybin premises" does not include a primary residence.

"Psilocybin-producing fungi" is:

- A. A crop for the purposes of "farm use" as defined in ORS 215.203;
- B. A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;
- C. A product of farm use as described in ORS 308A.062; and
- D. The product of an agricultural activity for purposes of ORS 568.909.

"Psilocybin products" means psilocybin-producing fungi, mycelium and mixtures or substances containing a detectable amount of psilocybin, including whole fungi, homogenized fungi, psilocybin extract and edible psilocybin products. "Psilocybin products" does not include psilocybin services.

"Psilocybin service center" means an establishment licensed by the Oregon Health Authority:

- A. At which administration sessions are held; and
- B. At which other psilocybin services may be provided.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
 Amended by Ord. [82-013 §1](#) on 5/25/1982
 Amended by Ord. [83-037 §2](#) on 6/1/1983
 Amended by Ord. [83-033 §1](#) on 6/15/1983
 Amended by Ord. [84-023 §1](#) on 8/1/1984
 Amended by Ord. [85-002 §2](#) on 2/13/1985
 Amended by Ord. [86-032 §1](#) on 4/2/1986
 Amended by Ord. [86-018 §1](#) on 6/30/1986
 Amended by Ord. [86-054 §1](#) on 6/30/1986
 Amended by Ord. [86-056 §2](#) on 6/30/1986
 Amended by Ord. [87-015 §1](#) on 6/10/1987
 Amended by Ord. [88-009 §1](#) on 3/30/1988
 Amended by Ord. [88-030 §3](#) on 8/17/1988
 Amended by Ord. [88-030 §4](#) on 8/17/1988
 Amended by Ord. [89-004 §1](#) on 3/24/1989
 Amended by Ord. [89-009 §2](#) on 11/29/1989
 Amended by Ord. [90-014 §2](#) on 7/12/1990
 Amended by Ord. [91-002 §11](#) on 2/6/1991
 Amended by Ord. [91-005 §1](#) on 3/4/1991
 Amended by Ord. [92-025 §1](#) on 4/15/1991
 Amended by Ord. [91-020 §1](#) on 5/29/1991
 Amended by Ord. [91-038 §§3 and 4](#) on 9/30/1991
 Amended by Ord. [92-004 §§1 and 2](#) on 2/7/1992
 Amended by Ord. [92-034 §1](#) on 4/8/1992
 Amended by Ord. [92-065 §§1 and 2](#) on 11/25/1992
 Amended by Ord. [92-066 §1](#) on 11/25/1992
 Amended by Ord. [93-002 §§1, 2 and 3](#) on 2/3/1993
 Amended by Ord. [93-005 §§1 and 2](#) on 4/21/1993
 Amended by Ord. [93-038 §1](#) on 7/28/1993
 Amended by Ord. [93-043 §§1, 1A and 1B](#) on 8/25/1993
 Amended by Ord. [94-001 §§1, 2, and 3](#) on 3/16/1994

Amended by Ord. [94-008 §§1, 2, 3, 4, 5, 6, 7 and 8](#) on 6/8/1994
Amended by Ord. [94-041 §§2 and 3](#) on 9/14/1994
Amended by Ord. [94-038 §3](#) on 10/5/1994
Amended by Ord. [94-053 §1](#) on 12/7/1994
Amended by Ord. [95-007 §1](#) on 3/1/1995
Amended by Ord. [95-001 §1](#) on 3/29/1995
Amended by Ord. [95-075 §1](#) on 11/29/1995
Amended by Ord. [95-077 §2](#) on 12/20/1995
Amended by Ord. [96-003 §2](#) on 3/27/1996
Amended by Ord. [96-082 §1](#) on 11/13/1996
Amended by Ord. [97-017 §1](#) on 3/12/1997
Amended by Ord. [97-003 §1](#) on 6/4/1997
Amended by Ord. [97-078 §5](#) on 12/31/1997
Amended by Ord. [2001-037 §1](#) on 9/26/2001
Amended by Ord. [2001-044 §2](#) on 10/10/2001
Amended by Ord. [2001-033 §2](#) on 10/10/2001
Amended by Ord. [2001-048 §1](#) on 12/10/2001
Amended by Ord. [2003-028 §1](#) on 9/24/2003
Amended by Ord. [2004-001 §1](#) on 7/14/2004
Amended by Ord. [2004-024 §1](#) on 12/20/2004
Amended by Ord. [2005-041 §1](#) on 8/24/2005
Amended by Ord. [2006-008 §1](#) on 8/29/2006
Amended by Ord. [2007-019 §1](#) on 9/28/2007
Amended by Ord. [2007-020 §1](#) on 2/6/2008
Amended by Ord. [2007-005 §1](#) on 2/28/2008
Amended by Ord. [2008-015 §1](#) on 6/30/2008
Amended by Ord. [2008-007 §1](#) on 8/18/2008
Amended by Ord. [2010-018 §3](#) on 6/28/2010
Amended by Ord. [2010-022 §1](#) on 7/19/2010
Amended by Ord. [2011-009 §1](#) on 10/17/2011
Amended by Ord. [2012-004 §1](#) on 4/16/2012
Amended by Ord. [2012-007 §1](#) on 5/2/2012
Amended by Ord. [2013-008 §1](#) on 7/5/2013
Amended by Ord. [2014-009 §1](#) on 8/6/2014
Amended by Ord. [2015-004 §1](#) on 4/22/2015
Amended by Ord. [2016-015 §1](#) on 7/1/2016
Amended by Ord. [2016-026 §1](#) on 11/9/2016
Amended by Ord. [2016-006 §1](#) on 2/27/2017
Amended by Ord. [2017-015 §1](#) on 11/1/2017
Repealed by Ord. [2018-005 §8](#) on 10/10/2018
Amended by Ord. [2018-006 §4](#) on 11/20/2018
Amended by Ord. [2019-010 §1](#) on 5/8/2019
Amended by Ord. [2019-016 §1](#) on 2/24/2020
Amended by Ord. [2020-001 §1](#) on 4/21/2020

Amended by Ord. [2020-010 §1](#) on 7/3/2020
Amended by Ord. [2020-007 §7](#) on 10/27/2020
Amended by Ord. [2021-013 §3](#) on 4/5/2022
Amended by Ord. 2022-xxx §x on x/x/2022

CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE

[18.65.020 RSC; Commercial/Mixed Use District \(Brothers, Hampton, Millican, Whistlestop And Wildhunt\)](#)

[18.65.021 Alfalfa RSC; Commercial/Mixed Use District](#)

18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
 2. Manufactured home, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home and residential facility.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.

6. Highway maintenance facility.
 7. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 8. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Multi-family dwelling with three or more units.
 2. School.
 3. Cemetery.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Medical clinic or veterinary clinic.
 6. Community Center.
 7. Manufactured home park.
 8. Recreational vehicle or trailer park.
 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
 10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [2002-002 §2](#) on 6/5/2002
Amended by Ord. [2002-028 §1](#) on 7/24/2002
Amended by Ord. [2004-002 §11](#) on 4/28/2004
Amended by Ord. [2015-004 §2](#) on 4/22/2015
Amended by Ord. [2016-015 §4](#) on 7/1/2016
Amended by Ord. [2018-006 §8](#) on 11/20/2018
Amended by Ord. [2020-001 §6](#) on 4/21/2020
[Amended by Ord. 2022-xxx §x on x/x/2022](#)

18.65.021 Alfalfa RSC; Commercial/Mixed Use District

In Alfalfa, the following uses and their accessory uses are permitted:

- A. Uses Permitted Outright.
 1. Single-family dwelling.

2. Manufactured home, subject to DCC 18.116.070
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home and residential facility.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 7. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. School.
 2. Cemetery.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Medical clinic or veterinary clinic.
 5. Community Center.

6. Recreational vehicle or trailer park.
7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
8. Marijuana retailing, subject to the provisions of DCC 18.116.330.
9. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [2002-002 §2](#) on 6/5/2002

Amended by Ord. [2018-006 §8](#) on 11/20/2018

Amended by Ord. [2020-001 §6](#) on 4/21/2020

Amended by Ord. [2022-xxx §x](#) on x/x/2022

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

18.66.040 Commercial (TeC) District

18.66.040 Commercial (TeC) District

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
 2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 5. Class III road or street project.
 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:
1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
 - f. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.

2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
 3. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
 2. Recreational vehicle park.
 3. Religious institutions or assemblies.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Public or private school.
 6. Park.
 7. Public or semi-public building.
 8. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
 9. Utility facility.
 10. Water supply or treatment facility.
 11. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
 12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
 - a. Manufacturing and production.
 - b. Wholesale sales.
 - c. Mini-storage.
 13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 15. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 16. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [97-003 §2](#) on 6/4/1997

Amended by Ord. [97-063 §3](#) on 11/12/1997

Amended by Ord. [2004-002 §15](#) on 4/28/2004

Amended by Ord. [2015-004 §3](#) on 4/22/2015

Amended by Ord. [2016-015 §5](#) on 7/1/2016

Amended by Ord. [2020-001 §7](#) on 4/21/2020

Amended by Ord. [2020-010 §3](#) on 7/3/2020

Amended by Ord. [2021-004 §3](#) on 5/27/2021

Amended by Ord. [2022-xxx §x](#) on x/x/2022

CHAPTER 18.67 TUMALO RURAL COMMUNITY ZONING DISTRICTS

18.67.040 Commercial (TuC) District

18.67.060 Industrial (Tul) District

18.67.040 Commercial (TuC) District

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
 1. Single-family dwelling or duplex.
 2. Manufactured home subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
 5. Class III road or street project.
 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:
 1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating and/or drinking establishment.
 - c. Offices.
 - d. Residential use in the same building as a use permitted in DCC 18.67.040.
 - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
 3. Child care facility and/or preschool.

- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
 2. Bed and breakfast inn.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Park.
 5. Public or semi-public building.
 6. Utility facility.
 7. Water supply or treatment facility.
 8. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
 9. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 10. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 13. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [97-033 §2](#) on 6/25/1997

Amended by Ord. [97-063 §3](#) on 11/12/1997

Amended by Ord. [2000-033 §11](#) on 12/6/2000

Amended by Ord. [2001-016 §2](#) on 3/28/2001

Amended by Ord. [2001-039 §8](#) on 12/12/2001

Amended by Ord. [2004-002 §19](#) on 4/28/2004

Amended by Ord. [2004-013 §7](#) on 9/21/2004

Amended by Ord. [2015-004 §5](#) on 4/22/2015

Amended by Ord. [2016-015 §6](#) on 7/1/2016

Amended by Ord. [2020-001 §8](#) on 4/21/2020

Amended by Ord. [2020-010 §4](#) on 7/3/2020

Amended by Ord. [2021-004 §4](#) on 5/27/2021

Amended by Ord. [2021-013 §8](#) on 4/5/2022

[Amended by Ord. 2022-xxx §x on x/x/2022](#)

[18.67.060 Industrial \(Tul\) District](#)

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
1. Industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 2. Office buildings associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 3. Restaurants and cafeteria facilities associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 4. Residence for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
 7. Class III road or street project.
 8. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.
1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
 2. Office buildings associated with industrial uses;
 3. Restaurant and cafeteria facilities associated with industrial uses;
 4. Residence for caretaker or night watchman on property with industrial uses;
 5. Equipment storage associated with industrial uses;
 6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
 - a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
 - b. Ornamental horticultural products and nurseries.
 - c. Softwood and hardwood products excluding pulp and paper manufacturing.
 - d. Sand, gravel, clay and other mineral products.
 7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
 8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
 9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
 10. Mini-storage facility.
 11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
 12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
 2. Concrete or ready mix plant;

3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
4. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.
5. Marijuana retailing, subject to the provisions of DCC 18.116.330.
6. Psilocybin testing laboratories.

HISTORY

Adopted by Ord. [2005-016 §1](#) on 4/27/2005

Amended by Ord. [2015-004 §6](#) on 4/22/2015

Amended by Ord. [2016-015 §6](#) on 7/1/2016

Amended by Ord. [2021-004 §4](#) on 5/27/2021

Amended by Ord. [2022-xxx §x](#) on x/x/2022

CHAPTER 18.74 RURAL COMMERCIAL ZONE

[18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store](#)

[18.74.027 Uses Permitted; Pine Forest And Rosland](#)

18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18. 1 16. 070.
 3. Two-family dwelling.
 4. Type 1 Home Occupation, subject to DCC 18. 1 16. 280.
 5. Agricultural uses.
 6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
 7. Class III road or street project.
 8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.
 - d. Retail sporting goods and guide services.
 - e. Barber and beauty shop.
 - f. General store.
 - g. Video store.

- h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
- 2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Retail sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel.
 - d. Veterinary clinic.
 - e. Automobile service station and repair garage, towing service, fuel storage and sales.
 - f. Public or semi-public use.
 - g. Residential use in the same building as a use permitted by this chapter.
 - h. Park or playground.
- 4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
 - 1. Child care facility and/or preschool.
- D. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
 - 1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Religious institutions or assemblies.
 - e. School.

2. Recreational vehicle park
3. Mini-storage facilities limited to 35,000 square feet in size.
4. Marijuana retailing, subject to the provisions of DCC 18.116.330.
5. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [2002-019 §2](#) on 8/7/2002

Amended by Ord. [2004-002 §20](#) on 4/28/2004

Amended by Ord. [2008-008 §1](#) on 3/18/2008

Amended by Ord. [2015-004 §7](#) on 4/22/2015

Amended by Ord. [2016-015 §7](#) on 7/1/2016

Amended by Ord. [2020-001 §9](#) on 4/21/2020

Amended by Ord. [2020-010 §5](#) on 7/3/2020

Amended by Ord. [2021-013 §9](#) on 4/5/2022

[Amended by Ord. 2022-xxx §x on x/x/2022](#)

18.74.027 Uses Permitted; Pine Forest And Rosland

- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
- B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
 1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
 - a. Eating and drinking establishments.
 - b. Retail store, office and service establishments.
 - c. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Sales of agricultural or farm products.
 - b. Farm machinery sales and repair.

- c. Kennel or veterinary clinic.
 - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
 - e. Public or semi-public use.
 - f. Residential use in the same building as a use permitted in this chapter.
 - g. Park or playground.
4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
5. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
- 1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
 - a. Home occupation as defined in DCC 18.04.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Religious institutions or assemblies.
 - e. School.
 - f. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 2. Recreational vehicle park.
 - 3. Mini-storage facilities limited to 35,000 square feet in size.
 - 4. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [2003-080 §1](#) on 1/6/2004
Amended by Ord. [2007-007 §1](#) on 3/5/2007
Amended by Ord. [2008-008 §1](#) on 3/18/2008
Amended by Ord. [2015-004 §7](#) on 4/22/2015
Amended by Ord. [2016-015 §7](#) on 7/1/2016
Amended by Ord. [2020-001 §9](#) on 4/21/2020
Amended by Ord. [2020-010 §5](#) on 7/3/2020
[Amended by Ord. 2022-xxx §x on x/x/2022](#)

CHAPTER 18.100 RURAL INDUSTRIAL ZONE; R-I

18.100.020 Conditional Uses

18.100.020 Conditional Uses

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.
- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:
 - 1. Lot coverage in excess of 70 percent.
 - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public Landfill Transfer Station, including recycling and other related activities.
- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.

- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.
- S. Marijuana retailing, subject to the provisions of DCC 18.116.330.
- T. Psilocybin testing laboratories.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-018](#) §15 on 6/30/1986

Amended by Ord. [90-014](#) §38 on 7/12/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §12 on 12/12/2001

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2004-013](#) §10 on 9/21/2004

Amended by Ord. [2016-015](#) §8 on 7/1/2016

Amended by Ord. [2018-006](#) §12 on 11/20/2018

Amended by Ord. [2021-004](#) §5 on 5/27/2021

Amended by Ord. [2022-xxx](#) §x on x/x/2022

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

18.108.050 Commercial; C District

18.108.055 Town Center; TC District

18.108.050 Commercial; C District

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
1. Recreational path.
 2. Ambulance service.
 3. Library.
 4. Religious institutions or assemblies.
 5. Bus stop.
 6. Community center.
 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail/rental store, office and service establishment.
 - b. Art galleries
 - c. Dry cleaner and/or self-service laundry establishment.
 - d. Radio and television sales and service.
 - e. Radio and television broadcasting studios and facilities, except towers.
 - f. Restaurant, bar and cocktail lounge, including entertainment.
 - g. Automobile service station.
 - h. Technical and business school.
 - i. Catering establishment.
 - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
 - k. Medical and dental clinic, office and laboratory.
 - l. Theater not exceeding 4,000 square feet of floor area.

- m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 - 8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
 - 9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
 - 10. Post Office.
 - 11. Administrative and office facility associated with a community association or community use.
 - 12. Police facility.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.
- 1. Public buildings and public utility buildings and structures.
 - 2. Club, lodge or fraternal organization.
 - 3. Commercial off-street parking lot.
 - 4. Bus passenger station.
 - 5. Interval ownership and/or time-share unit or the creation thereof.
 - 6. Miniature golf.
 - 7. Bed and breakfast inn.
 - 8. Inn.
 - 9. Residential facility.
 - 10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Bowling alley.
 - b. Car wash.
 - c. Dancing or music school, nursery school, kindergarten and day-care facility.
 - d. Theater exceeding 4,000 square feet in floor area.
 - e. Veterinary clinic or kennel operated entirely within an enclosed building.
 - f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
 - g. Marijuana retailing, subject to the provisions of DCC 18.116.330.

11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Repealed & Reenacted by Ord. [97-078 §2](#) on 12/31/1997

Amended by Ord. [98-016 §1](#) on 3/11/1998

Amended by Ord. [2003-026 §1](#) on 7/9/2003

Amended by Ord. [2015-004 §9](#) on 4/22/2015

Amended by Ord. [2016-015 §9](#) on 7/1/2016

Amended by Ord. [2020-001 §12](#) on 4/21/2020

[Amended by Ord. 2022-xxx §x on x/xx/2022](#)

18.108.055 Town Center; TC District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District.
1. Park or plaza.
 2. Library.
 3. Community center.
 4. Visitors center.
 5. A building, or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
 - a. Retail/rental store, office, civic and service establishment.
 - b. Grocery store.
 - c. Art gallery.
 - d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
 - e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
 - f. Health & fitness facility.
 - g. Barber, beauty shop or spa.
 - h. Child care center, preschool and daycare facility.
 - i. Bank.
 - j. Post office.
 - k. Veterinary clinic (without animal boarding facilities).

