Public Health Division

Medical Cannabis & Psilocybin (MCAP) Section

Tina Kotek, Governor

255 Capitol Street NE | Salem, OR 97310 0203
Phone: 971-673-0322
OHA.Psilocybin@oha.oregon.gov
www.oregon.gov/psilocybin

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November 2, 2026 - MCAP Psilocybin Rules Advisory Committee Meeting Transcript

- 15:01:11 Thank you so much, Jesse, and hello everyone again for the record. My name is Angie Allbee. I use she/her pronouns, and I'm the Section Manager for the newly merged Medical Cannabis and psilocybin section. Our acronym is MCAP.
- 15:01:25 Because we know state government loves acronyms. On September 1st of this year, the Oregon Medical Marijuana Program and Oregon Psilocybin Services Section were merged together to create this section.
- 15:01:39 And although this section now includes the medical cannabis and psilocybin programs, the statutes and the rules for both programs will

remain separated. So I just want to make that emphasis known to everyone that's here.

- 15:01:53 Um, as you all are aware, our previous rules were proposed in July of this year and included significant increases to licensing fees, as well as elimination of reduced fees for qualifying applicants. And since that time, the Oregon Health Authority has stopped that rulemaking.
- 15:02:13 and restarted this rulemaking, which does not include those licensing fee increases or the elimination of reduced fees.
- 15:02:22 So, um, this rack, this rules advisory Committee, has been convened to seek input and suggestions on proposed amendments to OAR, Oregon Advised Oregon Administrative Rules Chapter 333.
- 15:02:37 Division 333. Um, we call this OAR 333333 for short. This is not a forum to discuss previous rulemakings, changes to statutes, or existing rules that have already been adopted, that already went through a rulemaking process.
- 15:02:57 Um, and this isn't a conversation about the budget. This is specifically to discuss proposed rules, and the RACS rule is advisory in nature. So consensus is not required, and OHA continues under law to have that final rulemaking authority.
- 15:03:17 But your conversations help to shape the considerations for those proposed rules.
- 15:03:23 Um, just a quick note, proposed rules may include certain modifications to the previously proposed rules, and one of those changes includes a rule change to align with the higher education coordinating Commission.
- 15:03:39 requirements. They at the HEC have recently changed their practice around determinations, and so our rules have been proposed to align with this new change in their regulatory.
- 15:03:54 framework for how they do determination work. We were unable to include this in the previous set of proposed rules because of timing. We heard about the change after our proposed rules had already been, um... introduced, and so that's just one example of a few rule changes, um, that are a little different in this rule set, and Jesse will provide more context about those changes throughout this RAC discussion.
- 15:04:23 Um, finally, I just want to thank you all for being present today, coming back to be with us, sharing your feedback and volunteering your

time to support these really important discussions. We very much appreciate your engagement, participation, and your feedback.

- 15:04:42 And I just wanted to make sure that I opened this up to address this Rule Advisory committee, and to thank you all for your time.
- 15:04:51 With that, Jesse, I'm going to turn it back over to you, and I will hop off.
- 15:04:56 Have a great day.
- 15:04:58 Thank you, Angie. And thank you all for joining us. Again, my name is Jesse Sweet. I use he/him pronouns, and I am the policy analyst.
- 15:05:09 for... getting used to the new section title. Let me let me pause and and start that again. I am the psilocybin policy analyst for the Medical Cannabis and psilocybin section.
- 15:05:23 As Angie mentioned, this RAC was convened to seek input on proposed rule changes. And we formed this rack by inviting all participants who were part of the July 2026 RAC meeting.
- 15:05:39 We also invited the legislative sponsor, as we are required to do so.
- 15:05:45 There are some legislative changes, excuse me, there are some rule changes that are necessary to implement recent legislation, and that is House Bill 4040, which you will see written in the drafts as Oregon Laws 2026 Chapter 109.
- 15:06:04 I'm going to. Call the role just to avoid any confusion. And then, after I've called the role for invitees who have confirmed, I'll leave it open if there's anybody who did receive an invitation, um.
- 15:06:20 who was not able to, uh, to RSVP. So going alphabetical by first name, do we have Amy Charlesworth?
- 15:06:31 Thank you. Ann Hamilton.
- 15:06:37 And Courtney Campbell let us know that he would not be available today.
- 15:06:44 Here.
- 15:06:41 Gary Bracelin. And Gary, I apologize. I see just now that your name is misspelled on the agenda.
- 15:06:50 We gave you two C's.
- 15:06:53 I guess that's extra.
- 15:06:55 Okay. Do we have? Jade Wachowski.

