

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.

~~(3)~~(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.

~~(40)~~ (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.

~~(44)~~ (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.

~~(42)~~ (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.

~~(43)~~ (40) “Manufacturer” means a manufacturer licensed under ORS 475A.290.

~~(44)~~ (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.

~~(45)~~ (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.**

~~(24)~~ **(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 homelessness, 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.**

~~(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)

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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)

- (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)

(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.

(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.

(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)

- (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.
- (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.

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.

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:
 - (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)

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)

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)

- (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)

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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 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:

(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)

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)

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:

(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

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