- l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
 - m. Meeting room, convention and banquet facility.
 - n. Property sales, mortgage, management or rental office.
 - o. Movie theater.
6. Multi-family Residential, subject to paragraphs (E)(1) and (2).
7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:
 - a. Indoor and outdoor swimming pools.
 - b. Ice skating rink.
 - c. Indoor and outdoor tennis courts.
 - d. Indoor and outdoor basketball court or other ball field.
 - e. Physical fitness facilities.
 - f. Park, playground and picnic and barbeque area.
 - g. Walkways, bike paths, jogging paths.
 - h. Bowling alley.
 - i. Arcade.
8. Hotel with up to 100 hotel units in a single building.
9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor space for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).
10. Residential Facility.
11. Senior housing/assisted living or active adult development, excluding nursing homes.
12. Townhomes, subject to paragraphs (E)(1) and (2).
13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
14. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).
15. Religious institutions or assemblies.

B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.

1. Public buildings and public utility buildings and structures.
2. Bed and breakfast inn.
3. Ambulance service.
4. Fire station.
5. Police station.
6. Bus passenger station.
7. Live/work residence.
8. Stand-alone parking structure.
9. Accessory uses to the above-listed conditional uses.
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.

11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. [2008-015 §2](#) on 6/30/2008

Amended by Ord. [2015-004 §9](#) on 4/22/2015

Amended by Ord. [2016-015 §9](#) on 7/1/2016

Amended by Ord. [2020-001 §12](#) on 4/21/2020

[Amended by Ord. 2022-xxx §xx on x/xx/2022](#)

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.380 Psilocybin Manufacturing, Service Centers, and Testing Laboratories

18.116.380 Psilocybin Manufacturing, Service Centers, and Testing Laboratories

A. Applicability. Section 18.116.380 applies to:

1. Psilocybin Manufacture as a Farm Use in the EFU zone.
2. Psilocybin Manufacture as a Processing Use in the EFU zone.
3. Psilocybin Service Centers in the RC, RSC, SUC, SUTC, TeC, and TuC zones.
4. Psilocybin Testing Laboratories in the Tul zone.

B. Psilocybin Manufacture as a Farm Use. Psilocybin manufacture as a farm use shall be subject to the following standards:

1. Indoor Fungi Cultivation. Psilocybin-producing fungi must be grown indoors. Fungi cultivation is prohibited in any outdoor area.
2. Setbacks. Setback requirements shall be applied from the underlying zone.
3. Separation distances.

a. Psilocybin manufacture as a farm use shall be located a minimum of 1,000 feet from:

- (1) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
- (2) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a)

b. Notwithstanding DCC 18.116.380(D)(3)(a), psilocybin manufacture as a farm use may be located within 1,000 feet of a school if:

- (1) The psilocybin service center is not located within 500 feet of:
 - i. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and
- (2) The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin manufacture as a farm use.

4. Prohibited Uses.

a. In the EFU zone, the following uses are prohibited:

- (1) A new dwelling used in conjunction with a psilocybin-producing fungi crop;
- (2) A farm stand, as described in DCC 18.16.038(C), used in conjunction with a psilocybin-producing fungi crop; and

C. Psilocybin Manufacture as a Processing Use. Psilocybin manufacture as a processing use shall be subject to the standards in DCC 18.16.025(I).

D. Psilocybin service centers. Psilocybin service centers shall be subject to the following standards:

1. Co-Location. The operation of a psilocybin service center may be carried on in conjunction with a psilocybin-producing fungi crop.

2. Separation distances.

a. Psilocybin service centers shall be located a minimum of 1,000 feet from:

- (1) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
- (2) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a)

b. Notwithstanding DCC 18.116.380(D)(3)(a), a psilocybin service center may be located within 1,000 feet of a school if:

- (1) The psilocybin service center is not located within 500 feet of:

 - i. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and

(2) The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center.

3. Setbacks. Setback requirements shall be applied from the underlying zone.

4. Hours of Operation. Hours of operation shall be no earlier than 7:00 a.m. and no later than 7:00 p.m. on the same day.

HISTORY

Adopted by Ord. 2022-xxx §x on x/x/2022

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendments is to create time, place, and manner regulations concerning psilocybin manufacturing, service centers, and testing laboratories. A brief summary of the amendments are as follows:

- DCC 18.04.030: Adds new definitions for terms relating to psilocybin.
- DCC 18.65, 18.66, 18.67, 18.74, 18.108: Adds psilocybin service centers as a conditional use with site plan review
- DCC 18.116.380: Adds a new chapter creating time, place, and manner criteria for psilocybin manufacture as farm use; psilocybin manufacture as a processing use; psilocybin service centers.

II. BACKGROUND

On November 3, 2020, Oregon voters approved Ballot Measure 109, the Psilocybin Program Initiative, which legalized psilocybin in Oregon subject to the criteria noted in the measure and subsequent rulemaking.

Measure 109 automatically opts cities and counties into the psilocybin program, which first underwent a two-year development period, and is slated to begin statewide on January 2, 2023. However, Measure 109 offers the option for cities and counties to opt out via a ballot measure in the next general election—in this case, November 8, 2022.

On June 1, 2022, staff provided the Board of County Commissioners (Board) with an overview of Measure 109.¹ During the discussion, staff noted the compressed timeline: Oregon Health Authority (OHA), which administers the program and the licensing system, was engaged in rulemaking throughout late 2021 and all of 2022, with completion anticipated by December 2022, yet OHA is due to begin accepting applications for licenses on January 2, 2023. OHA licenses will require a Land Use Compatibility Statement (LUCS) to be issued by the County. This timeline placed the Board—as well as the industry and the public—in a difficult position of not knowing key aspects of the program in advance of the program beginning.

On July 13, 2022, the Board of County Commissioners conducted an afternoon and evening hearing to consider Ordinance No. 2022-009, Referring a Measure to the Electors to Prohibit Product Manufacturers and Psilocybin Service Center Operators within Unincorporated Deschutes County.² The Board deliberated on the matter on July 20 and adopted a first reading of Ordinance No. 2022-

¹ <https://www.deschutes.org/bcc/page/board-commissioners-meeting>

² <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-63>

009; second reading occurred on August 8. The opt-out measure will be subject to Deschutes County voters for the November 8, 2022 General Election. If the voters overturn the opt out, these TPM amendments will proceed to adoption.

Measure 109—and the corresponding Oregon Revised Statute 475A.530—allows cities and counties to adopt “reasonable regulations” for time, place, and manner (TPM) concerning psilocybin businesses. During deliberation the Board expressed interest in developing TPM amendments in the event voters reject prohibiting psilocybin manufacturing and psilocybin service centers in the unincorporated county. Amendments could be adopted by the end of the calendar year, prior to the Oregon Health Authority (OHA) accepting applications for licensure on January 2, 2023. On July 27, the Board directed staff to begin the TPM process.³

Measure 109 provides no direction as to reasonable time, place, and manner restrictions. It is difficult for staff to estimate impacts from a transportation and land use standpoint without real world examples of psilocybin production, processing, and service centers that the Board can consider. Ultimately, in order for regulations to be “reasonable,” such regulations must be necessary to protect public health, safety and welfare. Erring on the side of more restrictive TPM regulations is defensible because the range and extent of potential impacts of psilocybin production, processing and service centers cannot be defined at this early stage.

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

IV. FINDINGS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission and Board of County Commissioners.

Section 22.12.020, Notice

Notice

A. Published Notice

³ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-65>

1. ***Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
2. ***The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

- B. *Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

FINDING: Posted notice was determined by the Planning Director not to be necessary.

- C. *Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

- D. *Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners, and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
1. ***The Planning Commission.***
 2. ***The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: The Deschutes County Planning Commission held the initial public hearing on September 29, 2022. The Board then held a public hearing on [TBD]. These criteria are met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes will be implemented by Ordinance No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for each public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on August 25, 2021. The Planning Commission held a public hearing on September 29, 2022 and the Board of County Commissioners held a public hearing on [TBD]. This Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: Measure 109 and the corresponding Oregon Revised Statute 475A.570(2) specify that psilocybin-producing fungi is:

- (a) A crop for the purposes of "farm use" as defined in ORS 215.203;
- (b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;
- (c) A product of farm use as described in ORS 308A.062; and
- (d) The product of an agricultural activity for purposes of ORS 568.909.

The statute clearly permits the production of psilocybin-producing fungi in Exclusive Farm Use zones. DCC 18.16.025 allows small-scale processing of farm crops, provided that the facility uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Processing facilities smaller than 2,500 square feet are exempt from any applicable siting standards.

ORS 475A.570(2) also prohibits psilocybin-related farm dwellings, psilocybin-related farm stands and commercial activities in conjunction with a psilocybin farm use. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Goal 5 is to protect natural resources and conserve scenic and historical areas and open spaces. OAR 660-023-0250(3) states that local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. The proposed text amendments do not create or amend a resource list or any portion of the County's acknowledged Comprehensive Plan or land use regulations adopted to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The proposed text amendments do not allow new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list because the County's LM and WA overlay zones are not changed in these proposed amendments. For these reasons, the proposed text amendments are in compliance with Goal 5.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County's Plan policies or implementing regulations for compliance with Goal 6. The text amendments will not impact the quality of the air, water, and land resources of the County given the fact that psilocybin farm use is required to take place fully indoors, is not odorous and is not a water-intensive use. Psilocybin service centers are proposed to be limited to commercially-zoned areas and therefore will not impact the quality of land resources. For these reasons, the proposed text amendments are in compliance.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: The text amendments do not propose to change the County's Plan or implementing regulations regarding recreational needs; therefore, they are in compliance.

Goal 9: Economic Development: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans to ensure there is adequate land available to realize economic growth and development opportunities. The proposed amendments apply to rural lands and do not propose to amend the Comprehensive Plan. The proposed text amendments will encourage economic development in the County as they will provide new business and economic development opportunities. Because these new businesses will be taxed, the public will benefit, as well. For these reasons, the proposed text amendments are in compliance with Goal 9.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County's Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The proposed text amendments will not change the functional classification of any existing or planned transportation facility or standards implementing a functional classification system. The proposed text amendments will not allow any new uses expected to result

in transportation system impacts that differ in degree or severity from other allowed or allowable uses in the zones in which psilocybin manufacture and/or psilocybin service centers could be sited.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding energy conservation. Therefore, compliance with Goal 13 is established.

Goal 14: Urbanization: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding urbanization. Therefore, compliance with Goal 14 is established.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County's official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to "maintain an open and public land use process in which decisions are based on the objective evaluation of facts." Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to "preserve and maintain agricultural lands and the agricultural industry."

As noted above, Measure 109 and the corresponding Oregon Revised Statute 475A.570(2) specify that psilocybin-producing fungi is:

- (a) A crop for the purposes of "farm use" as defined in ORS 215.203;
- (b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;
- (c) A product of farm use as described in ORS 308A.062; and
- (d) The product of an agricultural activity for purposes of ORS 568.909.

The statute clearly permits the production of psilocybin-producing fungi in Exclusive Farm Use zones. DCC 18.16.025 allows small-scale processing of farm crops, provided that the facility uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Processing facilities smaller than 2,500 square feet are exempt from any applicable siting standards. The proposed text amendments allow a new state-recognized agricultural use on agricultural lands.

Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming enterprises including but not limited to, niche markets and organic farming and value-added projects. The proposed text amendments allow a new state-recognized agricultural use on agricultural lands, thereby satisfying this goal.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. The proposed amendments are a direct response to changes in state law, which pursuant to Measure 109, recognize psilocybin-producing fungi as a farm crop. Resource lands devoted to agricultural use in Deschutes County will thereby permit the production of psilocybin-producing fungi, ensuring consistency between local code, emerging markets, and state law.

Definitions (333-333-1010)

- (1) “Adulterant” means chemicals, drugs, plants or substances that alter the potency, intoxicating effect, duration of effect, toxicity or potential for excessive use when added to psilocybin products. Adulterant does not include naturally occurring substances contained in food items such as, but not limited to chocolate
- (2) **“Adverse behavioral reaction” means client behavior that a facilitator reasonably believes may endanger the safety of the client, facilitator, or others.**
- (3) **“Adverse medical reaction” means a client’s physiological reaction occurring during an administration session that a facilitator reasonably believes may lead to medical harm. For example, a cardiac event or other health emergency.**
- (4) **“Advertising” means publicizing the trade name of a licensee together with words or symbols referring to psilocybin or publicizing the brand name of a psilocybin product.**
- (5) **“Applicant” means an individual or legal entity who:**
- (a) **Holds or controls an interest of more than 10 percent in the business proposed to be licensed;**
 - (b) **Is entitled to receive 10 percent or more of revenue, profits or proceeds from the business proposed to be licensed; or**
 - (c) **Is entitled to exercise control over the business which can be indicated by, but is not limited to, authority to bind the business to contracts, obligations or debt.**
- (6) **“Attractive to minors” means:**
- (a) **Cartoons;**
 - (b) **A design, brand or name that resembles a non-psilocybin consumer product of the type that is typically marketed to minors;**
 - (c) **Symbols or celebrities that are commonly used to market products to minors;**
 - (d) **Images of minors; or**
 - (e) **Words that refer to products that are commonly associated with minors or marketed by minors.**
- (7) **“Authority” means the Oregon Health Authority.**
- (8) **“Authorized Authority representative” means an employee of the Authority who is authorized to conduct inspections or investigations and otherwise enforce ORS chapter 475A and any rules adopted thereunder.**
- (9) **“Batch” means a quantity of whole fungi from a harvest lot, or a quantity of psilocybin product from a process lot.**
- (10) **“Billboard” means a large outdoor advertising structure.**
- (11) **“Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit any of the following:**
- (a) **The use of comically exaggerated features;**
 - (b) **The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or**
 - (c) **The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.**

- (4) (12) “Capsule” means a small soluble pill, tablet or container that contains liquid or powdered psilocybin product and is intended for human consumption.
- (5)(13) “Chemical synthesis” means the production of psilocybin using precursor ingredients rather than cultivation of fruiting bodies and mycelium.
- (14) “Client administration area” means any area within the licensed premises of a service center where:
- (a) Psilocybin products are transferred to a client;
 - (b) Psilocybin products are consumed by a client; and
 - (c) Administration sessions take place.
- (15) “Client information form” means the form required by ORS 475A.350.
- (16) “Client support person” means a person who will be present during a client’s administration session for any purposes described in OAR 333-333-5050(5)(d), (f), (g) or (j).
- (17) “Cultural equity” means values, policies, and practices that ensure all people, especially those who have been historically marginalized based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities, or other socially determined circumstances are considered in the development of social pathways to health equity.
- (18) “Cultivation batch” means a quantity of unharvested fruiting body or mycelium that is grown together under the same conditions.
- (19) “Curriculum” means the topics, subjects, and activities that make up courses taught by a training program.
- (20) “De-identified data” means client information from which the Authority or other entity has deleted, redacted, or blocked identifiers so the remaining information cannot reasonably be used to identify an individual.
- (6)(21) “Edible psilocybin product” means psilocybin extract or homogenized fungi that has been incorporated into a food item or potable beverage.
- (22) “Elementary school”:
- (a) Means a learning institution containing any combination of grades kindergarten through 8.
 - (b) Does not mean a learning institution that includes only pre-kindergarten, kindergarten, or a combination of pre-kindergarten and kindergarten.
- (7) (23) “Extraction” means:
- (a) The process of separating psilocybin from fungi by using a solvent; and
 - (b) Manufacturing psilocybin extracts.
- (24) “Financial interest”:
- (a) Means a membership interest, partnership interest or other ownership interest in a business that is proposed to be licensed.
 - (b) Does not include an investment that the investor does not control in nature, amount or timing.
- (25) “Facilitation” means the provision of services to a client by a licensed facilitator during a preparation, administration, or integration session.
- (8) (26) “Fruiting bodies” means the spore producing organs of the fungi *Psilocybe cubensis*.

- ~~(9)~~ (27) “Fungi” means the fruiting bodies or mycelium of the fungi *Psilocybe cubensis*.
- (28) “Harvest” means the act of removing mycelium or fruiting bodies from a production environment for drying or processing.
- ~~(10)~~ (29) “Harvest lot” means a specifically identified quantity of fungi that is cultivated and dried under the same conditions and harvested within a 24-hour period at the same location within the licensed premises.
- (30) “Health equity” means the opportunity for all people to reach their full health potential and well-being without being disadvantaged by their race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities or other socially determined circumstances.**
- ~~(11)~~ (31) “Homogenized fungi” means dried fruiting bodies or mycelium that have been mixed by powdering or other techniques which uniformly distribute psilocybin throughout the product. Homogenized products may contain inactive ingredients such as binders, dilutants and carrying agents.
- (32) “Intervention” means taking proactive steps to respond to the client’s behavior, experience, or condition during an administration session.**
- (33) “Intoxicant” means any substance that has intoxicating effects, and includes alcohol, prescription drugs, non-prescription drugs and any other controlled substances.**
- ~~(12)~~ (34) “Laboratory” means a laboratory licensed under ORS 475A.594.
- (35) “Lead educator” means a person affiliated with a training program who is responsible for tracking the progress of students throughout the program.**
- (36) “License representative” means an owner, director, officer, manager, employee, agent or other representative of a manufacturer, service center, or laboratory licensee, to the extent that the person acts in a representative capacity.**
- (37) “Licensee” means any person who holds a license issued under ORS chapter 475A and includes each individual and legal entity identified as an applicant on an application that the Authority has approved and each individual or legal entity who is added to the license as described in OAR 333-333-4200.**
- (38) “Limited access area” means any area of a license premises where psilocybin products or waste are stored or produced.**
- (39) “Location” means a building, suite or designated outdoor area with its own postal address where a service center, manufacturer, or laboratory is located.**
- ~~(13)~~ (40) “Manufacturer” means a manufacturer licensed under ORS 475A.290.
- ~~(14)~~ (41) “Manure” means animal excreta, alone or in combinations with litter, such as straw and feathers used for animal bedding, for use as a soil amendment or substrate. Manure does not include stabilized compost produced through a controlled composting process.
- (42) “Marijuana” has the meaning given that term in ORS 475C.009.**
- ~~(15)~~ (43) “Mycelium” means the fungal threads or hyphae of *Psilocybe cubensis*.
- (44) “Nondirective facilitation” means an approach to facilitation in which the facilitator maintains a consistent disposition with a client, while avoiding giving the client direct advice or directly interpreting a client’s statements or behaviors.**

- (45) “Non-profit entity” means a nonprofit corporation organized under ORS chapter 65, registered with the Secretary of State as a nonprofit organization, and registered with the Oregon Department of Justice as a charitable organization, if applicable.**
- (46) “Oregon Psilocybin Services Act” means ORS 475A.210 to ORS 475A.722.**
- ~~(46)~~ **(47) “Pesticide” means any substance or mixture of substances included in ORS 634.006(8).**
- (48) “Practicum site” means a designated service center that provides practicum training.**
- (49) “Practicum site supervisor” means an onsite practicum supervisor of assigned trainees, affiliated with a practicum site.**
- (50) “Premises”:**
- (a) Means all areas of a location that are licensed under ORS chapter 475A, including:**
- (A) All public and private enclosed areas at the location that are used in the licensed business operated at the location, including offices, kitchens, rest rooms and storerooms;**
- (B) All areas outside a building that are used in the licensed business operated at a location for which the Authority has issued a license for a manufacturer or service center;**
- (C) For a location that the Authority has specifically issued a license for the operation of a psilocybin service center, any outdoor area of the location used to operate the psilocybin service center and provide psilocybin services to clients.**
- (b) Cannot include a residence.**
- (51) “Pre-production process” means cultivation environments that are used to facilitate growth of mycelial tissue prior to that tissue being transferred to production growth medium. Examples include but are not limited to agar dishes and grain spawn.**
- ~~(47)~~ **(52) “Process lot” means homogenized fungi, psilocybin extract or edible psilocybin product of the same type that was processed at the same time using the same processing method, ingredients, and standard operating procedures.**
- (53) “Production process” means cultivation environments from which fruiting bodies or usable mycelium are harvested, including but not limited to substrates used in the production of fruiting bodies.**
- ~~(48)~~ **(54) “Psilocybin” means psilocybin or psilocin.**
- ~~(49)~~ **(55) “Psilocybin extract” means:**
- (a) A substance consisting entirely of solid or liquid psilocybin and may include other compounds which were simultaneously extracted from fruiting bodies or mycelium of *Psilocybe cubensis*; and**
- (b) A substance consisting of solid or liquid psilocybin and may include other compounds which were simultaneously extracted from fruiting bodies or mycelium of *Psilocybe cubensis* and inactive ingredients that are used to form capsules, tinctures and other oral preparations.**
- ~~(20)~~ **(56) “Psilocybin Tracking System” or “PTS” means the system for tracking psilocybin products required by ORS 475A.400.**
- ~~(21)~~ **(57) “Psilocybin product” means psilocybin-producing fungi, mycelium and mixtures or substances containing a detectable amount of psilocybin, including whole fungi, homogenized fungi, psilocybin extract and edible psilocybin products.**
- (58) “Radio” means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite, or internet programming. Radio includes any audio programming downloaded or streamed via the internet.**

(59) “Responsible referral and support” means supporting the personal needs, growth, and wellbeing of others, particularly those going through temporal crises such as houselessness, illness or marginalization.