- 15:07:00 Yes, present. I may have to leave intermittently, but I am here for now. So thank you.
- 15:07:05 Thank you. Jay Cusker. Okay, you're here. Thank you, Jay.
- 15:07:13 Josh Goldstein. Thank you.
- 15:07:15 I'm here.
- 15:07:18 Christina Maxey. Larry Lombard.
- 15:07:25 Here.
- 15:07:25 Thank you. Lisa Snyder. Okay. Is Marcy Addy present?
- 15:07:30 Here?
- 15:07:35 Thank you. Mariah Monkada.
- 15:07:41 Thank you. Marlon Hofer.
- 15:07:45 Yes, I'm here.
- 15:07:48 Hey, Michael Ng. Thank you. Sam Chapman.
- 15:07:49 I am here.
- 15:07:54 Bells and whistles, Jesse.
- 15:08:01 Here.
- 15:07:57 Thank you, Sam. Sam Gross. Okay, that is the list of folks who Rsvp'd. Yes. Is there anyone else present?
- 15:08:10 who received an invitation, who was not able to RSVP. If so, you can raise your hand.
- 15:08:20 All right. Thank you all.
- 15:08:31 Again, the purpose of this rack is to provide input on the proposed rules as well as the fiscal and racial impact statement. We are looking to.
- 15:08:43 address that racial impact, fiscal and racial impact statement in the next meeting on the 4th. Although, I suppose if we get through these rules really quickly, we could get to it today.
- 15:08:55 The agency authority to adopt rules is derived from statute. The rules must be within the scope of the statute and cannot conflict.
- 15:09:03 Uh, rules do not typically address an agency's internal process.
- 15:09:08 As was discussed previously, the RAC's role is advisory only, and consensus is not necessary, and we will not be making any decisions in this meeting today.

- 15:09:19 To the extent that MCAP staff, myself or Emily, provided additional input during the rack. We do so in order to place these draft rules in context and clarify how they're intended to function.
- 15:09:32 After this rack has concluded, program staff will consider the information shared, and we may make final amendments, and then the next step is to file a notice of proposed rulemaking hearing with the Oregon Secretary of State.
- 15:09:48 Our timeline proposes to do this on December first, st which would give us a public comment period from December first through the 21st.
- 15:09:58 With proposed rules potentially effective on January 15, th 27 as our target date.
- 15:10:06 And of course, those final rules adopted may be amended based on the comments that we received during the public comment period.
- 15:10:16 per OHA policy members of the public may observe, but may not participate or offer public comment during this meeting. Participation is limited to RAC members and members of the public are asked to keep their cameras off.
- 15:10:31 That helps us with the file size, and it also helps eliminate distractions.
- 15:10:36 We also ask that RAC members use the letters RAC in your screen name. That helps us out as facilitators if you're able to add that to your screen name.
- 15:10:50 We also ask that you do not deliberate outside the meeting in order to stay consistent with public meetings requirements.
- 15:10:57 Um, if there's a document that you would like to share between meetings, please send it to staff.
- 15:11:02 That's myself or Emily York. Audio recordings will be posted to the website. That may take a couple days after the meeting concludes.
- 15:11:13 We ask that everybody remain muted and use the raise hand function.
- 15:11:19 Also, we have a lot of material to cover. We're going to go section by section.
- 15:11:24 I will introduce each section with a summary and then Emily will handle facilitation of the discussion. This is a little bit of a larger rack than some of our prior groups. So we would ask everybody to keep that in mind when you're making your comments.

