



January 14, 2022
Oregon Psilocybin Advisory Board
Tom Eckert, Chair
Atheir Abbas, Vice-Chair
Angela Carter, Vice-Chair

Dear Board Members:

Thank you for providing recommendations to the Oregon Health Authority (OHA) Oregon Psilocybin Services Section expedited rules on Training, Products and Testing. We have considered your recommendations in the initial drafting of these rules. As mentioned in the Oregon Psilocybin Advisory Board (OPAB) Meetings, the draft rules will be further refined during the Rules Advisory Committee and Public Comment processes this spring before being finalized in May. While most of the board's recommendations were incorporated into the draft, some were not. This letter explains OSP's rationale for those recommendations that were not included.

Products

- OPAB has recommended that OHA review product types on an annual basis and publish reports on our findings. This recommendation has not been included in the draft rules. Administrative rules typically address licensee conduct and the relationship between state agencies and the public. This recommendation addresses internal operations and is therefore not appropriate for rule making. OHA can discuss product types with OPAB at as needed.
- OPAB recommended that OHA allow ingestible, pulmonary, transmucosal, and transdermal delivery methods for psilocybin products. OHA did not include this recommendation in the draft rules due to statutory language used in M109. The measure consistently uses the terms "consume" and "consumption" when referring to psilocybin products and administrative session. The common meaning of consume means to eat, drink, or ingest. After further evaluating the issue, OHA determined that the text of the measure limits psilocybin products to those products that can be consumed orally. The draft rules reflect this understanding.
- OPAB recommended that OHA create a list of allowed and prohibited additives and ingredients in psilocybin products. This approach would be burdensome and resource intensive to implement. Instead, the draft rules propose prohibiting additives and ingredients that could increase potency, duration of effect or toxicity in psilocybin products. Prohibited additives include, but are not limited to cannabis, beverage alcohol and monoamine oxidase inhibitors.

Training

- OPAB recommended that training programs require certain materials from prospective students, including permission to perform criminal background checks. OHA is unable to adopt rules establishing requirements for training programs unless these requirements are directly related to curriculum. M109 gives OHA authority to approve courses for facilitator trainingⁱ. OPS lacks authority to regulate other aspects of training program operations.
- OPAB recommended the approval of partial training programs. After careful consideration, OHA has determined that this recommendation is too resource intensive to implement effectively. If partial training programs were to be approved, OHA would be required to verify that each applicant for a facilitator license has completed the entirety of the required training curriculum. This could mean verifying records and transcripts from multiple sources. OHA anticipates that we will not have access to the resources and expertise required to do this work.

As a practical matter, unapproved partial programs could remain a viable option. Partial training programs that specialize in certain subjects could partner or contract with comprehensive training programs to teach a portion of their curriculum. Additionally, students who may have completed partial training program courses could apply for accelerated hours or course credit upon enrolling in an approved comprehensive training program.

To date, OPAB has provided over fifty recommendations. Most of these recommendations have been incorporated into the first version of our draft rules. The board's work has been invaluable in this process and we look forward to continuing to work with you going forward. If you'd like to provide further input during the rule making process, any board member may provide feedback in their individual capacity during the public comment period, April 1 to April 21, 2022.

Sincerely,

Andre Ourso, Administrator, Center for Health Protection
Angie Allbee, Section Manager, Oregon Psilocybin Services

ⁱ Ballot Measure 109 (2020), Section 41