(60) “Residence” means real property inhabited by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.

(61) “Safe” means a fireproof metal cabinet with a mechanical or electronic combination lock that is capable of storing psilocybin products and weighs at least 375 pounds.

(62) “Scope of practice” means practice boundaries related to psilocybin facilitation and avoiding the unlicensed practice of other disciplines including but not limited to medicine or psychotherapy.

(63) “Secondary school” means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.

(64) “Service center” means a premises licensed under ORS 475A.305.

(65) “Sublet” means to sublease or otherwise allow a person who is not a licensed representative to exercise license privileges on the premises of a service center, manufacturer or laboratory license.

(66) “Synchronous learning” means that students learn from their instructor at the same time as their fellow students.

(67) “Television” means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

~~(22)~~ **(68) “Tincture” means a liquid containing psilocybin that consists of either:**

(a) A non-potable solution of at least 25 percent non-denatured alcohol, that is exempt from the Liquor Control Act under ORS 471.035; or

(b) A non-potable solution comprised of glycerin, plant-based oil, syrup and other ingredients.

(69) “Training, Licensing and Compliance System (TLC)” means the online training, license and compliance portal maintained by the Authority to receive applications, communicate with applicants, licensees, permittees and training programs, and track compliance actions.

(70) “Training program applicant” means a program that has applied to offer training to psilocybin facilitators as described in ORS 475A.380.

(71) “Training program” means a program that has been approved to offer training to psilocybin facilitators as described in ORS 475A.380.

(72) “Unique identification number” means a unique number generated by the Authority’s designated vendor for the psilocybin tracking system for the purpose of tracking psilocybin products within the psilocybin tracking system.

(73) “Unique identification tag” means a tag that contains a unique identification number that was ordered and received from the Authority’s designated vendor for the psilocybin tracking system for the purpose of tracking psilocybin products in the psilocybin tracking system.

~~(23)~~ **(74) “Whole fungi” means dried fruiting bodies of *Psilocybe cubensis*, or portions thereof, that have not been homogenized.**

Draft rules prepared for September 2022 Rules Advisory Committee

~~(24)~~ **(75)** “Wood chips” mean substrates consisting primarily of wood products that have not been composted.

(76) “Worker permit” means a permit required by ORS 475A.480.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Psilocybin Training Definitions (333-333-3005)

~~(1) “Adverse Behavioral Reaction” means client behavior that a facilitator reasonably believes may endanger the safety of the client, facilitator, or others.~~

~~(2) “Adverse Medical Reaction” means a client’s physiological reaction occurring during an administration session that a facilitator reasonably believes may lead to medical harm. For example, a cardiac event or other health emergency.~~

~~(3) “Client Information Form” means the form required by ORS 475A.350.~~

~~(4) “Cultural Equity” means values, policies, and practices that ensure all people, especially those who have been historically marginalized based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities, or other socially determined circumstances are considered in the development of social pathways to health equity.~~

~~(5) “Curriculum” means the topics, subjects, and activities that make up courses taught by a training program.~~

~~(6) “Facilitation” means the provision of services to clients by a licensed facilitator during preparation, administration, and integration sessions.~~

~~(7) “Health Equity” means opportunity for all people to reach their full health potential and well-being without being disadvantaged by their race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities or other socially determined circumstances.~~

~~(8) “Intervention” means taking proactive steps to respond to the client’s behavior, experience, or condition during an administration session.~~

~~(9) “Lead Educator” means a person affiliated with a training program who is responsible for tracking the progress of students throughout the program.~~

~~(10) “Nondirective Facilitation” means an approach to facilitation in which the facilitator maintains a consistent disposition with a client, while avoiding giving the client direct advice or directly interpreting a client’s statements or behaviors.~~

~~(11) “Oregon Psilocybin Services Act” means ORS 475A.210 to ORS 475A.722~~

~~(12) “Practicum Site” means a designated service center that provides practicum training.~~

~~(13) “Practicum Site Supervisor” means an onsite practicum supervisor of assigned trainees, affiliated with a practicum site.~~

~~(14) “Responsible Referral and Support” means supporting the personal needs, growth, and wellbeing of others, particularly those going through temporal crises such as houselessness, illness or marginalization.~~

~~(15) “Service Center” means a premises licensed under ORS 475A.305~~

Draft rules prepared for September 2022 Rules Advisory Committee

~~(16) “Scope of Practice” means practice boundaries related to psilocybin facilitation and avoiding the unlicensed practice of other disciplines including but not limited to medicine or psychotherapy.~~

~~(17) “Synchronous Learning” means that students learn from their instructor at the same time as their fellow students.~~

~~(18) “Training Program Applicant” means a program that has applied to offer training to psilocybin facilitators as described in ORS 475A.380.~~

~~(19) “Training Program” means a program that has been approved to offer training to psilocybin facilitators as described in ORS 475A.380.~~

~~Statutory Authority: ORS 475A.235(2)(c)~~

~~Statutes Implemented: ORS 475A.235(2)(c) and ORS 475A.380~~

Allowable Species (333-333-2015)

- (1) A Manufacturer may only cultivate or possess fruiting bodies of the fungi species *Psilocybe cubensis* on the licensed premises.
- (2) A manufacturer may not possess mycelium or spores of any species other than *Psilocybe cubensis* that contain or are capable of producing psilocybin.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Psilocybin Product Quantity Limits (333-333-2200)

- (1) Quantities of psilocybin products shall be measured in total grams of psilocybin contained in a product that has been tested for potency as required by OAR 333-333-3070.
- (2) A manufacturer must ensure that potency tests required by OAR 333-333-3070 are completed within 180 days of recording a harvest lot or production lot in the psilocybin tracking system.
- (3) A manufacturer may possess a total of no more than 200 grams of psilocybin, as described in section (1) of this rule, at any given time.
- (4) A service center may possess a total of no more than 100 grams of psilocybin, as described in section (1) of this rule, at any given time.
- (5) A manufacturer or service center may request authorization in writing to exceed the limits described in sections (3) and (4) of this rule in a form and manner prescribed by the Authority.
- (6) Psilocybin products that have been designated as waste will not be considered when calculating the limits described in sections (3) and (4) of this rule.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.300

Statutes Implemented: ORS 475A.300

Packaging for Sale to Client (333-333-2300)

- (1) Containers or packaging for psilocybin products must protect the packaged item from contamination and excessive moisture and must not impart any toxic or harmful substance to the packaged item.
- (2) All psilocybin products must be transferred to a service center in a sealed package for ultimate sale to a client.
- (3) Psilocybin products for ultimate sale to a client must:
 - (a) Not be packaged or labeled in a manner that is attractive to minors.
 - (b) Comply with serving size requirements identified in OAR 333-333-2310.
 - (c) Be labeled in accordance with OAR 333-333-2400.
- (4) Psilocybin product packaging may not contain any untruthful or misleading content.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.634

Statutes Implemented: ORS 475A.634

Packaging and Serving Size (333-333-2310)

- (1) A serving of a psilocybin product may not contain more than 25 mg of psilocybin.
- (2) A package of a psilocybin product may not contain more than one serving.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.642

Statutes Implemented: ORS 475A.642

Labeling for Sale to Client (333-333-2400)

- (1) A label required by these rules must:
 - (a) Be printed on or affixed to the container holding the psilocybin product and printed on or affixed to any outer package or container that is used to display psilocybin product for sale or transfer to a client.
 - (b) Contain all required information in a legible font at least eight points large.
 - (c) Be in English, though it may also be in other languages.
 - (d) Be unobstructed and clearly visible.
- (2) A label may not:
 - (a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or
 - (b) Be attractive to minors, as that is defined in OAR 333-333-1010.
- (3) Required Information. Every container that holds a psilocybin product for sale to a client must display:
 - (a) The manufacturer's business or trade name and license number.
 - (b) Business or trade name of the manufacturer that packaged the product, if different from the original manufacturer.
 - (c) One of the following product type names: whole fungi, homogenized fungi, psilocybin extract, or edible psilocybin product.
 - (d) Net quantity of contents using the metric system of measurement and expressed in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.
 - (e) Quantity of psilocybin contained in the product, expressed in milligrams, and calculated using laboratory test results for tests required by OAR 333-333-7040.
 - (f) Species of fungi.
 - (g) Harvest date for whole fungi.
 - (h) Date of manufacture for all products other than whole fungi.
 - (i) Unique identification number as defined in OAR 333-333-1010.
 - (j) List of all ingredients in descending order of predominance by weight or volume.
 - (k) List of potential major food allergens by:

Draft rules prepared for September 2022 Rules Advisory Committee

- (A) Listing the name of the food source of any major food allergen at the end of or immediately adjacent to the ingredient list; or
- (B) Placing the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen.
- (l) Estimated activation time, expressed in minutes.
- (m) “Best by” date indicating the time that the manufacturer has determined that their product will retain its original quality.
- (n) If the psilocybin product is perishable, a statement that the product must be refrigerated or kept frozen.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.626

Statutes Implemented: ORS 475A.626

Product Information Document (333-333-2410)

- (1) All of the information required by OAR 333-333-2400 must also be listed in English on a printed or electronic product information document in 12-point font or larger.
- (2) The product information document for any psilocybin products to be consumed during an administration session must be provided to a client during their preparation session.
- (3) A service center must make reasonable efforts to translate the product information document to languages other than English and otherwise provide the product information document in an accessible format upon the client’s request.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Facilitator Exam (333-333-3200)

- (1) Every applicant for a facilitator license must take the exam required by ORS 475A.330 and receive a passing score prior to being issued a facilitator license.
- (2) A passing score on the exam is 75 percent correct. After the applicant takes the exam, the Authority will provide the applicant with the exam results.
- (3) An applicant who does not pass the exam may retake the exam.
- (4) The Authority will offer the exam via online interface. Applicants may take the exam at any location of their choosing. An applicant who fails the exam must wait 48 hours before retaking.
- (5) Applicants may request to take the exam in alternative format or in a language other than English. The Authority will make reasonable efforts to accommodate requests for accommodation. Requests for accommodation must be made in advance of taking the exam.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.330

Statutes Implemented: ORS 475A.330

Application Process (333-333-4000)

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) Applications must be submitted to the Authority in the form and manner prescribed by the Authority.
- (2) The application fee specified in OAR 333-333-4060(1) must be submitted at the time of application in the form and manner prescribed by the Authority.
- (3) An application must include the following:
 - (a) The names and required information for all individuals and legal entities who are applicants as required by OAR 333-333-4030.
 - (b) Any forms and information required by the Authority to evaluate the license application;
 - (c) A social equity plan as required by OAR 333-333-4020.
 - (d) Proof of residency if required by OAR 333-333-4050.
 - (e) For manufacturer, service center and laboratory license applicants, a map or sketch of the premises proposed to be licensed, including the boundaries of the licensed premises relative to its location, identification of any residence or other structures located on the same tax lot as the premises proposed to be licensed that will not be included in the licensed premises, a scaled floor plan identifying all limited access areas and client administration areas.
 - (f) If the applicant for a manufacturer license is not the owner of the real property proposed to be licensed, a written statement signed by the property owner that shows that the owner consents to manufacturing of psilocybin products on the property. This requirement may be satisfied by lease documents or in a form and manner specified by the Authority.
 - (g) For service center applicants, a service center safety plan as described in OAR 845-025-4460.
- (4) In addition to submitting an application form and the items described in section (3) of this rule, the Authority may require the following:
 - (a) The names and other required information for all individuals and legal entities with a financial interest in the business.
 - (b) Information or fingerprints required to perform a criminal background check in accordance with OAR 333-333-4100;
 - (c) Any additional information that is reasonably required to determine the merits of the license application.
- (5) The Authority must review an application to determine if it is complete. An application may be considered incomplete if the form is not complete, the application fee has not been paid, or additional information required under this rule has not been submitted.
- (6) An applicant may submit a written request for reconsideration of an application that is deactivated as incomplete. Such a request must be received by the Authority within 10 days of the date the deactivation notice was mailed to the applicant. The Authority shall give an applicant the opportunity to be heard if an application is deactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.255

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.255

Communication with the Authority (333-333-4010)

Draft rules prepared for September 2022 Rules Advisory Committee

(1) If an applicant or licensee is required to or elects to submit anything in writing to the Authority, unless otherwise prescribed by the Authority, the applicant or licensee may submit the writing to the Authority via:

- (a) Mail; or
- (b) Electronic mail.

(2) If a written notification must be submitted by a particular deadline it must be received, regardless of the method used to submit the writing, by 5:00 p.m. Pacific Time.

(3) Applicants must designate an applicant who will serve as the primary point of contact for communication with the Authority.

(4) The primary point of contact required by section (3) of this rule is responsible for ensuring all persons identified as licensees or applicants are aware of relevant communications from the Authority, including but not limited to notices issued under ORS chapter 183.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

Social Equity Plans (333-333-4020)

(1) In addition to the requirements of OAR 333-333-4000 applicants for a manufacturer, service center, facilitator or laboratory license must submit a social equity plan for their initial application to be considered complete.

(2) Social equity plans required by section (1) of this rule must include a description of the following:

- (a) Application of diversity, equity, justice and inclusion principles to the licensee's internal practices and policies.
- (b) Objective performance measures that the licensee will use to evaluate their social equity plan.

(3) In addition to the requirements of OAR 333-333-4250 an applicant for renewal of manufacturer or service center license must provide documentation that evaluates implementation of their social equity plan based on the objective performance measures required by this rule.

(4) Licensees must provide written notice, in a form and manner prescribed by the Authority, of any material changes to their social equity plan within 60 days of making the change.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

True Name on Application (333-333-4030)

(1) An application for a service center, manufacturing or laboratory license must specify the legal names of all individuals and legal entities who qualify as applicants.

(2) An application for a facilitator license must identify the legal name of the individual who will hold the license.

Draft rules prepared for September 2022 Rules Advisory Committee

(3) License privileges are only available to licensees and license representatives. For service centers, manufacturers and laboratories, license privileges are only available for the premises designated on the license.

(4) If a legal entity is an applicant, the following individuals within the legal entity are also applicants:

(a) If an applicant is a limited partnership, each general partner in the limited partnership.

(b) If an applicant is a limited liability company, each manager and voting member of the limited liability company.

(c) If the applicant is a corporation, each principal officer and board member of the corporation.

(d) Any individual within the legal entity who meets the definition of applicant in OAR 333-333-1010.

(5) The Authority may deny an application if a person identified as applicant for the business proposed to be licensed does not meet the definition of applicant in OAR 333-333-1010 or a person who meets the definition of applicant in OAR 333-333-1010 has not been disclosed on the application.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

Financial Interests (333-333-4040)

(1) An application must specify the legal names of all individuals and legal entities who hold a financial interest in the business proposed to be licensed.

(2) If a legal entity holds a financial interest, the following individuals within the legal entity also hold a financial interest:

(a) For limited partnerships, each general partner in the limited partnership.

(b) For limited liability companies, each manager and voting member of the limited liability company.

(c) For corporations, each principal officer and board member of the corporation.

(3) The Authority may refuse to issue a license if the application does not accurately identify individuals and legal entities who hold a financial interest in the businesses proposed to be licensed.

(4) The Authority shall deny an application for a manufacturer license if an individual or legal entity identified as having a financial interest in the business proposed to be licensed holds a financial interest in another manufacturer license.