- 15:11:44 Just to ensure that we have enough room for everybody who would like to speak to offer their feedback.
- 15:11:53 We have invited members with different backgrounds and perspectives, and we want to hear from everybody.
- 15:11:59 Um... and we really like it when you find typos, but we will not correct them in real time. We'll just note them for later.
- 15:12:09 And we won't be making any corrections in real time. We will just be taking your feedback.
- 15:12:18 Finally, the proposed amendments are presented using tracks changes.
- 15:12:24 There are different colors, I think for moving text versus adding text, but that's the only difference between the colors.
- 15:12:34 And this graph contains only those rules which are proposed to be changed. So if there's a rule section that is not proposed to be amended, it will not be included in the draft.
- 15:12:44 You would need to find that from Secretary of State.
- 15:12:48 So I would like to open it up for any questions on process before I turn it over to Emily to start the substantive discussion.
- 15:13:02 quick process question, Jesse. Do you? Do you plan to post the transcription of this meeting after the... after the meeting, and if so, if you had an estimated timeline, just curious.
- 15:13:22 Yeah.
- 15:13:18 that may be a question that Emily can help out with. We are rolling out some new accessibility practices with written transcripts, and I'm not really sure what the details are.
- 15:13:32 Yeah, our our practice up until now has been to post recordings as soon as we're able. Usually it's within a day or 2, and we will be posting transcripts.
- 15:13:42 moving forward. So I would expect them to be up.
- 15:13:49 sometime tomorrow, within 24 h. Yeah. Other Sam.
- 15:13:51 Awesome. Thanks.
- 15:13:56 Yeah, there's there are several rules that were. Not talking about today, because they're not being, um... changed... that aren't tied to statues, or statutes that are clearly just OHA rules that several of us would

like to comment on, and we're wondering if this is the avenue to do that, and if it's not, what is the avenue to do that?

- 15:14:22 Okay, thank you that for the question. So this is not the forum for discussing rules that are not proposed to be changed.
- 15:14:31 I would suggest. that there may be other ways to engage with the section which include.
- 15:14:41 Emily, help me out. We have a we have an email address for the general inbox, which I do not have committed to memory, and we also have a meeting request.
- 15:14:52 And those are the two things that come to my mind. And I don't know if I'm going to turn it over to my colleague to see if I've missed anything.
- 15:15:02 Yeah, we have a rule making cycle that we engage in throughout the year. And so at this time of the year, if it's not already part of the proposed rules that we're discussing, then, like Jesse said, emailing and.
- 15:15:17 requesting a meeting, there's a button on our homepage, oregon.gov slash psilocybin. If you'd like to discuss ideas for rule changes or OHA dot psilocybin at.
- 15:15:32 Oregon.gov. I hope I got that right. I will also put it in the chat just to make sure we've had some changes, as you all know, with names and everything. But also we'll be just like all years in the past going through this cycle again, where we.
- 15:15:50 Hold public listening sessions in the springtime. There's also the Oregon Psilocybin Advisory Board meetings, which always has a period for public comments toward the end of their meeting so that they can hear proposals from the public or.
- 15:16:06 ideas. from the public. So that's another.
- 15:16:11 forum. I think the next one's this Friday.
- 15:16:28 Hey, if we are ready to. get into the discussion of the draft rules. I think, Emily, you could share your screen now, and I realized I.
- 15:16:43 had called on you for assistance with a couple items, but I never gave you an opportunity to properly introduce yourself. So my apologies there.
- 15:16:49 Oh, that's okay. Yeah, I'm Emily York. I use she, her pronouns. I'm on the policy and engagement team with Jesse. My.

