

Licensed psilocybin facilities & the state building code:

Regulations, assumed hazards, and occupancy classifications

Overview

In accordance with Oregon Revised Statute (ORS) 475A, the Oregon Health Authority (OHA) licenses and regulates the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the administration of psilocybin services throughout the state. Psilocybin facilities governed by OHA and their licensure requirements include licensed psilocybin manufacturers, licensed psilocybin service centers, and licensed psilocybin laboratories.

Manufacturing and laboratory uses follow a clear and direct code path for occupancy classification and the associated levels of compliance under the state building code, which is dictated by processing details, systems used, commodities present, amounts of materials anticipated, hazardous material reports, storage details, and similar information.

In contrast, licensed psilocybin service centers where individual “clients” are permitted to consume the product under the supervision of “licensed facilitators” require a more detailed analysis to identify the assumed relative risk profile, the associated reasonable safeguards, and the appropriate path to occupancy classification. This technical bulletin details the overlay of the state building code for these services and the applicable occupancy classification for the licensed centers.

Regulation and assumed hazards

As set forth by ORS 475A and the associated Oregon Administrative Rules (OAR) in Chapter 333, Division 333, psilocybin service centers are not health care facilities, psilocybin products are not medicines, and services provided by licensed facilitators are not medical services and do not require a medical professional’s approval or prescription. Based on the extensive data, research, and information provided and made available by OHA, the consumption of psilocybin in regulated facilities will only be in controlled environments, overseen by a specific ratio of licensed facilitators that have undergone specialized training. The amount of psilocybin permitted to be consumed by an individual client is directly relative to the number of specialty trained staff that must be present.

Under the application of the state building code, any proposed use is classified based on assumed relative risk profiles, application of defined terms, nature of the occupancy, potential hazards to the occupants, and other considerations. Where a specific use does not perfectly match the various uses described by the code, the code guides the appropriate classification based on resemblance of assumed fire safety and relative hazard.

The licensed service center clients are not rendered *incapable of self-preservation* by consuming psilocybin according to the existing definition, and no type of defined *care* is being administered, including *medical care*. Here are two of those specific definitions from Chapter 2 of the Oregon Structural Specialty Code (OSSC):

INCAPABLE OF SELF-PRESERVATION. *Persons who, because of age, physical limitations, mental limitations, chemical dependency or medical treatment, cannot respond as an individual to an emergency situation.*

MEDICAL CARE. *Care involving medical or surgical procedures, nursing or for psychiatric purposes*

The allowable number of clients permitted to consume the psilocybin product is limited based on the number of trained staff members present at the licensed facility. Areas where the psilocybin products are consumed are required to be free of conditions that could pose a risk to clients experiencing the effects of the product, are prohibited from being locked or otherwise configured to prevent egress, and must be maintained in accordance with their required Service Center Emergency Plan.

Based on the information available, including; the overarching statutory language, details from OHA's subject matter experts, resources linked below, and all determinations made by OHA's Oregon Psilocybin Advisory Board, a clear and direct resemblance to a common existing occupancy exists when considering associated fire safety and relative assumed hazard.

These licensed and regulated service centers most nearly resemble existing licensed and regulated occupancies where occupants are permitted to freely consume intoxicants, except that psilocybin service center clients are closely monitored by trained and specialized staff in a more highly regulated and controlled environment. There are no known inherent risks unique only to licensed psilocybin service centers and the services they provide that do not exist elsewhere in similar common existing uses.

Occupancy classification

The tendency to approach unfamiliar specialized uses from an often overly conservative perspective is common and predictable. Once the scientific and technical details are identified by subject matter experts through their extensive research, data, testing and advisory board determinations, in conjunction with layered regulatory oversight; the assumed level of hazard and relative risk becomes more apparent and enables increased accuracy when considering the overarching classification assignment guidance of OSSC Chapter 3 Section 302.1 and the overarching charge of providing those reasonable safeguards for occupants and users of buildings.

The appropriate occupancy classification for psilocybin service centers throughout Oregon will be designated based on the design occupant load of the building, or portion thereof:

Design occupant load	Occupancy classification
49 or fewer	Group B
50 or more	Group A-2

References

The following is a list of references to allow independent access to information and data incorporated herein. This is not an exhaustive list of references.

- ORS 475A:..... oregonlegislature.gov/bills_laws/ors/ors475a.html
- OAR Chapter 333, Division 333:..... sos.oregon.gov/pages/index.aspx
- OHA | Oregon Psilocybin Services:..... oregon.gov/oha/ph/preventionwellness/pages/oregon-psilocybin-services.aspx
 - OHA | Psilocybin information:..... sharesystems.dhsoha.state.or.us/dhsforms/served/le4226.pdf
 - OHA | Scientific Literature Review:..... oregon.gov/oha/ph/preventionwellness/pages/psilocybin-scientific-literature-review.aspx

Questions?

For information about a specific project, contact the local building department: oregon.gov/bcd/lbdd.