(5) The Authority shall deny an application for a service center license if an individual or legal entity identified as having a financial interest in the business proposed to be licensed holds a financial interest in five or more service center licenses.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.280

Residency (333-333-4050)

(1) Until January 1, 2025, in order to qualify for a manufacturing or service center license:

- (a) If the business proposed to be operated under the license is a legal entity, an applicant must provide proof that more than 50 percent of the shares, membership interests, partnership interests, or other ownership interests of the legal entity are held, directly or indirectly, by one or more individuals who have been residents of this state for two or more years.
- (b) If the business proposed to be operated under the license is a partnership that is not a legal entity, an applicant must provide proof that more than 50 percent of the partnership interests of the partnership are held, directly or indirectly, by one or more individuals who have been residents of this state for two or more years.
- (c) If the business proposed to be operated under the license is an individual, an applicant must provide proof that the individual has been a resident of this state for two or more years.
- (2) Until January 1, 2025, in order to qualify for a facilitator license, an applicant must provide proof that they have been a resident of this state for two or more years.
- (3) Proof of residency as required under this rule may be documented by providing:
 - (a) A valid Oregon driver license or Oregon identification card issued at least two years prior to the date of application.
 - (b) Oregon full-year resident tax returns for the last two years.
 - (c) Proof of Oregon voter registration issued at least two years prior to the date of application;
 - (d) Utility bills, lease agreements, rental receipts, mortgage statements or similar documents that contain the name and address of the applicant dated at least two years prior to the date of application and from the most recent month.
 - (e) Letter from a homeless shelter, nonprofit entity, employer or government agency attesting that applicant has been an Oregon resident for at least two years.
 - (f) Any other documentation that the Authority determines to reliably demonstrate proof of Oregon residency for the last two years

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.290, ORS 475A.305, ORS 475A.325

License Fees (333-333-4060)

- (1) At the time of initial license application:
 - (a) An applicant for a service center, manufacturer or laboratory license must pay a \$500 non-refundable application fee:
 - (b) An applicant for a facilitator license must pay a \$150 non-refundable application fee.
- (2) If the Authority approves an initial license application or renewal and grants an annual license, the following fees must be paid:
 - (a) Manufacturer \$10,000.
 - (b) Service Center \$10,000.
 - (c) Facilitator \$2,000.
 - (d) Laboratory \$10,000.
- (3) Notwithstanding section (2) of this rule, if the applicant is a non-profit entity the following fees must be paid:
 - (a) Manufacturer \$5,000.

Draft rules prepared for September 2022 Rules Advisory Committee

(b) Service Center \$5,000.

(4) Notwithstanding section (2) of this rule, if the applicant is an individual person they may qualify for the following reduced fees:

(a) Manufacturer \$5,000.

(b) Service Center \$5,000.

(c) Facilitator \$1,000.

(5) In order to qualify for the reduced fees described in section (4) of this rule, an individual applicant must qualify under one of the following circumstances:

(a) Be receiving Social Security Income benefits. To qualify for the reduced fee, the applicant must submit at the time of application a copy of a current monthly Social Security Income benefit statement showing dates of coverage.

(b) Be enrolled in Oregon Health Plan. To qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.

(c) Be receiving food stamp benefits through the Oregon Supplemental Nutrition Assistance Program. To qualify for the reduced fee the applicant must submit at the time of application current proof of their food stamp benefits.

(d) Has served in the Armed Forces of the United States. To qualify for the reduced fee, the applicant must provide proof of having served in the Armed Forces, such as but not limited to, submitting a Veteran's Administration form DD-214.

(6) The Authority will charge a change fee of \$250 per applicant for any change to a previously approved license that results in addition of an applicant. This change fee applies regardless of whether the licensee requests the change at renewal or during the term of their license.

(7) The Authority will charge a change fee of \$250 per inspection for any change to a previously approved license that requires a premises inspection. This change fee applies regardless of whether the licensee requests the change at renewal or during the term of their license.

Statutory/Other Authority: ORS 475A.235(2)(c) and (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594

Statutes/Other Implemented: ORS 475A.235(2)(c) and (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594

Worker Permit Term and Fees (333-333-4070)

(1) If the Authority approves an initial or renewal application and grants a worker permit, the permit shall have a term of five years.

(2) Once the Authority has made a determination to grant an application as described in section (1), the individual must pay a \$25 fee to receive the permit.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.483

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.483

Background Checks (333-333-4100)

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) Any person identified as an applicant on a worker permit or license application must undergo a criminal background check.
- (2) The Authority will require a licensee or worker permit holder to undergo a criminal background check if the Authority learns that the individual has been convicted of a crime after their license or permit has been issued.
- (3) When the Authority requires an individual to undergo a criminal background check, background checks must be submitted to the Authority for a fitness determination in accordance with OAR chapter 407-007-0200 to 407-007-0250 and 943-007-0001 to 943-007-0501. Individuals are not subject to a check for potentially disqualifying abuse, as described by OAR 407-007-0250(5).
- (4) When the Authority requires an individual to undergo a criminal background check, the individual must provide:
 - (a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:
 - (A) First, middle and last name;
 - (B) Any aliases;
 - (C) Date of birth;
 - (D) Driver license information; and
 - (E) Address and recent residency information.
 - (b) Fingerprints in accordance with the instructions on the Authority's webpage.
- (4) The Authority may request an applicant to disclose their Social Security Number if notice is provided that:
 - (a) Indicates the disclosure of the Social Security Number is voluntary.
 - (b) The Authority requests the Social Security Number for the purpose of positively identifying the applicant during the criminal records check process.
- (5) Pursuant to ORS 475A.250, the Authority may not consider the prior conviction of a subject individual for:
 - (a) The manufacture of psilocybin or the manufacture of a marijuana item, as defined in ORS 475C.009, if:
 - (A) The date of the conviction is two or more years before the date of the application; and
 - (B) The person has not been convicted more than once for the manufacture of psilocybin or a marijuana item; or
 - (b) The possession of a controlled substance, as defined in ORS 475.005, or a marijuana item, as defined in ORS 475C.009, if:
 - (A) The date of the conviction is two or more years before the date of the application; or
 - (B) The person has not been convicted more than once for the possession of a controlled substance or a marijuana item.
- (6) The fitness determination described in section (1) of this rule will determine whether the applicant is ineligible to be licensed.
- (7) Refusal to participate in a background check required by section (2) of this rule is a violation.
- (8) If an applicant is determined to be ineligible to be licensed due to the fitness determination, the applicant has hearings rights to challenge the fitness determination under OAR 943-007-0501.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.255, ORS 475A.486, ORS 475A.598

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.255, ORS 475A.486, ORS 475A.598

Application Review (333-333-4110)

- (1) Once the Authority has determined that an application is complete, it must review the application to determine compliance with ORS chapter 475A and these rules.
- (2) The Authority must receive a land use compatibility statement from the city or county that authorizes land use in the city or county where the proposed premises is located prior to acting on an application for a new manufacturer or service center license.
- (3) The Authority may verify any information submitted by the applicant, including but not limited to contacting any individual or legal entity identified in the application to request additional documents or information.
- (4) The Authority may require an inspection of the proposed premises prior to issuing a license.
- (5) If the Authority determines that the applicant is not in compliance with these rules following an inspection described in section (4) of this rule, the Authority will provide a notice of the failed inspection identifying the requirements that have not been met.
- (6) An applicant that fails an inspection described in section (4) of this rule will have 30 calendar days from the date the notice was sent to submit a written response that demonstrates the noted deficiencies have been corrected.
- (7) If the applicant's response under section (6) of this rule appears to correct the noted deficiencies, the Authority may schedule another inspection.
- (8) If the applicant fails a second inspection, the Authority will deny the application unless the applicant shows good cause for the Authority to perform additional inspections.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290

Approval and Issuance (333-333-4120)

- (1) If the Authority approves an application, the Authority will notify the applicant in writing that the application has been approved, pending payment. The approval is effective upon receipt of the license fee. After payment of the license fee, the Authority will provide the applicant proof of licensure, that includes a unique license number, the effective date of the license, date of application and description of the licensed premises. If the applicant has paid the license fee by check, the Authority will not issue a license until it has confirmed that the check has cleared.
- (2) A licensee may not operate until the effective date of licensure.
- (3) Manufacturer, service center and laboratory licensees must display a proof of licensure in a prominent place on the licensed premises.
- (4) Facilitator licensees must be able to provide proof of licensure when performing preparation, administration or integration sessions.

Draft rules prepared for September 2022 Rules Advisory Committee

- (5) Manufacturer, service center and laboratory licenses are only valid for the premises indicated on the license and are only issued to the individuals or entities listed on the application or subsequently approved by the Authority.
- (6) Facilitator licenses are only issued to the individual listed on the application.
- (7) A license may not be transferred except as provided in OAR 333-333-4270.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

Application Denial (333-333-4130)

- (1) The Authority shall deny an application if:
 - (a) An applicant is under the age of 21.
 - (b) The applicant for a facilitator license is not an individual person.
 - (c) The applicant for a facilitator license has not completed training required by ORS 475A.325.
 - (d) The applicant for a facilitator license has not passed the exam required by ORS 475A.325.
 - (e) The applicant's land use compatibility statement shows that the proposed land use is prohibited if a land use compatibility statement is required by these rules.
 - (f) The proposed licensed premises is located on public land.
 - (g) The proposed premises for a service center applicant is located:
 - (A) Except as provided in ORS 475A.310 within 1,000 feet of:
 - (i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - (B) For purposes of determining the distance between a service center and a school, "within 1,000 feet" means a straight -line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a service center. If any portion of the licensed premises is within 1,000 feet of a school an applicant will not be licensed.
 - (h) The proposed premises is located at the same location as a health care facility licensed under ORS chapter 441.
 - (i) The applicant does not have an approved fitness determination in accordance with OAR 333-333-4100.
- (2) The Authority shall deny an application for a service center or manufacturer license if:
 - (a) An individual applicant who does not qualify as an Oregon resident owns or controls greater than 50 percent of the business proposed to be licensed; or
 - (b) At least 50 percent of individuals who hold a financial interest in the business proposed to be licensed do not qualify as Oregon residents.
- (3) The Authority shall deny an application for a facilitator license if the applicant is not an Oregon resident.
- (4) The Authority may deny an application when a person with a financial interest meets any license denial criteria that apply to applicants.
- (5) The Authority may revoke a license for any reason it may deny an application.

Draft rules prepared for September 2022 Rules Advisory Committee

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290, ORS 475A.305, ORS 475A.325

Application Withdrawal (333-333-4140)

An applicant for a license or worker permit may withdraw an initial or renewal application at any time prior to the Authority acting on the application unless the Authority reasonably believes that the applicant submitted false or misleading information in which case the Authority may refuse to accept the withdrawal and may issue a proposed denial in accordance with OAR 333-333-4130.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250

Notification of Changes (333-333-4200)

(1) An applicant or licensee must notify the Authority in writing within 10 calendar days of any of the following:

- (a) A change in contact information for any person listed as an applicant or licensee.
- (b) The addition or removal of any person or entity that holds a financial interest in the licensed business.
- (c) Any closure of the business lasting more than 30 days.
- (d) Any conviction for any misdemeanor or felony committed by an individual listed as an applicant or licensee.
- (e) Any arrest for conduct that occurred on the licensed premises.
- (f) Any theft of psilocybin products or cash from the licensed premises.

(2) Prior to adding or removing an individual or legal entity who qualifies as an applicant, a licensee must provide notice to the Authority in the form and manner proscribed by the Authority.

(3) A licensee may not add or remove an individual or legal entity who qualifies as an applicant without prior written approval from the Authority.

(4) If applicable, the licensee must pay the change fee specified in OAR 333-333-4060 prior to making changes to their premises or approved licensees that require inspections or additional applicants.

(5) A licensee who wishes to change the location of the licensed premises must submit a new application including all required forms and documents and the fee specified in OAR 333-333-4060.

(6) The Authority may require a licensee to submit a new application including all required forms and documents and the fee specified in OAR 333-333-4060 for a change in ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

Modifying Licensed Premises (333-333-4210)

- (1) A licensee may not make any changes that materially or substantially alter the licensed premises or the usage of the licensed premises without the Authority's prior written approval.
- (2) A licensee who wishes to make any material or substantial changes to the licensed premises must submit a form prescribed by the Authority, and submit any information identified in the form.
- (3) For the purposes of this rule a material or substantial change includes, but is not limited to:
 - (a) Any change to the footprint of the licensed premises.
 - (b) Any change to ingress and egress of the licensed premises.
 - (c) Any change that would require installation of additional video surveillance cameras or a change to the security system.
 - (d) Any changes to limited access areas or client administration areas on the licensed premises;
 - (e) Any addition or change to a residence or other unlicensed structure located on the same tax lot as the licensed premises.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

License Renewal (333-333-4250)

- (1) Renewal Applications:
 - (a) A renewal application must include the application fee, licensee fee, documents, and information required by the Authority to be complete.
 - (b) A renewal application will be considered timely if a complete renewal application is received by the Authority at least 60 calendar days before the date the license expires. Applications received less than 60 days before the date the license expires will be considered untimely.
 - (c) A licensee who submits a complete timely renewal application may continue to operate after the stated license expiration date, pending a decision by the Authority on the renewal application.
 - (d) A licensee who submits an untimely or incomplete renewal application or who does not submit a renewal application must cease engaging in the licensed activity when the license expires.
 - (e) A person who, while not actively licensed, engages in any activity that would require a license may be subject to administrative and criminal sanctions regardless of their prior licensure status.
- (2) The Authority may require a licensee with a pending renewal application to submit forms, documents and information described in OAR 333-333-4000 in order to complete an investigation of a renewal application. Failure to submit fees, forms, documents or information requested by the Authority under this section within a time period prescribed by the Authority may result in denial of the renewal application.

Draft rules prepared for September 2022 Rules Advisory Committee

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.483

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.483

Standards for Authority to Operate a Licensed Business as a Trustee, a Receiver, a Personal Representative or a Secured Party (333-333-4260)

(1) The Authority may issue a temporary certificate of authority to operate a licensed business to a trustee, the receiver of an insolvent or bankrupt licensed business, the personal representative of a deceased licensee, or a person holding a security interest in the business for a reasonable period of time to allow orderly disposition of the business.

(a) The trustee, receiver or personal representative must provide the Authority with the following information:

(A) Proof that the person is the legal trustee, receiver or personal representative for the business; and

(B) A written request for a certificate of authority to operate as a trustee, receiver or personal representative, listing the address and telephone number of the trustee, receiver or personal representative.

(b) The secured party must provide the Authority with the following information:

(A) Proof of a security interest in the licensed business;

(B) Proof of the licensee's default on the secured debt;

(C) Proof of legal access to the real property; and

(D) A written request for authority to operate as a secured party listing the secured party's address and telephone number.

(2) The Authority may revoke or refuse to issue or extend a certificate of authority for the trustee, receiver, personal representative, or secured party to operate:

(a) If the trustee, receiver, personal representative or secured party does not propose to operate the business immediately or does not begin to operate the business immediately upon receiving the temporary authority;

(b) For any of the reasons that the Authority may revoke or refuse to issue or renew a license;

(c) If the trustee, receiver, personal representative or secured party operates the business in violation of ORS 475A, or these rules; or

(d) If a reasonable time for disposition of the business has elapsed.

(3) No person or entity described in section (1) of this rule may operate the business until a certificate of authority has been issued under this rule, except that the personal representative of a deceased licensee may operate the business for up to 10 days after the death provided that the personal representative submits the information required in subsection (1)(a) of this rule and obtains a certificate of authority within that time period.

(4) A certificate of authority under this rule is initially issued for a 60-day period and may be extended as reasonably necessary to allow for the disposition of the business.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.243

Closure of Business (333-333-4270)

- (1) License privileges cease upon death of a licensee unless the Authority issues an order as described in section (2) of this rule.
- (2) The Authority may issue an order providing for the manner and condition under which:
 - (a) Psilocybin products left by a deceased, insolvent or bankrupt person or licensee, or subject to a security interest, may be transferred or destroyed.
 - (b) The business of a deceased, insolvent or bankrupt licensee may be operated for a reasonable period, as specified in the order, following the death, insolvency or bankruptcy.
- (3) If a license is revoked, the Authority may address in its order the manner and condition under which psilocybin products held by the licensee may be transferred or sold to other licensees or must be otherwise disposed.
- (4) If a license is surrendered or expires the Authority may address by order the manner and condition under which psilocybin products held by the licensee may be transferred or sold to other licensees or must be otherwise disposed of.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.243

License Surrender (333-333-4280)

A licensee may request the Authority to accept the surrender of a license. The license remains in effect until the Authority accepts the surrender. If the Authority accepts the surrender, the Authority will notify the licensee in writing of the date of acceptance. The licensee must cease all license privileges on this date through the remainder of the licensing period. The licensee must receive a new license before engaging in any licensed activities.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

Licensed Premises Location Requirements (333-333-4300)

- (1) A licensed premises may not be located:
 - (a) On publicly owned land; or
 - (b) At the same location as:
 - (A) A location with an adult-use cannabis license issued under ORS chapter 475C.
 - (B) A medical marijuana grow site registered under ORS 475C.792.
 - (C) A medical marijuana processing site registered under ORS 475C.815.
 - (D) A medical marijuana dispensary registered under ORS 475C.833.
 - (E) A location with a liquor license issued under ORS chapter 471 or a retail liquor agent appointed by the Oregon Liquor and Cannabis Commission.
 - (F) A health care facility licensed under ORS chapter 441.
 - (G) A location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited-service restaurant, single event temporary restaurant, commissary, mobile unit, bed and breakfast, or warehouse licensed under ORS chapter 624.
 - (H) A residence.
- (2) The licensed premises of a service center may not be located:

Draft rules prepared for September 2022 Rules Advisory Committee

- (a) Except as provided in ORS 475A.310, within 1,000 feet of:
 - (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.
- (b) In an area that is zoned exclusively for residential use within city limits.
- (3) A manufacturer with an edible psilocybin production endorsement may not:
 - (a) Engage in processing at a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited-service restaurant, single event temporary restaurant, commissary, mobile unit, bed and breakfast, or warehouse licensed under ORS chapter 624;
 - (b) Share a food establishment with another person or entity;
 - (c) Process food intended for commercial sale that does not contain psilocybin; or
 - (d) Use a psilocybin product to produce edible psilocybin products unless that psilocybin product was processed or cultivated in a food establishment licensed by the Oregon Department of Agriculture in compliance with the applicable provisions of OAR chapter 603, division 21, division 24, division 25 and division 28.
- (4) A manufacturer, service center or laboratory license is prohibited from subletting any portion of the licensed premises.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.305, ORS 475A.310

Licensed Premises Operating Requirements (333-333-4400)

- (1) A licensee may not permit:
 - (a) A person under 21 years of age to work or be on a licensed premises except as described in this rule.
 - (b) On-site sale or consumption of a psilocybin product except for clients consuming psilocybin products during an administration session.
 - (c) On-site consumption of any intoxicants by any individual, except for clients consuming psilocybin products during an administration session.
- (2) A licensee may permit a person under 21 years of age to be on the licensed premises if the person under 21 years of age has a legitimate business purpose for being on the licensed premises. For example, a plumber who is under 21 years of age may be on the premises to make a repair.
- (3) A licensee must clearly identify all limited access areas in accordance with OAR 333-333-4000(3)(e).
- (4) Log. A licensee must keep a daily log of all employees and permitted visitors who perform work on the licensed premises, except for Authority employees and other state or local government officials acting in an official capacity who have jurisdiction over some aspect of the licensed premises or operation.
 - (a) A licensee must record the following information for each current employee and license representative in the training, licensing and compliance system:

- (A) For an employee or license representative required to have a worker permit, the permit number and name of the individual as they appear on the worker permit.
- (B) For an employee or license representative not required to have a worker permit, the legal name and date of birth of the individual.
- (b) All employees and permitted visitors present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee or permitted visitor.
- (c) All permitted visitors must be accompanied by a license representative at all times.
- (d) On the daily log, a licensee must record the name and date of birth as this information is displayed on valid government-issued ID for every contractor who performs work on the licensed premises.
- (e) A licensee must maintain a copy of the daily log required by this rule for a period of at least two years.
- (5) Permitted Visitors. The general public is not permitted in limited access areas on a licensed premises. In addition to license representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements of this rule and other pertinent rules:
- (a) Laboratory personnel if the laboratory is licensed by the Authority.
- (b) A contractor, vendor or service provider authorized by a license representative to be on the licensed premises.
- (c) Another licensee or that licensee's representative.
- (6) Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.
- (7) A licensee may not sublet any portion of a licensed premises.
- (8) A licensed premises may receive psilocybin products only from a licensed manufacturer.
- (9) A licensee who sells or handles food, as that term is defined in ORS 616.695, or edible psilocybin products must also be licensed by the Oregon Department of Agriculture under ORS 616.706.
- (10) A licensee may not allow animals to be present on the licensed premises, except for assistance animals as allowed under ORS 659A.143.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Administration Areas (333-333-4450)

- (1) Client administration areas must be designed to create an appropriate and comfortable setting for experiencing the effects of consuming psilocybin products. Client administration areas must offer clients comfortable options for sitting or reclining during administration session. Indoor administration areas must be temperature controlled and adequately lit.
- (2) Client administration areas must be free of conditions that could pose a risk to clients experiencing the effects of consuming psilocybin products. If an administration area is located

outdoors, it must be free of falling hazards, drowning hazards and any other conditions that could pose a safety risk to clients.