- 15:16:58 Titles program analyst with the. Now, medical cannabis and psilocybin section.
- 15:17:05 And here we are with the first page of rules you all should have received a copy in your email. They're also available online on our administrative.
- 15:17:15 rules and rulemaking process webpage. And Jesse, I don't know if you have any few things you'd like to say before we dive in.
- 15:17:25 No, I mean, I think we have a experienced group of RAC members here, and we've had a chance to cover questions. So I'm going to start in introducing each one of these.
- 15:17:41 subsections individually. So the 1st is advertising. And we have made a subtle change to the advertising definition here because it was keyed to publicizing the trade name, which you are now replacing with operational name.
- 15:17:58 But that does not work for facilitators because they do not necessarily have an operational name. So that is the only change there on advertising.
- 15:18:08 I don't know if we have any comments on that definition.
- 15:18:23 Okay, the... Oh.
- 15:18:26 folks. Yeah.
- 15:18:25 Sorry, I do. I just I always struggle with the hand raise. I just one total slight clarity here.
- 15:18:32 So, advertising means publishing a facilitator name or the operational name of a referring to. Oh, sorry, or name of a service center, manufacturer laboratory. So sometimes facilitators do operate under their own name. So to me, the way I read this sentence, it's not.
- 15:18:50 encompassing them if they do have a trade name.
- 15:18:55 Thank you.
- 15:19:07 Okay, if we're ready to move on to compliance test.
- 15:19:11 This is a new definition. We use this term in our rules, but it has not been previously defined. So the definition on the page aligns with the definition that is used in ORLAP rules.
- 15:19:26 Gary, did you have your hand up?

- 15:19:29 Uh, for a moment, I think I answered my own question, but this is just for the definition of advertising. I'm assuming we're going to have a deeper conversation about advertising.
- 15:19:41 Uh, later in this meeting, correct?
- 15:19:49 or the. I couldn't remember if there was other changes to to that area.
- 15:19:50 The... the deeper conversation that you...
- 15:19:56 The the changes to the advertising rule will be in 6100, and they're relatively minor.
- 15:20:01 So it's always challenging to start with definitions because they don't necessarily make sense on their own. So on some of these, we may be coming back to the definition when we get to the rule itself where the definition is applied.
- 15:20:31 Do we have any feedback on compliance test?
- 15:20:43 Should we move to 27 curriculum.
- 15:20:47 Yes. So curriculum is. Clarification that practicum observation and consultation is included as part of the curriculum, which is approved.
- 15:20:59 And also, as a reminder, under statute, students are limited to observation and consultation because a facilitator license is required to provide psilocybin services.
- 15:21:23 Amy.
- 15:21:24 Just want to state for record here, I think this is an opportunity to add a student license to consideration for next or the following year, uh, to one, open up more revenue, but two, to give students real hands-on practice under the supervision of.
- 15:21:40 a different facilitator.
- 15:21:43 Thank you for your feedback, and just for clarity that would require a statutory change.
- 15:21:55 Okay.
- 15:21:56 and maybe I'll just jump in and also say that in our rulemaking process, we are able to.
- 15:22:03 change, create new, update. administrative rules to implement the statute. The statute is the law which originally was passed as Ballot Measure 109 and has been updated through legislative action. And so to change statute that would require.

- 15:22:22 legislative change.
- 15:22:28 Okay, it looks like we have just a little something here, Jesse, under financial interest.
- 15:22:36 Oh, okay. We'll see this edit a couple of times throughout the rules.
- 15:22:41 Previously, we had the term individual person, and for clarity we are changing that to individual. So that's an edit. We'll see probably 3 or 4 times in this document.
- 15:22:59 And we have a set of licensing terms that have all been defined for clarity. This is just terms that have been used, but have not been previously defined. And this is to help our staff and applicants process these.
- 15:23:18 Uh, more efficiently. On that note, it's not on the page right now. It's on the next page, operational name.
- 15:23:26 For term consistency, the prior rules had not used operational name and trade name consistently. So you will see edits throughout the rules where we're changing trade name to operational name because that is the defined term.
- 15:23:46 So we have individual applicant legal entity applicant and operational name kind of open for.
- 15:23:55 discussion.
- 15:24:20 Oops.
- 15:24:25 Yeah.
- 15:24:20 And I think we have psilocin on the next. Oh, we have primary point of contact. This is another one that was not previously defined in rule. It was defined where it was applied in 4010. But we are bringing that into the definition section for clarity as well.
- 15:24:49 Okay, are we ready to move on to psilocin?
- 15:24:56 In 2025, House Bill 2387 added psilocin as a required value to be displayed on labels.
- 15:25:05 Uh, we amended our label rules in 2025, but neglected to include the definition. So the definition you see on the page is to close that loop, um.
- 15:25:15 And this is the same definition that is used by ORLAP.
- 15:25:33 Marlon.
- 15:25:39 Looks like you're still on mute. Oh, yeah, you're coming on.

