

Bylaws of the Oregon Psilocybin Advisory Board

Article I—Name

The name is the Oregon Psilocybin Advisory Board (OPAB)

Article II—Authority, Role and Responsibilities of the OPAB

(1) Creation of the Oregon Psilocybin Advisory Board

The Oregon Psilocybin Advisory Board is established within the Oregon Health Authority (OHA) pursuant to the Oregon Psilocybin Services Act of 2020 (“Act”).

(2) Role and Responsibilities of the OPAB

The OPAB shall:

- Provide advice to OHA with respect to the administration of sections 3 to 129 of this Act;
- Make recommendations to OHA on available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in treating mental health conditions, including but not limited to addiction, depression, anxiety disorders, and end-of-life psychological distress;
- Make recommendations to OHA on the requirements, specifications and guidelines for providing psilocybin services to a client;
- Make recommendations to OHA on public health and safety standards and industry best practices for each type of licensee under sections 3 to 129 of this Act;
- Make recommendations to OHA on the formulation of a code of professional conduct for psilocybin service facilitators, giving particular consideration to a code of ethics;
- Make recommendations to OHA on the education and training that psilocybin service facilitators must complete;
- Make recommendations to OHA on the examinations that psilocybin service facilitators must pass;
- Make recommendations to OHA on public health and safety standards and industry best practices for holding and completing an administration session;

- Develop a long-term strategic plan for ensuring that psilocybin services will become and remain a safe, accessible and affordable therapeutic option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate;
- Monitor and study federal laws, regulations and policies regarding psilocybin;
- Attempt to meet with the United States Attorney's Office for the District of Oregon to discuss this Act and potential federal enforcement policies regarding psilocybin in Oregon after the expiration of the two-year program development period.

Article III—Members

(1) Composition of the OPAB

- a) The Public Health Director or the Public Health Director's designee
- b) The State Health Officer or a physician licensed under ORS chapter 677 acting as the State Health Officer's designee
- c) A designee of the Oregon Health Policy Board
- d) Fourteen to sixteen members appointed by the Governor, including any four of the following:
 - A) A state employee who has technical expertise in the field of public health
 - B) A local health officer, as defined in ORS 431.003
 - C) An individual who is a member of, or who represents, a federally recognized Indian tribe in this state
 - D) An individual who is a member of, or who represents, the Addictions and Mental Health Planning and Advisory Council within OHA
 - E) An individual who is a member of, or who represents, the Health Equity Policy Committee within OHA
 - F) An individual who is a member of, or who represents, the Palliative Care and Quality of Life Interdisciplinary Advisory Council within OHA
 - G) An individual who represents individuals who provide public health services directly to the public
- e) A psychologist licensed under ORS chapter 675 who has professional experience engaging in the diagnosis or treatment of a mental, emotional, or behavioral condition

f) A physician licensed under ORS chapter 677 who holds a degree of Doctor of Medicine

g A naturopathic physician licensed under ORS chapter 685

h) An expert in the field of public health who has a background in academia

i) Any three of the following:

A) A person who has professional experience conducting scientific research regarding the use of psychedelic compounds in clinical therapy

B) A person who has experience in the field of mycology

C) A person who has experience in the field of ethnobotany

D) A person who has experience in the field of psychopharmacology

E) A person who has experience in the field of psilocybin harm reduction

j) A person representing the Oregon Liquor Control Commission who has experience working with the system developed and maintained by the commission under ORS 475B.177 for tracking the transfer of marijuana items

k) A person representing the Oregon Department of Justice

l) The following:

A) During the two-year program development period:

(i) One of the chief petitioners of this 2020 Act; and

(ii) One or two at-large members

B) After the two-year program development period, one, two, or three at-large members.

(2) Terms of Office

The term of office of each member appointed by the Governor is four years. Before the expiration of the term of a member, the Governor will appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment.

“Full term” means a period of four years. Terms of office fewer than four years shall not be considered “full terms.”

If there is a vacancy for any cause other than expiration of the term of office, the Governor will make an appointment to become effective immediately for the unexpired term.

(3) Removal of Members

The Governor may remove any member of the board at any time, the members serve at the pleasure of the Governor.

(4) Duties and responsibilities of a member:

- a) In the course of conducting OPAB business, a member is expected to work in furtherance of the stated role and responsibilities of the board rather than the interest of any profession, institution, or individual.
- b) A member must notify the chairperson and the Oregon Psilocybin Services section manager if contacted by a member of the media concerning OPAB business as soon as practicable or within 24 hours of a media request. A member will direct all media inquiries to the Chair as the official spokesperson of the OPAB for media contacts. A member may voice their perspective to the media but only if it is specifically noted to be in their personal or professional capacity rather than in their official capacity as an OPAB member or as representing a position of the OPAB.