(3) During an administration session, only clients and facilitators may access a client administration area unless each client receiving services in that area has given prior written consent for other individuals to be present during their administration session. Licensees must take reasonable steps to prevent access to client administration areas by unauthorized individuals while administration sessions are taking place. The requirements of this section do not apply to service center representatives who are present to deliver psilocybin products to clients to be consumed during an administration session.

(4) A client may leave an administration area briefly during an administration session for reasons including accessing a restroom, moving to a separate administration area or retrieving personal belongings. A client who leaves an administration area under this section, must be accompanied by a facilitator and the service center must make reasonable efforts to ensure that the client does not interact with vendors, contractors, other clients, or any persons who may be present at the service center. A client who leaves an administration area under this section is not required to be accompanied inside a restroom.

(5) Psilocybin products may only be consumed in a client administration area.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Service Center Safety Plan (333-333-4460)

(1) Every service center shall create and maintain a service center safety plan that documents procedures for evacuating and relocating clients when the client administration areas become unsafe due to unforeseen circumstances such as fire or a power outage.

(2) The safety plan described in section (1) of this rule must be included in the licensee's initial application and licensee must provide written notice of any changes to the Authority in a form and manner prescribed by the Authority.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Client Restrooms (333-333-4465)

In addition to providing adequate restroom facilities for employees, service centers must make an accessible single occupancy restroom available for clients' use during an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Practicum Site (333-333-4470)

(1) Any service center may function as a practicum site under OAR 333-333-3070.

Draft rules prepared for September 2022 Rules Advisory Committee

(2) A service center that functions as practicum site must notify the Authority that practicum will be offered at their location and training program affiliated with the practicum prior to practicum taking place at their location.

(3) A service center that functions as a practicum site must comply with all applicable requirements of these rules, including but not limited to OAR 333-333-5200.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Service Center Privileges and Prohibitions (333-333-4480)

(1) A service center may:

(a) Between the hours of 6:00 AM and 11:59 PM local time, sell psilocybin products and provide psilocybin services to clients 21 years of age or older.

(b) Purchase, possess or receive psilocybin products from a manufacturer or service center.

(c) Transfer psilocybin products to a manufacturer or service center.

(d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in OAR 333-333-7100.

(2) A service center must begin every administration session at a time that allows the minimum duration of that session described in OAR 333-333-5250 to elapse prior to 11:59 PM local time.

(3) A service center must collect tax on all psilocybin products sold to clients and document the sale of all products and services in the manner required by OAR 333-333-5180.

(4) A service center may not:

(a) Discount a psilocybin product or offer a psilocybin product for free if the retail sale of the psilocybin product is made in conjunction with the retail sale of any other item or service.

(b) Permit a client to bring psilocybin products onto the licensed premises or take any psilocybin product from the licensed premises.

(c) Sell or offer for sale any psilocybin product that does not comply with the requirements of ORS chapter 475A or these rules.

(5) A license representative of a service center may not:

(a) Assist a client with taking medication.

(b) Assist a client with a medical device.

(c) Assist a client with an alternative communication device or assistive listening device.

(d) Assist a client with consuming psilocybin products.

(e) Provide psilocybin services to a client unless the representative is also a licensed facilitator and services are provided in compliance with these rules.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Verification of Age (333-333-4490)

Prior to completing the sale of a psilocybin product or providing psilocybin services to a client, a licensee must verify that the client has a valid, unexpired government-issued photo identification and must verify that the client is 21 years of age or older by viewing the client's:

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) Passport;
- (2) Driver license, whether issued by the State of Oregon or by another state of the United States;
- (3) Identification card issued under ORS 807.400;
- (4) United States military identification card;
- (5) An identification card issued by a federally recognized Indian tribe with photo, name and date of birth; or
- (6) Any other identification card issued by a state or territory that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.445

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.445

Licensee Prohibitions (333-333-4500)

- (1) A licensee may not:
 - (a) Import into this state or export from this state any psilocybin products.
 - (b) Give psilocybin products as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind.
 - (c) Sell, give, or otherwise make available any psilocybin products to any person who is visibly intoxicated.
 - (d) Make false representations or statements to the Authority in order to induce or prevent action by the Authority.
 - (e) Misrepresent any psilocybin product to a client or to the public.
 - (f) Deliver or transfer psilocybin products to any person off the licensed premises or to any unlicensed location.
 - (g) Allow any client to leave the licensed premises with psilocybin products.
 - (h) Sell or offer to sell a psilocybin product that does not comply with the minimum standards prescribed by the statutory laws of this state.
- (2) No licensee or license representative may be under the influence of intoxicants while present on a licensed premises. The requirements of this section do not apply to licensees and license representatives who are off duty and consume psilocybin products while receiving psilocybin services as a client.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Storage (333-333-4510)

- (1) All psilocybin products must be stored on a licensed premises.
- (2) All psilocybin products stored on a licensed premises must be kept within:
 - (a) A locked, enclosed area within a limited access area of the licensed premises that is secured with at a minimum, a properly installed steel door with a steel frame, and a commercial grade, non-residential lock; or
 - (b) A locked safe located within a limited access area of the licensed premises.
- (3) The requirements of section (2) of this rule do not apply to fungi and mycelium stored at manufacturer that has not been harvested or is undergoing a drying process.

- (4) Psilocybin products that require refrigeration must be stored in appropriate, temperature-controlled environments.
- (5) Psilocybin products offered for sale by a service center must be stored in such a manner that the items are only accessible to license representatives until such time as the sale to the client is completed. Clients who wish to examine psilocybin products prior to purchase may do so only under the direct supervision of a license representative.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Bill of Rights (333-333-4520)

(1) A service center must post the following “Client Bill of Rights” in a prominent location within the licensed premises and must provide every client with a copy during their preparation session:

“Clients receiving psilocybin services in Oregon have the following rights:

To be treated with dignity and respect while receiving psilocybin services.

To receive culturally competent care.

To be free from physical, sexual, psychological, and financial abuse before, during, and after receiving psilocybin services.

To be fully informed of, and helped to understand, the risks associated with psilocybin services.

To make decisions without coercion or undue influence.

To be fully informed of the known benefits and risks associated with psilocybin services.

To refuse psilocybin services once they have begun.

To privacy and confidentiality.

To refuse to release personal information to third parties, except as required by law.

To full disclosure of any facilitator conflicts of interest.

To a full accounting and explanation of the costs associated with receiving psilocybin services before receiving those services.

To store personal belongings securely while receiving psilocybin services.

To access their client records after providing reasonable notice to a facilitator or service center and to correct information that is inaccurate.

To request a private space in which to receive psilocybin services.

To be monitored and supported by a licensed facilitator for the duration of psilocybin services until it is safe for the client to leave the service center

To receive psilocybin services from the same licensed facilitator for the duration of those services, except in cases of emergency.

To access service centers, therapy rooms, and psilocybin services that are welcoming and accessible to people with disabilities.

To have access to a clean, single occupancy restroom for the duration of psilocybin services.

To discuss this Bill of Rights with licensed facilitators and service center operators without facing discrimination or retaliation.

To report violations of this Bill of Rights to the Oregon Health Authority, or other appropriate governing body, without facing discrimination or retaliation.”

- (2) The text of the Client Bill of Rights may not be altered and must be printed in an easily legible font.
- (3) A facilitator or service center must provide the Client Bill of Rights in other languages or accessible formats upon a client’s request.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Security Requirements (333-333-4550)

- (1) A service center, manufacturer or laboratory licensee is responsible for the security of all psilocybin products on the licensed premises or in transit, including providing adequate safeguards against theft or diversion of psilocybin products.
- (2) During hours when the licensee is not operating, the licensee must ensure that all points of ingress and egress to and from the licensed premises are securely locked.
- (3) Licensees must ensure that all limited access areas of a licensed premises are accessible only to licensed representatives and other personnel authorized to be present under these rules.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Alarm System (333-333-4600)

- (1) A service center, manufacturer or laboratory must have a fully operational security alarm system on the licensed premises, activated at all times when the licensed premises is closed for business.
- (2) The security alarm system for the licensed premises must:
 - (a) Be able to detect unauthorized entry onto the licensed premises and unauthorized activity within the licensed premises.
 - (b) Notify the licensee, license representative or authorized personnel in the event of an unauthorized entry.
 - (c) Have at least two operational “panic buttons” located inside the licensed premises linked with the alarm system that immediately notifies a security company or law enforcement.
- (3) Upon request, licensees shall make all information related to security alarm systems, monitoring and alarm activity available to the Authority.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Video Surveillance Equipment (333-333-4620)

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) A licensed premises must have a fully operational video surveillance recording system.
- (2) Video surveillance equipment must, at a minimum:
 - (a) Consist of:
 - (A) Digital or network video recorders.
 - (B) Cameras capable of meeting the requirements of OAR 333-333-4630 and this rule.
 - (C) Video monitors.
 - (D) Digital archiving devices.
 - (E) A minimum of one monitor on premises capable of viewing video.
 - (F) Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard.
 - (b) Have the capability of producing and printing a still photograph from any camera image.
 - (c) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
- (3) Except for mounted cameras and monitors, all video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to authorized personnel, Authority employees and contractors, and other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Required Camera Coverage and Camera Placement (333-333-4630)

- (1) A licensed premises must have camera coverage, if applicable, for:
 - (a) All points of ingress and egress to and from the licensed premises, unless those points are located within a client administration area.
 - (b) All areas where psilocybin products are stored or produced.
 - (c) All areas where psilocybin waste is required to be stored, destroyed or rendered unusable as required by OAR 333-333-8000.
- (2) A licensee must ensure that cameras are placed so that they capture clear and certain images of any individual and activity occurring:
 - (a) Within 15 feet both inside and outside of all points of ingress and egress to and from the licensed premises.
 - (b) In all locations on the licensed premises where psilocybin products are produced or stored.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Video Recordings of Administration Sessions (333-333-4640)

- (1) A service center licensee may not install video surveillance equipment in client administration areas. Licensees may record administration sessions using portable video equipment with the client's prior written consent.
- (2) Recordings made under this rule must be provided to clients upon request.

Draft rules prepared for September 2022 Rules Advisory Committee

- (3) Recordings made under this rule must be stored securely and may not be published, shared or otherwise distributed without the client's prior written consent.
- (4) All copies of recordings made under this rule must be destroyed upon the client's request.
- (5) Clients may withdraw their written consent described in sections (1), (2) and (3) of this rule at any time.
- (6) Recordings made under this rule are not subject to OAR 333-333-4620 and OAR 333-333-4630, except that any video recordings of administration sessions in the licensee's possession must be provided to the Authority upon request.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Video Recording Requirements for Licensed Facilities (333-333-4650)

- (1) A service center, manufacturer or laboratory licensee must have cameras that continuously record, 24 hours a day:
 - (a) In all areas where psilocybin products are produced or stored on the licensed premises.
 - (b) In all areas where psilocybin waste may be present on the licensed premises.
 - (c) All points of ingress and egress to and from:
 - (A) The licensed premises.
 - (B) Areas where psilocybin products are produced or stored.
 - (C) Areas where psilocybin waste may be present.
- (2) A service center, manufacturer or laboratory licensee must:
 - (a) In all areas where camera coverage is required, use cameras that record at a minimum resolution of 1280 x 720 px and record at 10 fps (frames per second).
 - (b) Use cameras that are capable of recording in all lighting conditions.
 - (c) Retain surveillance recordings for a minimum of 30 calendar days.
 - (d) Maintain surveillance recordings in a format approved by the Authority that can be easily accessed for viewing and easily reproduced.
 - (e) Upon request of the Authority, keep surveillance recordings for periods exceeding the retention period specified in subsection (2)(c) of this rule.
 - (f) Have the date and time embedded on all surveillance recordings without significantly obscuring the picture.
 - (g) Archive video recordings in a format that ensures authentication of the recording and guarantees that no alteration of the recorded image has taken place.
 - (h) Make video surveillance records and recordings available immediately upon request to the Authority in a format specified by the Authority for the purpose of ensuring compliance with ORS chapter 475A and these rules.
- (3) Notwithstanding the requirements in section (1) of this rule a service center, manufacturer or laboratory licensee may stop recording in areas where psilocybin products are not present due to seasonal closures or prolonged periods of inactivity.
 - (a) At least 24 hours before stopping recording, a licensee must submit written notice to the Authority by electronic mail using a designated form as published by the Authority on its website and the notice must include:

Draft rules prepared for September 2022 Rules Advisory Committee

- (A) A description of the total number and location of cameras that will be deactivated.
- (B) The date and time recording will stop.
- (C) An explanation for why recording will be stopped.
- (D) The date and time recording will resume.
- (b) A licensee must resume all required recording no later than the date and time specified in the notice submitted under subsection (a) of this section.
- (c) A licensee may not engage in any licensed privileges in any areas where recording was stopped under this section.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Location and Maintenance of Surveillance Equipment (333-333-4660)

- (1) A service center, manufacturer or laboratory licensee must house the surveillance recording equipment in a designated, locked, and secured room or other enclosure with access limited to:
 - (a) The licensee, license representatives, and authorized personnel;
 - (b) Employees of the Authority;
 - (c) State or local law enforcement agencies for a purpose authorized under ORS chapter 475C, these rules, or for any other state or local law enforcement purpose; and
 - (d) Service personnel or contractors.
- (2) A service center, manufacturer or laboratory licensee must keep a current list of all authorized employees and service personnel who have access to the surveillance system and room on the licensed premises.
- (3) Service center, manufacturer or laboratory licensees must keep a surveillance equipment maintenance activity log on the licensed premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.
- (4) Service center, manufacturer or laboratory licensees must keep a surveillance equipment outage log on the licensed premises to record all camera outages lasting more than 30 minutes. The log must identify the cameras affected and record time and duration of the outage.
- (5) Off-site monitoring of the licensed premises by a licensee or an independent third-party is authorized if standards exercised at the remote location meet or exceed all standards for on-site monitoring.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Duty to Contact Emergency Services (333-333-4700)

- (1) Licensees must immediately contact law enforcement when unlawful activity takes place on the licensed premises that could endanger the safety of any person present on the premises. If licensee is unable to contact law enforcement while the activity is taking place, they must contact law enforcement as soon as it is possible to do so.

Draft rules prepared for September 2022 Rules Advisory Committee

(2) Licensees must contact emergency services when any person on the licensed premises requires immediate medical attention and when conditions are present on the licensed premises that pose an immediate threat to persons on the premises.

(3) Licensees must immediately contact law enforcement if a client's failure to follow their transportation plan presents a danger to the client's safety or the safety of others,

(4) In addition to the requirements of sections (1), (2) and (3) of this rule, licensees must notify the Authority in writing in a form and manner prescribed by the authority within 48 hours of contacting law enforcement or emergency services.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Confidentiality (333-333-4810)

(1) A service center or facilitator may not disclose any information that may be used to identify a client, or any communication made by a client during the course of providing psilocybin services or selling psilocybin products to the client, except with client's consent or otherwise as allowed by ORS 475A.450.

(2) A service center or facilitator must have a completed client written consent form to disclose identifiable client information that contains the following:

(a) A specific description of the client's identifiable information to be used or disclosed.

(b) The name or specific identification of the person(s) or class of person(s) the client's information will be disclosed to.

(c) The specific purpose for which the information will be used or disclosed.

(d) The date and signature of the patient.

(e) An expiration date when the consent to use or disclose is withdrawn.

(3) A service center or facilitator must use the client written consent form provided by Oregon Psilocybin Services to meet the requirements of this rule. The consent form is available at oregon.gov/psilocybin.

(4) A service center or facilitator may not condition the provision of psilocybin services on whether a client consents to the use or disclosure of their identifiable information.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.450

Record Retention (333-333-4820)

(1) Licensees shall store, maintain and destroy records in a manner that prevents unauthorized access and protects client confidentiality.

(2) Unless otherwise specified in these rules, licensees must retain required records for a period of five years.

(3) Licensed facilitators and service centers must allow current and former clients to access and examine client records and request corrections to those records. Following the retention period

Draft rules prepared for September 2022 Rules Advisory Committee

described in section (2) of this rule a facilitator or service center must destroy client records upon the client's request.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Financial and Business Records (333-333-4830)

In addition to any other recordkeeping requirements in these rules, a licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form in a manner that prevents unauthorized access and protects confidential employment records. Records required by this rule must be maintained for a five-year period and must be made available for inspection if requested by the Authority:

- (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of psilocybin products that include from whom the items were purchased and the date of purchase.
- (2) Bank statements for any accounts relating to the licensed business.
- (3) Accounting and tax records related to the licensed business.
- (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business.
- (5) All employee records, including training.
- (6) Information relating to the structure and ownership of the business, including:
 - (a) A list of all individuals and legal entities identified as applicants.
 - (b) For each legal entity identified as an applicant, complete information about the ownership structure of that legal entity.
 - (c) A list of all individuals and legal entities who are entitled to receive a portion of revenue, proceeds, or profits from the business.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Preparation Session Requirements (333-333-5000)

- (1) A facilitator must complete a preparation session with every client who will participate in an administration session at least twenty-four hours but no more than 90 days prior to the commencement of the client's first administration session with the facilitator. If different facilitators will conduct a client's preparation, administration sessions or integration session, the client must provide written consent as described in subsection (5)(g) of this rule. A client must have an opportunity to meet any facilitator who will provide psilocybin services prior to receiving services from that facilitator.
- (2) Preparation sessions required under this rule must be conducted privately with each individual client to allow clients to share personal information.
- (3) For every client who will participate in an administration session, a facilitator must complete a client information form as described in OAR 333-333-5050 and transportation plan as

described in OAR 333-333-5150 in coordination with the client during a preparation session. The plan may not approve a client to operate a motor vehicle, bicycle, or other form of self-operated transportation immediately following the administration session.