- 15:25:42 Yeah, I'm sorry, struggling... struggling. Uh, just as a reference for you, Emily, I did notice that in your numbering system, number 22, you didn't bump the following numbers, and so you're numbering system is off because number 22 is in there twice.
- 15:25:56 Oh...
- 15:25:59 Yes, thank you. Very cool.
- 15:26:01 No problem.
- 15:26:04 yeah, that's a that's an excellent input there. Thank you, Marlin.
- 15:26:17 All right. I think we are on to the total psilocybin equivalent.
- 15:26:24 you. So this is a definition that came out of the March 2026.
- 15:26:31 potency work group, and it is. Um... the maximum theoretical concentration of psilocybin in a sample.
- 15:26:43 We will apply this definition in the label rules 2400, as well as the duration of administration session rule 5250. So we may come back to this at... At that point, but this was the definition that was proposed and and discussed by the work group in March of 26.
- 15:27:07 Sam.
- 15:27:08 Jesse, just a clarifying question. I thought you we weren't taking any considerations from previous racks.
- 15:27:17 So the work group that I discussed was not part of the official.
- 15:27:22 Not a rack, okay.
- 15:27:22 rulemaking, it was the March 2026 potency work group. Yeah.
- 15:27:27 Okay. Got it. Thank you.
- 15:27:45 I think that is the last definition we have.
- 15:27:54 Okay. In 2010, we have a piece regarding. Consumption at.
- 15:28:03 unlawful locations. But before we get there, I want to cover a more mundane edit.
- 15:28:10 We are going to be making a style edit throughout these rules where we are replacing shall not with may not. This is purely a style edit shall not and may not.
- 15:28:22 Use... mean the same thing. But for consistency with other agencies and and style directives, we're making that change.

- 15:28:34 So I'll just talk about it this one time. But you'll see it several times throughout these rules.
- 15:28:40 In 2010, we have a provision that prevents promoting consumption at unlicensed locations within Oregon.
- 15:28:47 This provision was included because our section has received complaints regarding scheduling clients at unlicensed locations.
- 15:28:57 We have also heard from licensees in the past that they are losing business to the unregulated.
- 15:29:06 market. So this provision here sets the expectation and you will see similar provisions for every license type.
- 15:29:15 Um, that promoting unregulated consumption of psilocybin products, including consumption at a location within Oregon where it's unlawful to do so, is prohibited conduct for licensees.
- 15:29:31 Lisa.
- 15:29:32 I'm just curious what the definition of promoting is. There are definitely people who come from other locations other than Oregon asking questions to facilitators with knowledge about microdosing and stuff. And although that's not something that.
- 15:29:50 You know, we're saying, like, you can do this where you are, um, like, pretending like we know nothing about it also feels really, um... like I don't know. Just doesn't feel right. So I'm really curious about like what the definition of promoting is. If it's like literally going out there and like putting stuff on Instagram and like, or what that what that really looks like. Thanks.
- 15:30:16 Thank you. Amy.
- 15:30:19 I'm probably going to raise my hand again, because I'm actually trying to find some prepared comments that I wrote for this, and I can't find them this very second. This came up quick. But one of the things I want to just advocate for is I don't agree with any part of this sentence being included at all for a lot of reasons.
- 15:30:36 A few of them are as follows. So, uh, you probably just saw City of Portland just passed City Ordinance 2026186, which completely lowers police priority for access to natural substances like psilocybin and ayahuasca.
- 15:30:51 And, uh, which has basically given a little bit of hope and avenue for people to have microdoses and things like that on their own volition, et cetera, and we do get questions. And so that being said.