Article IV—Officers and their duties

The officers of the OPAB will be a chairperson and two vice chairpersons (“OPAB leadership”).

(1) Selection of Officers

Each officer will be elected by a majority vote of the OPAB for a one-year term or until a successor is elected. A term of office begins at the close of the meeting at which elected. A vacancy, which occurs before the expiration of a term of office, can be filled by a majority vote at any regular meeting of the OPAB.

(2) Duties and responsibilities of the chairperson:

- a) The chairperson will preside over OPAB meetings, with the assistance of the Oregon Psilocybin Services section manager and other OHA staff. The chairperson may declare motions out of order if the motion is repetitive, conflicts with law, conflicts with previously adopted motion, is outside the scope of OPAB’s authority, or appears frivolous or disrespectful. In case of a scheduled absence of both the chairperson and vice-chairperson, the chairperson will select another member to preside over that upcoming meeting.

- b) The chairperson has all the rights, duties, and responsibilities of a regular OPAB member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the OPAB while presiding.
- c) The chairperson will work closely with the Oregon Psilocybin Services section manager and other OHA staff on administrative matters of the OPAB.
- d) The chairperson, in consultation with OHA staff, shall set agendas for all OPAB meetings. Requests to add agenda items and associated meeting materials must be made to the chairperson and section manager in writing. Requested agenda items should specify whether a motion will be requested and the nature of the motion.

(3) Duties and responsibilities of the vice chairperson:

- a) The vice-chairperson has all the rights, duties and responsibilities of a regular OPAB member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.
- b) The vice-chairperson will act for the chairperson in the chairperson's absence.
- c) The vice-chairperson will assist the chairperson in performing OPAB duties as delegated by the chairperson.

Article V—Meetings and Public Records

(1) Frequency and location of meetings

During the two-year program development period, the OPAB shall meet at least once every two calendar months at a time and place determined by the chairperson or a majority of the voting members of the board. After the two-year program development period, the OPAB shall meet at least once every calendar quarter at a time and place determined by the chairperson or a majority of the voting members of the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the voting members of the board. The board may meet virtually by teleconference or videoconferencing so long as the public has an opportunity to listen to or view the meetings. Virtual meeting options will be available for members and the public during in-person meetings. Any in-person meetings must be within the State of Oregon at a place accessible to the public.

(2) Public meeting law

The Oregon Public Meetings Law ORS 192.610-192.690 applies to meetings of the OPAB and its subcommittees.

(3) Public records law

The Oregon Public Records Law ORS 192.311 to 192.478 applies to public records created or maintained by the OPAB, its subcommittees and individual members.

(4) Quorum

A majority of voting members constitute a quorum. If a subcommittee fails to meet quorum for two meetings in a row, that subcommittee will not convene for the remainder of the calendar year. Notwithstanding this requirement, OPAB leadership may determine that the subcommittee may continue to meet if failure to satisfy quorum was due to extenuating circumstances.

(5) Voting

- a) All official actions by governing bodies must be taken by public vote.
- b) The vote of each member must be recorded ORS 192.650(1)(c).
- c) Written ballots are not prohibited, but each ballot must identify the member voting and the vote must be announced.
- d) Secret ballots are prohibited.
- e) Proxy voting is not authorized.
- f) Unless otherwise specified in these bylaws that a two-thirds vote is required, a majority of voting members must vote “yes” to pass a motion.
- g) Members described in Article III (1)(a-c) are non-voting members. However non-voting members may make or second a motion.

(6) Special meetings

Special meetings may be scheduled as needed through a discussion between the chairperson and vice chairperson. The chairperson or vice chairperson will schedule through OHA staff. All OPAB members shall be notified in writing not less than forty-eight hours in advance of the special meeting. Such notification shall include the time, place and purpose of the special meeting. All public meeting laws will apply to special meetings.

Article VI—Subcommittees

(1) Types of Subcommittees

The OPAB may appoint subcommittees as needed to assist the OPAB.

(2) Selection of Subcommittees

- a) The creation of subcommittees requires approval of the OPAB and the Oregon Psilocybin Services section manager.
- b) On March 1, 2023, all previously created subcommittees will dissolve. OPAB will create new subcommittees during their scheduled meeting on February 2, 2023. OPAB will consider nominations for subcommittee chairs and members during their scheduled meeting on May 5, 2023. OPAB will also determine meeting frequency and schedule subcommittee meetings for calendar year 2023 during the May 5 meeting.
- c) Appointments to subcommittees may be nominated by any member of the subcommittee or any member of the full OPAB and require approval of the subcommittee. Nominations may also draw from applicants identified in a public application process.
- d) After subcommittee approval, appointments to subcommittees require approval of the OPAB.
- e) The term of office of each subcommittee member is two years. Before the expiration of the term of a member, OPAB will appoint a successor. A member is eligible for reappointment.
- f) Subcommittee members that were appointed prior to the effective date of these bylaws do not require further approval by OPAB.