(4) A facilitator must provide a client with the following during a preparation session and review each document with the client:

(a) Informed consent document as described in OAR 333-333-5040.

(b) Client Bill of Rights as described in OAR 333-333-4520.

(c) Product information document as described in OAR 333-333-2410 for any products that may be consumed during an administration session.

(d) Documentation of the fees charged for provision of psilocybin services prepared in coordination with the service center. This documentation must indicate whether fees for services will be paid to the service center or directly to the facilitator. This documentation must describe any additional fees, including but not limited to cancellation fees, that could be charged to the client.

(e) Documentation of the price charged for sale of psilocybin products prepared in coordination with the service center. This documentation must list product prices separately from taxes as required by OAR 333-333-5180.

(5) In addition to the documents required by section (4) of this rule, a facilitator must obtain prior written consent from a client during a preparation session for the following activities and circumstances:

(a) Participation in a group administration session, including the opportunity to meet other clients and facilitators participating in the groups session as described in OAR 333-333-5020.

(b) Use of supportive touch during an administration session.

(c) Participation in a training practicum, including information regarding training program students and instructors who will be present during the client's administration session. The client must have an opportunity to meet any students or instructors who will be present during their administration session prior to the commencement of an administration session.

(d) Video or audio recording of an administration session pursuant to requirements of OAR 333-333-4640.

(e) Presence of an interpreter or client support person allowed by OAR 333-333-5070, in the administration area during an administration session.

(f) Sharing of client data as described in OAR 333-333-4810 and excluding de-identified data.

(g) The use of different facilitators to conduct a client's preparation, administration sessions or integration session.

(6) Preparation sessions may be completed in person or virtually using video conferencing technology.

(7) A facilitator must complete an initial preparation session with every client before conducting an administration session with that client for the first time. After completing the initial preparation session, a facilitator is not required to complete additional preparation sessions prior to conducting an administration session with that client for a period of 12 months.

(8) If a facilitator does not complete additional preparation sessions as allowed by section (7), the facilitator must confirm that the information contained in the client's previously completed client information form remains accurate prior to conducting additional administration sessions.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Group Preparation Sessions (333-333-5020)

(1) In addition to the requirements of OAR 333-333-5000 clients who will participate in a group session must be informed of additional considerations for participating in group administration sessions.

(2) Clients who will participate in a group administration session must have the opportunity to meet and interact with other clients and any interpreters or client support persons who will participate in the group administration session prior to the session commencing.

(3) Clients who will participate in a group administration session must have an opportunity to meet every facilitator who will participate in the group administration session prior to the session commencing.

(4) The requirements of sections (2) and (3) of this rule may be satisfied at any time prior to commencement of the group administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Informed Consent (333-333-5040)

(1) A facilitator must provide every client a copy of the following informed consent document during the client's preparation session:

Introduction:

In the State of Oregon, psilocybin services include a preparation session, administration session, and integration session. You should receive this informed consent form at the start of your preparation session. During the preparation session, your facilitator will review and discuss this form with you. Please make sure you read and understand every section because you must sign the form before the administration session begins. If you do not understand any part of this document, please ask your facilitator for clarification before signing.

I have been informed of and understand the following:

(Please initial each item below)

1. *I have reviewed the Psilocybin Services Client Bill of Rights, my facilitator has explained it to me, and I understand my rights as a client.*
2. *I understand that psilocybin services do not require medical diagnosis or referral and that psilocybin services are not a medical or clinical treatment.*

3. ____ *I understand that psilocybin has not been approved by the Food and Drug Administration and the federal government currently classifies psilocybin as a Schedule I controlled substance under the Controlled Substances Act.*
 - a. *Federal law prohibits the manufacture, distribution, and possession of psilocybin even in cities and states that have adopted laws to allow its possession or use.*
 - b. *Despite its federal Schedule I status, research suggests that psilocybin is very unlikely to be addictive. Additionally, research and other information suggests that psilocybin may improve symptoms of depression, anxiety, end of life distress, various forms of trauma, and problematic substance use.*
4. ____ *I understand that while existing research has shown promising results, the risks, benefits, and drug interactions of psilocybin are not fully understood, and individual results may vary.*
5. ____ *I understand that some people have found psilocybin administration sessions to be challenging or uncomfortable. Common potential side effects include nausea, mild headache, fatigue, anxiety, confusion, increased blood pressure, elevated heart rate, paranoia, perceptual changes, altered thought patterns, reduced inhibitions, recovery of repressed memories and past traumas, and altered perception of time and one's surroundings. If they occur, these side effects are usually mild and temporary. Because the potential risks and benefits of psilocybin administration are not fully understood, there may be unanticipated side effects.*
6. ____ *I understand that if I am taking prescription medications or have a medical condition or mental health condition, I should consult with a medical or clinical provider before participating in an administration session.*
7. ____ *I understand that psilocybin is derived from fungi. If I have a known mushroom allergy, I should consult with a medical professional before participating in an administration session.*
8. ____ *I understand that the effects of psilocybin during pregnancy and breastfeeding are unknown.*

9. ___ *I understand that facilitators may not use touch while providing psilocybin services without my prior written consent. My facilitator and I have discussed acceptable types of supportive touch and the requirement to provide prior written consent prior to the start of my administration session.*
10. ___ *I understand that facilitators may be mandatory reporters of abuse. If my facilitator is a mandatory reporter, they have shared this information with me and explained their legal obligations to report abuse.*
11. ___ *I understand that facilitators have a duty to report misconduct that harms or endangers a client to the Oregon Health Authority. If the misconduct presents an immediate risk to health and safety, facilitators have a duty to contact law enforcement or emergency services.*
12. ___ *I agree to follow my agreed upon transportation plan. I understand that a facilitator may contact law enforcement if failure to follow my transportation plan presents a risk to my safety or the safety of others.*
13. ___ *I understand that being administered psilocybin is completely voluntary and I may decide not to receive psilocybin at any time.*
14. ___ *I understand that I have the right to update my client information form prior to beginning an administration session and I have the right to receive a copy of my client information form upon request.*
15. ___ *I understand that de-identified data collected by my facilitator or service center may be shared with people and institutions outside of the facilitator or psilocybin service center for research and other purposes.*
16. *I understand data that may be used to identify me as a client will only be shared to the extent permitted or required by law. Specifically, ORS 475A.450 allows disclosure in the following circumstances:*
 - (1) *When the client or a person authorized to act on behalf of the client gives consent to the disclosure;*
 - (2) *When the client initiates legal action or makes a complaint against the psilocybin service center operator, the psilocybin service facilitator, or the employee;*
 - (3) *When the communication reveals the intent to commit a crime harmful to the client or others;*

(4) When the communication reveals that a minor may have been a victim of a crime or physical, sexual or emotional abuse or neglect; or

(5) When responding to an inquiry by the Oregon Health Authority made during the course of an investigation into the conduct of the psilocybin service center operator, the psilocybin service facilitator, or the employee under ORS 475A.210 to 475A.722.

17. *___ I understand that my facilitator may take short restroom breaks, up to 5 minutes, during my administration session.*
18. *___ I understand that for my own safety, leaving a psilocybin service center during an administration session once it has begun is strongly discouraged. Doing so could lead to safety and legal risks.*
19. *___ I understand and have been informed of the potential benefits, risks, and complications of psilocybin services with my facilitator to the extent that they are known.*
20. *___ I have had the opportunity to ask questions regarding anything I may not understand or that I believe should be made clear.*
21. *___ If participating in a group administration session, I understand that I will be experiencing the effects of psilocybin in the presence of other clients who are also experiencing the effects of psilocybin and may be reacting to the experience in a different manner.*
22. *___ If consuming greater than 35 mg of psilocybin during an administration session, I acknowledge that clinical trials have not typically administered doses of greater than 35 mg of psilocybin. The risks and benefits of consuming doses greater than 35 mg of psilocybin are unknown.*
23. *___ If consuming whole fungi during an administration session, I understand that psilocybin content can vary between individual fruiting bodies.*
24. *___ I understand that a facilitator has a duty to call emergency services if required and a client assumes responsibility for costs of emergency services.*
25. *___ I understand that I may be charged a cancellation fee if I cancel a scheduled preparation, administration or integration session with less than 24 hours' notice.*

Name (Print)

Signature

Date

- (2) A facilitator must review the contents of the informed consent form with each client and receive a signed copy of each client's informed consent document prior to beginning an administration session.
- (3) A facilitator or service center must provide the informed consent document in other languages or accessible formats upon a client's request. If a facilitator or service center is unable to provide a translated or accessible document upon a client's request, they may not conduct an administration session with the client.
- (4) Informed consent documents may be delivered electronically as long as the facilitator receives a signed informed consent document, in either paper or electronic format, prior to beginning an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Client Information Form (333-333-5050)

- (1) A client must review and complete a client information form in coordination with a facilitator prior to participating in an administration session.
- (2) A facilitator must provide a client information form in other languages or accessible formats upon a client's request. If a facilitator is unable to provide a translated or accessible client information form upon a client's request, they may not conduct an administration session with the client.
- (3) The client information form must include the following questions, and a client must answer each question by indicating "yes" or "no":
- (a) Have you taken the prescription drug Lithium in the last 30 days?
 - (b) Are you currently being treated by a medical, clinical or other healthcare provider for a medical, mental health, or behavioral health condition?
 - (c) Have you ever had an allergic reaction to consuming mushrooms or other fungi?
 - (d) Are you currently taking any medications that might need to be consumed during an administration session?
 - (e) Will you require assistance from an interpreter during an administration session?
 - (f) Will you require assistance from a client support person for catheter, ostomy, or toileting assistance, ambulation or transfer mobility support, or medical device assistance during the administration session?
 - (g) Will you require assistance from a client support person for augmentative and alternative communication (AAC) device support or assistive listening device support during the administration session?
 - (h) Do you have a recent history of causing harm, or wanting to cause harm, to self or others?
 - (i) Do you require any assistive mobility devices?
 - (j) Will you require assistance to consume psilocybin products?

(4) The client information form must include the following questions, and a client may provide a narrative answer to these questions or may choose not to answer.

(a) Would you like to share anything about your medical history, including current medications, that you feel would be helpful for an administration session?

(b) Would you like to share anything about your mental health history, including traumatic experiences or past history of causing harm, or wanting to cause harm, to self or others, that you feel would be helpful for an administration session?

(c) Would you like to share anything about your history of substance use, including current substance use, that you feel would be helpful for an administration session?

(d) Would you like to share any past experiences with psychedelics or altered states of consciousness?

(e) Would you like to share any information about your relationships, your living situation, or your educational or work environment that may be affected by your administration session or may require additional safety or support planning?

(5) A facilitator must evaluate the answers to questions listed in section (2) of this rule to determine whether the client should participate in an administration session.

(a) If a client answers yes to question (3)(a), the client may not participate in an administration session.

(b) If a client answers yes to question (3)(b), a facilitator shall encourage the client to consult a medical, clinical or other healthcare provider regarding the risk of consuming psilocybin.

(c) If a client answers yes to question (3)(c), the client should be encouraged to consume an alternative psilocybin product rather than whole fungi or homogenized fungi during the administration session.

(d) If a client answers yes to question (3)(d), a facilitator should encourage the client to schedule their administration session at a time that allows them to participate without taking medication. A facilitator should also encourage the client to consult with a pharmacist or medical, clinical or other healthcare provider regarding contraindications. If the client will take medication during an administration session, the client and facilitator must work together to identify whether the client will be able to administer the medication themselves. If the client is unable to administer the medication themselves, the client must identify a client support person who will be available to administer the medication when required.

(e) If a client answers yes to question (3)(e), the client and facilitator must work together to identify an appropriate interpreter who will be present in person or virtually during the client's administration session.

(f) If a client answers yes to question (3)(f), the client and facilitator must work together to create a written assistance or medical device plan.

(A) If the client requires a medical device, the medical device plan must describe the required medical device and indicate whether the client will be able to use the medical device without assistance. If the client is unable to use the medical device without assistance, the written medical device plan must identify a client support person who will be available to assist the client with their medical device when required.

(B) If the client requires assistance with catheter, ostomy, or toileting assistance, ambulation or transfer mobility support, the assistance plan must identify the type of assistance required and a client support person who will be available to assist the client.

- (g) If a client answers yes to question (3)(g), the client and facilitator must work together to identify an appropriate client support person who will be present in during the client's administration session to assist with the client's alternative communication (AAC) device support or assistive listening device support during the administration session.
- (h) If a client answers yes to question (3)(h), a facilitator shall encourage the client to consult with a qualified mental health care provider regarding the risk of consuming psilocybin.
- (i) If a client answers yes to question (3)(i), the client and facilitator must work together to create a written plan that describes how the client will safely exit the service center in the event that an emergency occurs during their administration session.
- (j) If a client answers yes to question (3)(j), the client and facilitator must work together to identify an appropriate client support person who will be present to assist the client with consuming psilocybin products during their administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Interpreters and Client Support Persons (333-333-5070)

- (1) If an interpreter or client support person will be present during receipt of psilocybin services, a client and facilitator must meet with the interpreter or client support person prior to beginning the administration session.
- (2) During the meeting required by section (1) of this rule a client and facilitator must work together with the interpreter or client support person to create a written support person plan that contains the following information:
- (a) The name of the interpreter or client support person who will attend the session.
- (b) The specific purpose for which the interpreter or client support person will be present, including but not limited to identifying any medications or medical devices that the client will utilize during administration session.
- (c) Whether the interpreter or client support person will be present for the duration of an administration session or whether they will be available as needed.
- (d) A signed statement that the interpreter or client support person agrees to the following conditions:
- (A) Interpreters and client support persons will be present for the specific purposes described in their support person plan and shall not interfere or otherwise participate in the administration session.
- (B) Interpreters and client support persons, facilitators and service centers shall not share or disclose any information regarding clients' participation in psilocybin services.
- (3) Client support persons shall perform only those activities identified in the written support person plan described in section (2) of this rule.
- (4) Client support persons are prohibited from touching clients except as required to perform activities identified in the written support person plan described in section (2) of this rule.
- (5) During the meeting required by section (1) of this rule a facilitator must provide a copy of the Client Bill of Rights and allow the interpreter or client support person an opportunity to ask questions.

Draft rules prepared for September 2022 Rules Advisory Committee

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Safety and Support Plans (333-333-5080)

- (1) If a client and facilitator agree that a safety and support plan is appropriate after reviewing the client information form together, the client and facilitator must collaborate to draft a safety and support plan that identifies risks and challenges specific to the client's circumstances and resources available to mitigate those risks and challenges, including the client's existing support network and appropriate external resources.
- (2) Safety and support plans are not required for every client.
- (3) If a client has a safety and support plan on file, it may not be changed during an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Client Acknowledgement (333-333-5090)

- (1) Prior to beginning an administration session, a client must sign and complete a client acknowledgement document that attests to the following:
 - (a) The client has received a copy of the Client Bill of Rights and has had an opportunity to discuss that document with their facilitator.
 - (b) The client has reviewed and signed an informed consent document and has had an opportunity to discuss that document with their facilitator.
 - (c) The client has completed a client information form in coordination with a facilitator and the information contained in the document is true and accurate.
 - (d) The client has completed a transportation plan in coordination with a facilitator and agrees to follow the transportation plan at the conclusion of their administration session.
- (2) If applicable, a client must acknowledge that they have completed the following optional consent documents prior to beginning an administration session.
 - (a) If an interpreter or client support person will be present during the administration session as described in OAR 333-333-5070, consent for that person to be present during an administration session.
 - (b) Consent for any applicable circumstances in OAR 333-333-5000(5).
 - (c) Consent to receive additional psilocybin products after the administration session has begun as described in OAR 333-333-5240(3).

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Facilitator and Service Center Record Keeping and Confidentiality (333-333-5100)

- (1) A facilitator shall create the following records for every client to whom they provide psilocybin services, and these records must be stored at the service center where the client received services:
- (a) Completed information form described in OAR 333-333-5050.
 - (b) Completed informed consent document described in OAR 333-333-5040.
 - (c) Transportation plan described in OAR 333-333-5150.
 - (d) Client acknowledgement form described in OAR 333-333-5090.
 - (e) The date, start time and end time, for every preparation, administration and integration session.
 - (f) The psilocybin products, including unique identification number, consumed by each client, including the amount of product consumed and whether it was consumed in a single dose or multiple doses.
 - (g) Any deviation from the client's transportation plan.
 - (h) Any adverse reactions that required medical attention or emergency services.
- (2) If applicable and as required by these rules, a facilitator shall create the following records, and these records must be stored at the service center where the client received services:
- (a) Optional client consent for any applicable circumstances described in OAR 333-333-5000(5).
 - (b) Support person plans as required by OAR 333-333-5070.
 - (c) Safety and support plans as described in OAR 333-333-5080.
- (3) Records required by this rule must be provided to the client upon request pursuant to OAR 333-333-4820(3).
- (4) Records required by this rule must identify the client receiving services.
- (5) Facilitators and service centers shall not share or disclose any records required by this rule unless required to do so by ORS 475A.450 or these rules.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340, ORS 475A.450

Facilitator Conduct (333-333-5120)

- (1) Facilitators have a duty to put clients' interest above their own and to use a standard of care that other reasonable facilitators would use under similar circumstances.
- (2) A facilitator shall not engage in dishonest conduct, nor make any misrepresentations to clients.
- (3) A facilitator shall make reasonable efforts to distinguish between typical side effects of consuming psilocybin and medical emergencies. In the event of a medical emergency, a facilitator must contact emergency responders immediately.
- (4) A facilitator shall only provide psilocybin services within the limits of their professional competence. When a client demonstrates circumstances or conditions that exceed the limits of a facilitator's professional competence, a facilitator has a duty to make reasonable efforts to refer that client to another facilitator.
- (5) Except when acting as a practicum site supervisor under OAR 333-333-3070, a facilitator shall not provide psilocybin services to clients over whom they have supervisory, evaluative, or other authority.