- 15:31:05 the... not having defined, um, very, very, very specifically, um, what these terms that are included in this document mean, that can open up a lot of ambiguousness, a lot of interpretation that we don't necessarily agree with. And the other thing that I mentioned on the last RAC call also is religious freedoms.
- 15:31:25 There are those of us that fall under religious freedoms that are associated with churches, etc. And I know that there is a difference between church and state. And so it's really, really a fine gray area, fine line of language here being used. It's not clear and defining where we would be stepping into gray area and territory. And so, in general.
- 15:31:46 To me, this entire sentence should be removed and or at a very, very bare bones minimum, be hyper clarified. And I'll pause for now and come back with my prepared comments if I missed anything out. Thank you.
- 15:32:02 Thank you, Marcy.
- 15:32:05 I do support the inclusion of this. We have heard from clients in our own practicum that they've gone to service centers, and during the prep sessions been encouraged to do it on their own if the first one doesn't work. So, and it really destroys their faith in this model and this system.
- 15:32:20 And so I think that we have to be mindful of, like, the information we're putting out there and what we're encouraging clients to do or not do if we want this system to be maintained, if we want to be respected as a system. I know a lot of times there are these rules in here, and I think we talked about it last time. We think like, isn't that necessary?
- 15:32:39 And in my experience, the answer is yes, it is necessary because these things are happening and they are unethical, and I'm glad that it's included.
- 15:32:48 Thank you. Marlin.
- 15:32:52 Thank you. I'll start by saying I am not in favor for this, uh, any type of this rule, and that includes the 2010 the 45.
- 15:33:07 Uh, what is the number? 45... 4480, and the 5120 that include the 3 different license types, where this falls under. The wording is different in each one of them, um, and I guess... I am... I am cons... I understand the previous comment about, you know, that kind of activity needing something, but the way these are written, I don't support any of these three items, uh, to be moving forward.

- 15:33:34 Um, if there is specific activity, then it should be called out very specifically, initially to stop that. The nebulous wording and the undefined wording opens up the section, and these rules to.
- 15:33:52 a lot of interpretation, and what I see moving forward, legal kind of constraints that will happen, where people will.
- 15:33:59 have to fight this rule, and I think it does border a bit on speech, and we are... even though we're not supposed to talk about budget in this section, any kind of legal action where you put nebulous terms into law or rules is going to generate a legal accent, which will in turn increase your costs.
- 15:34:21 and increase my license fees because of how it's set up. So, I am very concerned about the very interpreted words that are being used, and I think... I'm also concerned about the.
- 15:34:38 wording differences between the three different sections, and that the sections have different words, and the... specifically in the third one, it talks about state law, and it doesn't specify which state law. Am I talking about.
- 15:34:55 My Oregon state law, because that's the license holder? Am I talking about state law in North Dakota? Because that's where the client is that's calling me and asking me about something? Uh, you know, that kind of nebulous activity just means, and wording is a problem, so... If you're going to include something, make sure that you are including what is the actual prohibited action that is to be stopped, and not some generic interpretable kind of action that.
- 15:35:28 has to do with intent, or is it harm reduction? Is it education? All of those types of things make this rule very difficult, I think, to defend. And, um, I do not support any part of.
- 15:35:46 any three of these rule changes.
- 15:35:50 Thank you. Gary.
- 15:35:58 Yeah, I agree with the comment that promoting is just way too vague.
- 15:36:04 Um, and, you know, I think that this encroaches somewhat on freedom of speech as well, which is in our Constitution.
- 15:36:15 I do not agree that licensed service centers should be making appointments for somebody in an unlicensed situation.