(3) Composition of Subcommittee Members

- a) A subcommittee may consist of either 5 or 7 members, the majority of which must be OPAB members.
- b) OPAB leadership may determine that a subcommittee may exceed the membership limitations described in (a) if doing so is necessary to achieve the subcommittee's objectives.

(4) Duties and responsibilities of the chairperson:

- a) Each subcommittee shall elect a chairperson, or two co-chairs, by a majority vote of the OPAB for a one-year term or until a successor is elected. A term of office begins at the close of the meeting at which elected. A vacancy, which occurs before the expiration of a term of office, can be filled by a majority vote at any regular meeting of the subcommittee.

- b) The chairperson(s) has all rights, duties, and responsibilities of a regular subcommittee member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the subcommittee while presiding.
- c) The chairperson(s) will work closely with the Oregon Psilocybin Services section manager and other OHA staff on administrative matters of the OPAB.
- d) The chairperson(s), in consultation with OHA staff, shall set agendas for all OPAB meetings pursuant to the Subcommittee Policy. Requests to add agenda items and associated meeting materials must be made to the chairperson and section manager, or designee, in writing. Requested agenda items should specify whether a motion will be requested and the nature of the motion.
- e) The chairperson(s) will preside over subcommittee meetings. Oregon Psilocybin Services staff will provide technical assistance.

(5) Voting and Quorum of subcommittees

- a) Subcommittee voting must be in accordance with the requirements of Article V section 5 except for members described in Article III (1)(a-c) and non-OPAB subcommittee members may vote in motions before the committee
- b) A majority of subcommittee members constitutes a quorum
- c) A majority of voting members of subcommittee members must vote “yes” to pass a motion

Article VII —Adoption and Amendment of Bylaws

These bylaws will become effective upon approval of the OPAB at a duly convened meeting. Members must be given notice of such a vote prior to the meeting.

These bylaws may be amended by a majority of voting members of the OPAB. An amendment may be offered only if it has been included in the written agenda provided to OPAB members prior to the meeting.

Article VIII—Travel and Subsistence

Members of the OPAB are entitled to compensation and expenses as provided in ORS 292.495.

Members of the OPAB may claim reimbursement for actual and necessary travel expenses incurred in the performance of their official duties, including the attendance at OPAB meetings. Such reimbursement will be subject to policies and guidelines adopted by the OHA. Reimbursement amounts will use state of Oregon per diem meal and

lodging allowances and follow state travel expense rules. Expense claims will be paid, subject to availability, from Oregon Psilocybin Services general or other funds.

Only OPAB members participating in a subcommittee meeting may submit travel expenses for reimbursement by OHA when:

1. The specified subcommittee meeting has an agenda, list of attendees, and has been approved by the Chair of the OPAB and submitted to the Oregon Psilocybin Services.
2. The subcommittee is meeting for business purposes only, travel expensed reimbursement is not intended for subcommittee meetings that include public education or public advocacy sessions.

Article IX – Ethical Conduct, Conflict of Interest

1) In addition to the obligation of OPAB board members and OPAB subcommittee members to publicly announce or disclose conflicts of interest before participating in any allowable official action on the issue giving rise to the conflict of interest, pursuant to ORS 244.120(2)(a) and ORS 244.120(2)(b), at least once per calendar year, OPAB board member and OPAB subcommittee members shall declare any employment interest, financial interest, or business connection publicly.

- a. An employment interest exists when a board or subcommittee member, or a relative of the board or subcommittee member, member of their household or other family member is employed by or provides professional services to a business or person that is currently licensed or certified by OPS, or has had a training program approved by OPS, or if the board or subcommittee member, their relative, household or other family member intends to apply for licensure, certification, or training program approval by OPS in the future.
- b. A financial interest exists when a board or subcommittee member, or a relative of the board or subcommittee member, member of their household or other family member holds an ownership interest in a business that is currently licensed or certified by OPS, or has had a training program approved by OPS, or if the board or subcommittee member, their relative, household or other family member intends to apply for licensure, certification, or training program approval by OPS in the future.
- c. A business connection exists when a board or subcommittee member, or a relative of the board or subcommittee member, member of their household or other family member forms a venture with a business that is currently licensed or certified by OPS, or has had a training program approved by OPS, or if the board or subcommittee member, their relative, household or other family member intends to apply for licensure, certification, or training program approval by OPS in the future for purpose of generating revenue.

2) While acting as members of the OPAB, members will adhere to the highest standards of ethical conduct and will be responsible for understanding and acting in accordance with the provisions of ORS chapter 244, including the code of ethics.