(6) Facilitators may provide supportive touch during administration sessions with prior written consent. Supportive touch is limited to the facilitator placing their hands on a client's hand or shoulder. A facilitator shall not use any other forms of touch, nor permit another person to use any other form of touch during an administration session.

(7) A facilitator shall not:

- (a) Assist a client with taking medication.
- (b) Assist a client with a medical device.
- (c) Assist a client with an alternative communication device or assistive listening device.
- (d) Assist a client with consuming psilocybin products.

(8) A facilitator shall not engage in any romantic relationships, sexual contact, or sexual intimacy with a client during the provision of psilocybin services including preparatory, administration, and integration sessions.

(9) A facilitator shall not engage in any romantic relationships, sexual contact, or sexual intimacy with clients, or clients' partners or immediate family members, for a period of one year following the last date that the facilitator provided psilocybin services to the client.

(10) Except for payments for psilocybin services, a facilitator may not engage in any financial transactions with clients or the client's partners or immediate family members until the facilitator has ceased providing psilocybin services to the client.

(11) If a facilitator is a mandatory reporter of abuse under Oregon law, the facilitator must disclose their status and obligations to a client at the beginning of the client's first preparation session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Facilitator Scope of Practice (333-333-5130)

(1) A facilitator shall not engage in any conduct that requires additional professional licensure while providing psilocybin services to clients, including but not limited to diagnosing and treating physical or mental health conditions.

(2) If a facilitator holds a professional license in another field, the facilitator shall not exercise the privileges of that license while providing psilocybin services to clients.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Duty to Report Misconduct (333-333-5140)

(1) Any licensee, license representative or permittee who witnesses or becomes aware of conduct involving a client that violates ORS chapter 475A or these rules must report that conduct to the Authority within 24 hours.

(2) Any licensee, license representative or permittee who witnesses or becomes aware of conduct that harms or potentially endangers a client must report that conduct to the Authority within 24 hours in a form and manner prescribed by the Authority.

Draft rules prepared for September 2022 Rules Advisory Committee

(3) Failure to report as required by sections (1) and (2) of this rule is violation, separate from any violations that may have occurred as a result of the underlying conduct.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Transportation Plans (333-333-5150)

- (1) A facilitator must create and record a transportation plan for every client that receives psilocybin services.
- (2) Transportation plans must be signed by the client and describe how the client will access safe transportation away from the service center at the conclusion of an administration session.
- (3) Transportation plans shall advise a client not to operate a motor vehicle directly following an administration session. Facilitators shall make reasonable efforts to prevent clients from operating a motor vehicle at the conclusion of an administration session.
- (4) If a client is unable to follow their transportation plan, a facilitator must make reasonable efforts to arrange for alternative transportation.
- (5) If a client's failure to follow their transportation plan presents a danger to the client's safety or the safety of others, a facilitator must immediately contact law enforcement.
- (6) A facilitator must document in writing all instances in which a client does not follow their transportation plan.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Sale of Psilocybin Services (333-333-5160)

- (1) A facilitator must list fees separately for preparation, administration and integration sessions and must specify whether those fees will be paid directly to the facilitator or to the service center where the client receives psilocybin services.
- (2) If a client notifies a facilitator 24 hours or more prior to their scheduled preparation, administration or integration session that they will not participate in a scheduled session, a facilitator must refund or credit any fees collected for the session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Sale and Transfer of Psilocybin Products to Clients (333-333-5170)

- (1) Psilocybin products may only be sold and transferred to clients by license representatives of a service center.
- (2) License representatives of a service center must transfer psilocybin products to clients within a designated administration area located indoors.
- (3) License representatives of a service center must transfer psilocybin products to clients in the products' sealed original packaging.

- (4) A license representative of a service center must observe a client consume any psilocybin products transferred to that client. Any portion of a product that is not consumed must be returned to a license representative and must be destroyed at the conclusion of the client's administration session. If a client is unable to open or consume a psilocybin product without assistance, they may identify a client support person to assist them subject to the requirements of OAR 333-333-5050(5)(j) and OAR 333-333-5070.
- (5) Facilitators are prohibited from transferring, preparing or otherwise handling psilocybin products, unless the facilitator is also a license representative of a service center.
- (6) Clients may mix psilocybin products with unopened packaged food or unopened beverages prior to consuming.
- (7) Licensees shall not permit clients to mix psilocybin products with any items other than packaged food and beverages, including but not limited to:
- Homemade food and beverage items.
 - Dietary and nutritional supplements, including herbal supplements and products derived from cannabis.
 - Prescription and non-prescription drugs.
 - Any intoxicant.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.468

Collection of Taxes (333-333-5180)

- (1) A service center must collect from clients, at the point of sale, the tax imposed on psilocybin products under ORS 475A.662 and ORS 475A.666.
- (2) A service center must hold the tax described in section (1) of this rule in trust for the State of Oregon and remit the tax to the Oregon Department of Revenue in accordance with Department of Revenue rules.
- (3) A service center must separately state the cost of psilocybin products and the tax owed on any invoice or receipt provided to clients.
- (4) A service center may not collect a tax on any goods other than psilocybin products, nor on the cost for psilocybin services.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.666

Administration Session Requirements (333-333-5200)

- (1) Administration sessions must be conducted by a facilitator and may only take place within a service center's designated administration area.
- (2) The requirements of OAR 333-333-5000 must be satisfied prior to any client participating in an administration session in an administration area.
- (3) A facilitator must always be present during administration sessions and shall continuously monitor any client participating in the administration session. Continuous monitoring means that a facilitator must maintain visual and audio contact with clients and monitor clients for signs of

physical or emotional distress. Video monitoring or other equipment may not be used to satisfy the requirement to continuously monitor clients.

- (4) The requirements of section (3) of this rule do not apply to client restroom breaks.
- (5) A facilitator may take restroom breaks of no more than five minutes during an administration session if the facilitator remains on the licensed premises and a service center license representative is available to monitor clients.
- (6) In addition to a facilitator conducting the administration session, at least one license representative of a service center license must be present on the licensed premises at all times when an administration session is taking place at a service center.
- (7) Facilitators must ensure that a back-up facilitator is available to assist in case of unforeseen circumstances that prevent the primary facilitator from completing the session. Back up facilitators must be able to reach the licensed premises within 15 minutes of being contacted.
- (8) Except for individuals described in OAR 333-333-5070 and service centers acting as practicum sites, only clients and facilitators may be present during an administration session.
- (9) A service center may not host administrative sessions for more than 25 clients at any given time regardless of whether the clients are participating in separate individual or group administration sessions.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Outdoor Administration Sessions (333-333-5210)

- (1) Facilitators may conduct outdoor administration sessions at a service center's designated outdoor administration area.
- (2) A client must consume any psilocybin product in an indoor administration area described in OAR 333-333-5170(3) before moving to an outdoor administration area.
- (3) Facilitators may not conduct outdoor administration sessions in adverse weather conditions, including, but not limited to extreme heat or cold, heavy precipitation, thunder and lightning storms, high winds or wildfire smoke.
- (4) Service centers with designated outdoor administration areas must also provide an indoor administration area for clients who request to move indoors after their administration session has begun.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Group Administration Sessions (333-333-5230)

- (1) Group administration sessions may be conducted pursuant to the requirements of OAR 333-333-5020 and this rule.
- (2) Client to Facilitator Ratio. The minimum facilitator to client ratio depends on the amount of psilocybin product clients participating in the group administration session will individually consume. If the clients consume different amounts of psilocybin, the largest amount consumed will dictate the required facilitator to client ratio.

Draft rules prepared for September 2022 Rules Advisory Committee

- (a) For clients consuming up to 5 mg of psilocybin, the minimum facilitator to client ratio is 1 to 16.
- (b) For clients consuming greater than 5 mg and up to 10 mg of psilocybin, the minimum facilitator to client ratio is 1 to 8.
- (c) For clients consuming greater than 10 mg and up to 15 mg of psilocybin, the minimum facilitator to client ratio is 1 to 6.
- (d) For clients consuming greater than 15 mg and up to 20 mg of psilocybin, the minimum facilitator to client ratio is 1 to 4.
- (e) For clients consuming greater than 20 mg and up to 30 mg of psilocybin, the minimum facilitator to client ratio is 1 to 3.
- (f) For clients consuming greater than 30 mg and up to 40 mg of psilocybin, the minimum facilitator to client ratio is 1 to 2.
- (g) For clients consuming greater than 40 mg and up to 50 mg of psilocybin, the minimum facilitator to client ratio is 1 to 1.
- (3) Group administration sessions may not exceed a total of 25 clients, or the service center's maximum occupancy for the administration area where the session takes place whichever is smaller, regardless of the number of facilitators present.
- (4) Client administration areas where group sessions take place, must provide an appropriate setting for the group sessions that:
 - (a) Provides sufficient space for clients to participate in the session without touching or coming into close physical contact with other clients.
 - (b) Allows a facilitator to monitor clients as required by OAR 333-333-5200(3).
- (5) Clients participating in a group administration session are prohibited from touching one another except for supportive touch as described in OAR 333-333-5120(6). If supportive touch will be used during an administrative session, each participating client must provide prior written consent as described in OAR 333-333-5000(5)(b).
- (6) Every client participating in a group session must be provided with an opportunity to leave the group and move to an individual session. Individual sessions conducted pursuant to this section must comply with OAR 333-333-5200.
- (7) If a client becomes disruptive during a group administration session, a facilitator must make reasonable efforts to move that client to an individual session. Individual sessions conducted pursuant to this section must comply with OAR 333-333-5200.
- (8) Every client participating in a group administration session must be present at the beginning of the session.
- (9) Unless explicitly stated in this rule, all requirements of OAR 333-333-5200 apply to group administration sessions.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Consumption Limits (333-333-5240)

- (1) A service center licensee or license representative may not allow a client to consume more than 50 mg of psilocybin products during an administration session.

Draft rules prepared for September 2022 Rules Advisory Committee

(2) A service center licensee or license representative may permit a client to consume more than one psilocybin product during an administration session as long as the total amount of psilocybin contained in the products is 50 mg or less.

(3) Clients who want the option to consume more than one psilocybin product during their administration sessions, up to a total of 50 mg of psilocybin, must provide written consent prior to the beginning of their administration session.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Duration of Administration Session (333-333-5250)

(1) The minimum duration of an administration session shall be dependent on the total amount of psilocybin a client consumes during that session.

(a) When a client consumes a total of 5 mg or less of psilocybin, the minimum duration of the administration session shall be one hour.

(b) When a client consumes a total of greater than 5 mg and up to 10 mg of psilocybin, the minimum duration of the administration session shall be two hours.

(c) When a client consumes a total of greater than 10 mg and up to 15 mg of psilocybin, the minimum duration of the administration session shall be three hours.

(d) When a client consumes a total of greater than 15 mg and up to 25 mg of psilocybin, the minimum duration of the administration session shall be four hours.

(e) When a client consumes a total of greater than 25 mg and up to 35 mg of psilocybin, the minimum duration of the administration session shall be five hours.

(f) When a client consumes a total of greater than 35 mg and up to 50 mg of psilocybin, the minimum duration of the administration session shall be six hours.

(2) Following the conclusion of the minimum duration period described in section (1) of this rule, a facilitator, in consultation with the client, shall determine whether to extend an administration session. If the facilitator and client determine that continuing the administration session is not required to ensure the safety of the client and the public, the administration session may be concluded.

(3) A facilitator shall record and retain the time and date that each administration session began and concluded.

(4) If following the consultation described in section (2) of this rule, a facilitator determines that it is appropriate to continue the administration session beyond 11:59 PM local time, the facilitator and service center where the client received services shall notify the Authority in a form and manner prescribed by the Authority no later than 11:00 AM the next calendar day.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Integration Session (333-333-5250)

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) A facilitator shall offer clients the opportunity to participate in one or more integration sessions following participation in an administration session.
- (2) A facilitator must use a non-directive approach to an integration session and comply with OAR 333-333-5130 during an integration session.
- (3) A facilitator may provide a client information regarding other services, including but not limited to peer support groups and community resources, in support of a client's ongoing integration needs.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Prohibited Conduct (333-333-6000)

- (1) Sale to a person under 21 years of age. A licensee or permittee may not sell, deliver, transfer or make available any psilocybin product to a person under 21 years of age.
- (2) Services to a person under 21 years of age. A facilitator may not provide psilocybin services to a person under 21 years of age.
- (3) Identification for Products. A licensee or license representative must require a person to produce identification as required by ORS 475A.445 before selling or providing a psilocybin product to that person.
- (4) Identification for Services. A facilitator must require a person to produce identification before providing psilocybin services to that person.
- (5) Access to Premises.
 - (a) A licensee, license representative or permittee may not:
 - (A) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit an authorized Authority representative who identifies themselves and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS 475A.210 to 475A.722 or these rules;
 - (B) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit an authorized Authority representative who identifies themselves and requests entry on the basis that there is a reason to believe a violation of ORS 475A.210 to 475A.722 or these rules is occurring; or
 - (C) Ask the authorized Authority representative to leave until the authorized Authority representative has had an opportunity to conduct an inspection to ensure compliance with ORS chapter 475A or these rules.
 - (b) A licensee must retain control of, or the right of access to, all or any part of the licensed premises. If the licensee has psilocybin products in physical inventory at the licensed premises or in the psilocybin tracking system, failure to retain such control or right of access is a Category I violation and may be grounds for immediate suspension or revocation of the license.
- (6) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.
 - (a) No licensee, license representative, or permittee may consume any intoxicating substances while on duty.

- (b) No licensee, license representative, or permittee may be under the influence of intoxicating substances while present on a licensed premises.
- (c) As used in this section “intoxicants” means any substance that has intoxicating effects, and includes alcohol, prescription drugs, non-prescription drugs and any other controlled substances.
- (7) Import and Export. A licensee or permittee may not import psilocybin products into this state or export psilocybin out of this state.
- (8) Permitting, Disorderly or Unlawful Conduct. A licensee or permittee may not permit disorderly activity or activity that is unlawful under Oregon state law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.
- (a) If the prohibited activity under this section results in death or serious physical injury, or results in a sexual offense the violation is a Category I violation and could result in license or permit cancellation.
- (b) As used in this section:
- (A) “Disorderly activities” means activities that harass, threaten or physically harm oneself or another person.
- (B) “Disorderly activities” include offensive conduct towards another person based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, or social class.
- (C) “Unlawful activity” means activities that violate the laws of this state, including but not limited to any activity that violates a state criminal statute.
- (c) The Authority does not require a conviction to establish a violation of this section.
- (9) Psilocybin as a Prize, Premium or Consideration. No licensee or permittee may give or permit the giving of any psilocybin product as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises.
- (10) Visibly Intoxicated Persons. No licensee or permittee may sell, give, or otherwise make available any psilocybin products or provide psilocybin services to any person who is visibly intoxicated.
- (11) Additional Prohibitions. A licensee or permittee may not:
- (a) Deliver psilocybin products to a person or location off the licensed premises.
- (b) Permit psilocybin products to be present on the licensed premises, except as allowed by these rules.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Laboratory Licensee Prohibited Conduct (333-333-6030)

- (1) In addition to the prohibitions set forth in OAR 333-333-6000, a laboratory licensee may not:
- (a) Perform any required psilocybin sampling or testing using any sampling or testing methods or equipment not permitted under the laboratory’s accreditation through the Oregon Environmental Laboratory Accreditation Program.
- (b) Perform any required psilocybin sampling or testing for any licensed psilocybin manufacturer in which the laboratory licensee has a financial interest.

Draft rules prepared for September 2022 Rules Advisory Committee

(c) Engage in any activity that violates any provision of ORS chapter 475A, OAR chapter 333, division 64 as applicable, or these rules.

(2) The Authority may suspend or revoke a laboratory license for any violation of ORS chapter 475A, OAR chapter 333, division 64, or these rules. The licensee has a right to a hearing under the procedures of ORS chapter 183.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.594

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.594

Dishonest Conduct (333-333-6040)

(1) False Statements. A licensee or permittee may not make a false statement or representation to the Authority in order to induce or prevent action or investigation by the Authority or law enforcement.

(2) Psilocybin Product Misrepresentations. A licensee or permittee may not misrepresent any psilocybin item to a consumer, licensee, or the public, including:

(a) Misrepresenting the contents of a psilocybin product.

(b) Misrepresenting the testing results of a psilocybin product.

(c) Making representations or claims that the psilocybin product has curative or therapeutic effects.

(3) A licensee may not produce, possess or supply adulterated psilocybin items.

(4) Evidence. A licensee or permittee may not:

(a) Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so.

(b) Refuse to provide, or fail to promptly provide, an authorized Authority representative evidence when requested to do so.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Advertising Restrictions (333-333-6100)

(1) Psilocybin advertising may not:

(a) Contain statements that are deceptive, false, or misleading.

(b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors.

(c) Encourage activity that is illegal under state law.

(d) Assert that psilocybin products are safe because they are regulated by the Authority or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports psilocybin.

(e) Make claims that psilocybin products and services have curative or therapeutic effects or make other health claims that are not supported by the totality of publicly available scientific evidence (including evidence from studies conducted in a manner that is consistent with

Draft rules prepared for September 2022 Rules Advisory Committee

generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

(2) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Advertising Media, Coupons, and Promotions (333-333-6110)

(1) A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or Internet website in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

(2) A licensee who advertises via webpage must utilize appropriate measures to ensure that individuals visiting the webpage are over 21 years of age.

(3) A licensee may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes an opt-out feature.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Removal of Objectionable and Non-Conforming Advertising (333-333-6120)

(1) A licensee must remove any sign, display, or advertisement if the Authority determines it violates these rules.

(2) The Authority will notify the licensee to identify any non-conforming advertising and provide a reasonable period for the licensee to remove any sign, display or advertisement that does not comply with these rules.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Inspections (333-333-6150)

(1) The Authority may conduct:

(a) An inspection of a licensed premises at any time to ensure that a licensee or permittee is in compliance with ORS chapter 475A and these rules.

(b) Compliance transactions in order to determine whether a licensee or permittee is complying with ORS chapter 475A and these rules.

(2) A licensee, license representative, or permittee must cooperate with authorized Authority representative's reasonable requests during an inspection.

(3) If a licensee, license representative or permittee fails to permit the Authority to conduct an inspection the Authority may issue an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.385

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.385

Suspension, Cancellation, Civil Penalties, Sanction Schedule (333-333-6200)

(1) The Authority may suspend or revoke:

(a) A license issued under ORS chapter 475A for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(b) A permit issued under ORS 475A.480 for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(2) Civil Penalties.

