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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

11/21/2025 11:05 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Oregon Psilocybin Services – Licensed Premises Location Requirements

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Public Health Division
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/16/2025

TIME: 12:00 PM

OFFICER: Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1612832365

SPECIAL INSTRUCTIONS:

This hearing is being held remotely via Zoom.

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1612832365?pwd=mfQc3nHxvjRmgbjvSSKpTaElfGdrxm.1>

Call in: 1-669-254-5252 (US)

Meeting ID: 161 283 2365

Passcode: 987789

To sign up to provide oral comments at the hearing, please visit

<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/Pages/Psilocybin-Administrative-Rules.aspx> or send an email to publichealth.rules@odhsoha.oregon.gov.

OHA welcomes all participants. If you have any questions about accommodations or need any assistance to participate please contact the Oregon Psilocybin Services team at 971-673-0322, 711 TTY, or

OHA.Psilocybin@odhsoha.oregon.gov, at least 48 hours before the meeting. Every effort will be made to provide services to requests received at least 48 hours in advance, however submitting your request as early as possible is greatly appreciated.

NEED FOR THE RULE(S)

The Oregon Health Authority, Public Health Division, Oregon Psilocybin Services (OPS), is proposing to permanently amend OAR 333-333-4300 to remove an unnecessary reference and clarify requirements for temporary events at licensed psilocybin service centers.

The rule is needed to ensure that licensed psilocybin service centers are not able to host temporary events at their premises after 11:59 PM. Events that extend beyond 11:59 PM are not consistent with the safe and orderly operation of psilocybin service centers; and they are more likely to involve intoxicated individuals who have consumed alcohol at neighboring businesses. These rule changes were filed as temporary changes effective August 29, 2025 through February 24, 2026 (Temporary Administrative Order PH 15-2025) and this proposed permanent rulemaking seeks to make those changes permanent.

The rule also proposes to allow for single written notice of temporary events at a service center occurring within a 180-day period.

The rule clarifies requirements for manufacturers by removing an unnecessary reference to Oregon Department of Agriculture requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 475A: https://www.oregonlegislature.gov/bills_laws/ors/ors475A.html

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule will impact all psilocybin service centers and manufacturers in Oregon. The rule is likely to have a neutral impact on racial equity. OPS is not aware of any factors that would result in separate communities being impacted differently by the adoption of this rule.

FISCAL AND ECONOMIC IMPACT:

OPS will incur minimal cost to implement the rule. No other state agencies will incur costs. To the extent that service centers have generated revenue from hosting late night events, those licensed businesses are likely to experience a loss of revenue. However, licensed businesses will not incur any cost to comply the rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) OPS will incur some cost to implement this rule. OPS will devote resources to monitoring compliance and educating licensees. There is no cost of compliance impact to local government or the public.

(2)(a) This rule impacts services centers and manufacturers only. OPS estimates that many licensed psilocybin service centers and manufacturers will meet the definition of small businesses. As of November 18, 2025, there are 24 psilocybin service centers and 11 manufacturers in Oregon.

(b) The proposed rule does not require additional reporting, recordkeeping or professional services. Small business may incur some costs to educate their staff on new requirements and adjust business operations as needed.

(c) The proposed rule does not require additional equipment or supplies. Small business may incur some costs to educate their staff on new requirements and adjust business operations as needed.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses participated in the rules advisory committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 333-333-4300

RULE SUMMARY: OAR 333-333-4300: Proposed amendments remove a redundant reference to Oregon Department of Agriculture licensure for psilocybin manufacturers. The amendments also make changes to the requirements for holding authorized temporary events at licensed service centers. The amendments allow a service center to provide a single notice for temporary events occurring over a 180-day period. The rule is being amended to require that temporary events may not occur after 11:59 PM. This change is consistent with hours of operation described in other rules within OAR 333-333.

CHANGES TO RULE:

333-333-4300

Licensed Premises Location Requirements

- (1) A licensed premises may not be located on state or federally owned land.¶
- (2) The interior and exterior areas of a licensed premises may not overlap with:¶
 - (a) An area that is licensed or certified or otherwise approved by the Oregon Liquor and Cannabis Commission, under ORS 475C.065, ORS 475C.085, ORS 475C.093 or ORS 475C.097, a licensed premises under ORS chapter 471 or a retail liquor store appointed as an agent.¶
 - (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) An area used as an industrial hemp operation by an industrial hemp grower or handler licensed by the Oregon Department of Agriculture under ORS 571.281. ¶
 - (f) A health care facility licensed under ORS chapter 441.¶
 - (g) An area 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.¶
 - (i) An area that has been issued another license under ORS chapter 475A.¶
- (3) The licensed premises of a service center may not be located:¶
 - (a) Except as provided in ORS 475A.310 and OAR 333-333-4130(4), 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.¶
- (4) A manufacturer with an edible psilocybin production endorsement may not:¶
 - (a) Engage in processing in an area 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 where psilocybin will be produced, with another person or entity; or¶
 - (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.~~¶
- (5) A manufacturer, service center or laboratory license is prohibited from subletting any portion of the licensed premises.¶
- (6) A service center may authorize the temporary use of the licensed premises for activities that are unrelated to the exercise of license privileges. Activities related to the regular operation of the licensed business, such as staff

meetings, are not temporary uses.¶¶

(a) The requirements of these rules and ORS 475A.210 to 475A.722 remain in effect during authorized temporary uses and licensees are responsible for any violation of these rules and ORS 475A.210 to 475A.722 that occurs on the licensed premises during an authorized temporary use. Requirements include but are not limited to prohibiting any person under 21 years of age from being present on the licensed premises, preventing access to limited access areas, ensuring that no alcoholic beverages or other intoxicants are consumed during the temporary use, complying with local time, place and manner regulations and following applicable rules on food service.¶¶

(b) A service center must provide advance written notice in the form and manner prescribed by the Oregon Health Authority (Authority) of temporary uses of the licensed premises for activities unrelated to the exercise of licensed privileges at least five business days prior to the authorized temporary uses in the form and manner prescribed by the Authority. Service centers may use a single written notice to provide advance notice of multiple and reoccurring events occurring within ~~9~~180 days following the date of the notice.¶¶

(c) Psilocybin products may not be sold or transferred, and no psilocybin services may be provided, during an authorized temporary use.¶¶

(d) A licensee representative must be present at the licensed premises for the duration of the authorized temporary use.¶¶

(e) An authorized temporary use may only occur between the hours of 6:00 AM and 11:59 PM local time.

Statutory/Other Authority: ORS 475A.235

Statutes/Other Implemented: ORS 475A.235, ORS 475A.305, ORS 475A.310