(a) The Authority may impose a civil penalty under ORS 475A.513, ORS 475A.618, or ORS 475A.654 for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(b) Failure to pay a civil penalty imposed by final order of the Authority is a violation.

(3) The Authority uses the following violation categories for licensees licensed under ORS chapter 475A:

(a) Category I — Violations that pose the highest risk to public health and safety or make a licensee ineligible for a license.

(b) Category II — Violations that create a threat or substantial likelihood of a threat to public health or safety.

(c) Category III — Violations that create an increased risk to public health or safety.

(d) Category IV — Violations that are technical in nature and are inconsistent with the orderly regulation of the testing, sale or manufacture of psilocybin products and the provision of psilocybin services.

(4) Violation sanctions.

(a) The Authority may sanction a licensee or permittee in accordance with the guidelines set forth in Exhibit 1, incorporated by reference.

(b) Exhibit 1 lists the proposed sanctions for single or repeat violations that occur within a two-year period for each category described in section (3) of this rule. The Authority may allege multiple violations in a single notice and may count violations alleged in notices issued within the previous two-year period toward the total number of violations. In calculating the total number of violations, the Authority may consider a proposed violation for which the Authority has not yet issued a final order.

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Authority finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. Mitigating circumstances may decrease the sanction but will not result in dismissal of the violation. The Authority may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.

(d) Mitigating circumstances include, but are not limited to:

Draft rules prepared for September 2022 Rules Advisory Committee

- (A) Making a good faith effort to prevent a violation.
- (B) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.
- (e) Aggravating circumstances include, but are not limited to:
- (A) Receiving a prior warning about one or more compliance problems.
- (B) Repeated failure to comply with laws.
- (C) Efforts to conceal a violation.
- (D) Intentionally committing a violation.
- (E) A violation involving more than one client or employee.
- (F) A violation involving unwanted or inappropriate touching of a client.
- (G) A violation involving injury or death.
- (H) A violation involving the transfer of psilocybin products to anyone other than a client during an administration session.
- (I) A violation that resulted in a monetary benefit for the licensee or conduct that intended to create a monetary benefit for the licensee.
- (J) Three or more violations within a two-year-period, regardless of the category, where the number of violations indicate a disregard for the law or failure to control the premises.
- (5) A licensee may not avoid the sanction for a violation or the application of the provision for successive violations by changing their corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420, ORS 475A.425

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420, ORS 475A.425

Exhibit 1 to OAR 333-333-6200

Licensees:

Category	1 Violation in a 2-year period	2 Violations in a 2-year period	3 Violations in a 2-year period	4 Violations in a 2-year period	5 Violations in a 2-year period
I	Revoke				
II	30-day suspension	Revoke			
III	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke	
IV	\$500 civil penalty	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke

Worker Permits:

Category	1 Violation in a 2-year period	2 Violations in a 2-year period	3 Violations in a 2-year period	4 Violations in a 2-year period	5 Violations in a 2-year period

I	Revoke				
II	30-day suspension	Revoke			
III	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke	
IV	\$250 civil penalty	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke

Licensee Responsibility (333-333-6210)

(1) A licensee is responsible for:

(a) The violation of any of these rules and any provision of ORS 475A.210 to 475A.722.

(b) Any act or omission of a license representative in violation of any of these rules or any provision of ORS 475A.210 to 475A.722.

(2) A service center license is responsible for any act or omission of a facilitator licensee in violation of any of these rules or any provision of ORS 475A.210 to 475A.722 that occurs on the service center's licensed premises.

(3) Sections (1) and (2) of this rule apply to every individual and legal entity identified as a licensee on a license issued by the Authority.

(4) Violation of any of these rules or any provision of ORS 475A.210 to 475A.722 shall be attributed to every individual and legal entity identified as a licensee on a license issued by the Authority for the purpose of considering the individual or legal entities record of compliance under 475A.250(2)(h).

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420

Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension (333-333-6220)

(1) Before 6:00 AM on the date a license suspension goes into effect, and until the suspension is completed, Authority staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.

(2) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the Authority. The sign will state that the license has been suspended by order of the Authority. If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.

(3) During the period of license suspension, the licensee is responsible for ensuring:

(a) Compliance with all applicable laws and rules.

(b) That the suspension notice sign is not removed, altered, or covered.

(4) A service center licensee or license representative may not allow sale, delivery to or from, or receipt of psilocybin products at the licensed premises, or provision of psilocybin services at licensed premises, during the period that the license is under suspension, except as otherwise

permitted by the Authority in the order of suspension. During the period that the license is under suspension, a licensee may operate the business only in compliance with this rule.

(5) A manufacturer licensee or license representative may not allow sale, delivery to or from, or receipt of psilocybin products at the licensed premises, harvesting or drying of fungi, processing of psilocybin product during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension. During the period that a license is suspended, a licensee may operate the business only in compliance with this rule.

(6) A facilitator licensee may not provide psilocybin services during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension.

(7) A laboratory licensee or license representative may not allow delivery to or from, or receipt of psilocybin products at the licensed premises or testing of psilocybin products during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension. During the period that the license is under suspension, a licensee may operate the business only in compliance with this rule.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420

Waste Management (333-333-8000)

(1) A manufacturer, service center or laboratory licensee must:

(a) Store, manage and dispose of solid and liquid wastes generated during production and processing of psilocybin products in accordance with applicable state and local laws and regulations which may include but are not limited to:

(A) Solid waste requirements in ORS chapter 459 and OAR chapter 340, divisions 93 to 96.

(B) Hazardous waste requirements in ORS chapter 466 and OAR chapter 340, divisions 100 to 106.

(C) Wastewater requirements in ORS chapter 468B and OAR chapter 340, divisions 41 to 42, 44 to 45, 53, 55 and 73.

(b) Store psilocybin waste in a locked waste receptacle or limited access area in the possession of and under the control of the licensee.

(2) If a licensee generates the waste after a harvest or process lot has been recorded, or if the waste was previously designated as a finished psilocybin product, the licensee must document:

(a) A reason for the waste in the psilocybin tracking system.

(b) The exact time and method of destruction in the psilocybin tracking system.

(3) In addition to the requirements of sections (1) and (2) of this rule, waste items consisting of psilocybin products must be rendered unusable and disposed of on the licensed premises or transferred to another licensee for disposal. Psilocybin products may be rendered unusable by composting, mixing with inactive ingredients, or any other method which renders the product unfit for consumption but does not pose a safety risk for accidental consumption.

(4) All psilocybin waste must be disposed of in a manner that effectively prevents spontaneous growth of fruiting bodies or mycelium containing psilocybin.

(5) Material that has been designated as waste must be disposed of pursuant to this rule and may not be used in the production of psilocybin products.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Product Transportation (333-333-8100)

(1) Psilocybin products transferred by licensees.

(a) Psilocybin products transferred between licensed premises may only be transported by a licensee or license representative of the originating or receiving licensee.

(b) Samples of psilocybin products obtained by a laboratory licensee pursuant to OAR 333-333-7100 may only be transported by the laboratory licensee or a laboratory license representative of the receiving laboratory.

(c) Every manufacturer, service center and laboratory licensee must maintain a list of license representatives authorized to transport product or travel in vehicles transporting product.

(2) Physical transport requirements for licensees.

(a) A license representative of a manufacturer, service center or laboratory license who transports psilocybin products on behalf of a licensee must have a valid driver license.

(b) A manufacturer, service center or laboratory licensee must:

(A) Store psilocybin products in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle.

(B) When transporting perishable psilocybin products, provide appropriate temperature control within the delivery vehicle.

(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon.

(D) Deliver psilocybin products to all destinations and return any remaining psilocybin products to the origin premises within 60 hours of original departure and notify the Authority immediately in the manner prescribed by the Authority if they are unable to satisfy this requirement due to inclement weather, mechanical failure, or other unforeseen circumstances.

(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop.

(F) Package all psilocybin products for transport in shipping receptacles and assign and affix a unique identification number to all receptacles containing psilocybin products as required by these rules.

(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest but may prepare a separate psilocybin tracking system manifest for each receiving location in order to maintain transaction confidentiality.

(H) Contact the Authority as soon as possible under the circumstances and in the form and manner prescribed by the Authority, if a vehicle transporting psilocybin products is involved in any accident or other situation involving product loss.

(I) Travel directly from the originating location to the destination location as described in the manifest route.

(J) Notify the Authority in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route.

(K) Upon the Authority's request, make the vehicle and its contents available for inspection if the delivery vehicle is stopped at an unlicensed location.

(c) A licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove psilocybin products from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer psilocybin products to, nor store psilocybin products in or at any unlicensed premises;

(C) Void or change a manifest after departing the originating premises; or

(D) Travel with any persons not listed on the manifest.

(d) Any vehicle that meets the requirements of this rule may be used as a delivery vehicle.

(3) Psilocybin tracking system manifest requirements.

(a) Prior to removing a psilocybin product from the originating licensed premises for the purposes of transport or delivery, the originating licensee must use the psilocybin tracking system to generate a printed transport manifest containing the following information:

(A) The originating location's license number and address as it appears in the psilocybin tracking system.

(B) The destination location's license number and address as it appears in the psilocybin tracking system.

(C) The unique identification number, product name, and quantity of each psilocybin product.

(D) The actual date and estimated time of departure.

(E) Location and duration of time for any overnight stop.

(F) The arrival date and estimated time of arrival or completion of delivery.

(G) The delivery vehicle make, model, and license plate number.

(H) The name, contact information, worker permit number and signature of any license representatives accompanying the transport.

(b) A physical, printed copy of the generated manifest must accompany every transport of psilocybin products.

(4) Psilocybin tracking system requirements when receiving psilocybin products. Upon receipt of a delivery of psilocybin products, the receiving licensee must:

(a) Record each applicable unique identification number as accepted and received or rejected in the psilocybin tracking system as applicable.

(b) Verify the psilocybin products received are as described on the manifest and record receipt of the psilocybin products in the psilocybin tracking system if accepted.

(c) Separately and for each unique identification number document any differences between the quantities specified on the manifest and the quantities received in the psilocybin tracking system.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — General Requirements (333-333-8200)

(1) A service center, manufacturer or laboratory licensee must:

(a) Use the psilocybin tracking system as an inventory and recording keeping system.

- (b) Have a psilocybin tracking system account activated and functional within three business days of being licensed.
- (c) Maintain an active psilocybin tracking system account while licensed.
- (2) Each service center, manufacturer and laboratory licensee must have at least one license holder who is a psilocybin tracking system administrator. A licensee may authorize additional license holders or license representatives to obtain psilocybin tracking system administrator accounts.
- (3) In order to obtain a psilocybin tracking system administrator account, a license holder must attend and successfully complete all required psilocybin tracking system training, except as provided in section (4) of this rule. The Authority may also require additional ongoing, continuing education for individual administrators to retain his or her psilocybin tracking system administrator account.
- (4) A service center, manufacturer or laboratory licensee may designate license representatives as psilocybin tracking system users. A designated user must be trained by a psilocybin tracking system administrator in the proper use of psilocybin tracking system. Notwithstanding section (3) of this rule, a licensee may designate a license representative to attend and successfully complete required psilocybin tracking system training so long as both the licensee and the designated representative obtain psilocybin tracking system administrator accounts.
- (5) Each service center, manufacturer and laboratory licensee must:
- (a) Maintain an accurate and complete list of all psilocybin tracking system administrators and psilocybin tracking system users for each licensed premises and must update the list when a new psilocybin tracking system user is trained.
- (b) Train and authorize any new psilocybin tracking system users before those users are permitted to access the psilocybin tracking system or input, modify, or delete any information in the psilocybin tracking system.
- (c) Cancel any psilocybin tracking system administrator or user from an associated psilocybin tracking system account if that individual is no longer a license representative.
- (d) Correct any data that is entered into the psilocybin tracking system in error.
- (6) Each service center, manufacturer and laboratory licensee is accountable for all actions license representatives take while logged into the psilocybin tracking system or while otherwise conducting inventory tracking activities.
- (7) Nothing in this rule prohibits a service center, manufacturer or laboratory licensee from using secondary separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems. If a licensee uses a separate software application that links to the psilocybin tracking system, it must get approval from the psilocybin tracking system vendor contracting with the Authority and the software application must:
- (a) Accurately transfer all relevant psilocybin tracking system data to and from the psilocybin tracking system for the purposes of reconciliation with any secondary systems.
- (b) Preserve original psilocybin tracking system data when it is transferred to and from a secondary application.

(8) If at any point a service center, manufacturer or laboratory licensee loses access to the psilocybin tracking system for any reason, the licensee must keep and maintain comprehensive records detailing all tracking inventory activities that were conducted during the loss of access.

(a) Once access is restored, all inventory tracking activities that occurred during the loss of access must be entered into the psilocybin tracking system.

(b) A licensee must document when access to the system was lost and when it was restored.

(c) A licensee may not transport any psilocybin product to another licensed premises until such time as access is restored and all information is recorded into the psilocybin tracking system unless the Authority has provided written authorization to do so.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - Reconciliation with Inventory (333-333-8210)

(1) Each service center, manufacturer and laboratory licensee must:

(a) Use the psilocybin tracking system for all inventory tracking activities, as required by these rules.

(b) By 11:59 AM local time of the next calendar day, reconcile all psilocybin product inventories and weights in the psilocybin tracking system to reflect the prior day's activity.

(c) For psilocybin products that have completed potency testing, use the psilocybin tracking system to record the total amount of psilocybin contained in psilocybin products by weight, measured in milligrams.

(2) The requirements of subsection (1)(b) of this rule do not apply to psilocybin spores or mycelium that are in a preproduction process at a manufacturer's licensed premises.

(3) Notwithstanding subsection (1)(b) of this rule, during the first 15 days following the harvest of fruiting bodies or mycelium, daily reconciliation by a manufacturer of the weight of moisture lost to evaporation is not required. The weight of moisture loss must be reconciled by a manufacturer prior to transferring, processing, selling, or packaging the fungi and no later than 15 days after the harvest, whichever comes first.

(4) The requirements in subsection (1)(b) of this rule do not apply during the first ten calendar days of licensure for a service center, manufacturer or laboratory licensee so long as the licensee, has ordered unique identification tags and unique identification tags are in transit to the receiving party.

(5) The requirements in subsection (1)(b) of this rule do not apply to psilocybin products held by a laboratory licensee that are undergoing analytical testing required by these rules so long as the psilocybin products do not leave the laboratory's licensed premises and are reconciled on the same day that the analytical testing concludes.

(6) In addition to the requirements in section (1) of this rule, service centers must record each sale or transfer of a psilocybin product to a client as a sales transaction and record the price before tax and amount of each item sold and the date of each transaction in the psilocybin tracking system for each individual transaction.

Draft rules prepared for September 2022 Rules Advisory Committee

(7) Information that is not required to be recorded and reconciled daily pursuant to section (3) of this rule must be recorded and reconciled within three calendar days of the service center, manufacturer or laboratory licensee's receipt of unique identification tags.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - Unique Identification Numbers (333-333-8220)

(1) A service center, manufacturer or laboratory license must:

(a) Use unique identification tags issued by an Authority-approved vendor that is authorized to provide unique identification tags for the psilocybin tracking system. Each licensee is responsible for the cost of all unique identification tags and any associated vendor fees.

(b) Have an adequate supply of unique identification tags at all times, except during the first 10 calendar days of licensure so long as unique identification tags have been ordered and are in transit to the premises.

(c) Assign and affix a unique identification tag to each separated area containing a cultivation batch of mycelium or fruiting bodies as described in OAR 333-333-8230.

(d) After harvest, assign and affix a unique identification tag to all psilocybin products or receptacles containing psilocybin products.

(e) Assign and affix unique identification tags in a manner that:

(A) Establishes an accurate record of cultivation, harvest and drying of fungi, including documentation of harvest lots and batches as described in OAR 333-333-2020 and OAR 333-333-7090.

(B) Establishes an accurate record when one psilocybin product is converted to another product type.

(C) Uses a new unique identification tag each time a psilocybin product is added to a quantity of psilocybin products grouped together under a pre-existing unique identification tag.

(f) Place tags in a position that can be clearly read by an individual standing next to the item.

(g) Keep tags free from dirt and debris.

(2) To allow for a drying period, the requirements of subsection (1)(e) of this rule do not apply to harvested mycelium or fruiting bodies in the first 15 days after harvest.

(3) The requirements of section (1) of this rule do not apply to psilocybin spores or mycelium that are in a preproduction process at a manufacturer's licensed premises.

(4) A manufacturer licensee may not combine psilocybin products of different size, potency, or type under a single unique identification tag, except for:

(a) Mixed lots of homogenized fungi.

(b) Psilocybin extracts that will undergo further processing.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — Cultivation Batches (333-333-8230)

Draft rules prepared for September 2022 Rules Advisory Committee

- (1) Within 72 hours of beginning a production process, a manufacturer must create a cultivation batch that will contain all fruiting bodies and mycelium produced by that production process.
- (2) A manufacturer must assign each cultivation batch a unique user-generated sequential batch name and record the batch name and location in the psilocybin tracking system
- (3) Batch names and unique identification tags must be physically affixed to the cultivation batch or the separated area where the cultivation batch is physically located as required by OAR 333-333-8220.
- (4) A manufacturer may have an unlimited number of cultivation batches at any one time.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — Inventory Audits (333-333-8240)

- (1) The Authority may perform a physical audit of the inventory of any service center, manufacturer or laboratory licensee at the agency's discretion and with reasonable notice to the licensee.
- (2) A variance between the physical audit and the inventory reflected in the psilocybin tracking system at the time of the audit, which cannot be attributed to normal moisture variation psilocybin products, is a violation.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - User Requirements (333-333-8250)

- (1) A service center, manufacturer or laboratory licensee and any designated psilocybin tracking system administrator or user shall enter data into the psilocybin tracking system that fully and transparently accounts for all inventory tracking activities.
- (2) A service center, manufacturer or laboratory licensee is responsible for the accuracy of all information entered into the psilocybin tracking system.
- (3) An individual entering data into the psilocybin tracking system may only use their own individual psilocybin tracking system account.
- (4) Each psilocybin tracking system administrator and psilocybin tracking system user must have a unique log-on and password, which may not be used by any other person.
- (5) Every psilocybin tracking system user and administrator must hold a valid worker permit as required by ORS 475A.480.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - System Notifications (333-333-8260)

A service center, manufacturer or laboratory licensee must monitor all compliance notifications from the psilocybin tracking system and resolve the issues detailed in the compliance notification

Draft rules prepared for September 2022 Rules Advisory Committee

in a timely fashion. A licensee may not dismiss a compliance notification in the psilocybin tracking system until the licensee resolves the compliance issues detailed in the notification.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

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