- 15:36:30 Um, you know, I think the bigger problem here that we need to discuss is that, you know, according to the statistics I see that the legal market is less than 10% of the consumption in the state.
- 15:36:46 So, you know. We're in a position to where, you know, we can't have open conversations about what people are.
- 15:36:59 Doing in an unregulated situation, you know, there's there's.
- 15:37:06 unless OHA is going to start enforcing. Unlicensed players in this field.
- 15:37:15 This is. kind of useless.
- 15:37:21 Thank you. Amy.
- 15:37:24 Okay, I will say upfront, this is going to be a little bit longer than probably everyone is going to love, but this is the only topic I have great interest in in all of the rules that we're going to go over today. So I'm going to use most of my airtime right now, and I'll be quiet for most of the rest of the meeting, I promise.
- 15:37:39 Um, so here's what I wrote down. Uh, so what enforcement gap is OHA addressing? Is the concern licensees arranging unlawful sessions, referring clients to unlawful providers, recommending unlawful consumption, or making statements interpreted as approving it?
- 15:37:54 Please identify the specific conduct existing law and rules do not adequately address, and the evidence demonstrating that the gap and the statutory authority supporting the proposed restriction. Second is, what are the elements of a violation?
- 15:38:10 Would OHA need to establish that the licensee knowingly assisted a specific unlawful activity, or could a statement alone be sufficient? Please clarify whether a violation requires knowledge of the facts that make the activity unlawful.
- 15:38:26 Intent to encourage or assist that activity, and identifiable unlawful act or transaction, or a connection between the communication and the licensee's licensed work. Would personal statements outside of the licensed licensee's professional rule be covered?
- 15:38:44 For manufacturers and service centers, when would an employee's contractors or an owner's statement be attributable to the licensee? Those boundaries should appear in the rule itself. This needs to be really, really clarified. What distinguishes a prohibited recommendation from education

or harm reduction? If a client says they intend to consume outside a licensed service center.

- 15:39:05 And a facilitator explains risks without arranging or encouraging that consumption. Would that conversation violate the rule? Likewise, when discussing microdosing research, a client's past experiences or proposed changes in the law constitute promotion.
- 15:39:19 Please expressly distinguish factual education, scientific discussion, policy advocacy, and good faith harm reduction information from intentional assistance in arranging unlawful activity. Protection for safety information should address routine conversations before an emergency occurs.
- 15:39:38 Four is, why does the scope differ among license categories? The facilitator provision refers broadly to activity illegal under state law. The manufacturer and service center provisions refer specifically to unregulated consumption of psilocybin products.
- 15:39:54 is the facilitator prohibition intended to apply only to psilocybin-related activity? If so, please make that limitation explicit. If it is intended to reach other activity, please explain its scope, statutory authority, and the reason for treating facilitators differently.
- 15:40:11 Please also clarify whether unregulated and unlawful are intended to mean the same thing.
- 15:40:17 activity outside Oregon's license system should not automatically be treated as unlawful without identifying the applicable legal prohibition. What is five is what is the geographic scope? If an Oregon licensee answers a question from someone located in New York about a microdosing that would occur in New York, does the rule apply?
- 15:40:35 Does state law mean Oregon law or the law where the consumption occurred? Does the answer depend on where the licensee is physically located? The examples concerning consumption within Oregon do not clearly establish whether the opening prohibitions are limited to Oregon. Please state the intended geographic limitations expressly.
- 15:40:54 Six, I'm almost done. Uh, what if the client misrepresents their location? Suppose a client falsely states that they are located in Jamaica, but is actually in North Carolina. If the contemplated activity is unlawful in the applicable jurisdiction, what must the licensee know before their communication becomes a violation?

- 15:41:13 Must licensees verify a person's physical location and independently determine the applicable law before answering? Please distinguish the client's place of residence, the client's physical location during the conversation, the location where consumption is contemplated, the licensee's location when communicating.
- 15:41:31 Uh, would reasonable, good faith, reliance on a client's representations protect the licensee from discipline? Or could a violation arise from circumstance the licensee neither knew nor could have reasonably known? If OHA intends of verification obligation, the rule should identify that obligation.
- 15:41:49 And what constitutes is adequate verification. And finally here, my revisions, uh, requesting... I recommend the replacing broad references to promotion within a description of specific conduct OHA tends to prohibit if the intended target is knowingly arranging unlawful psilocybin services or transactions, state that directly.
- 15:42:09 Any retained prohibition should identify as geographic scope, required mental state, connection to licensed activities, and the facts necessary to establish a violation. It should also expressly provide that factual education, scientific discussion, discussion of past experiences, policy advocacy, and good faith harm reduction information do not.
- 15:42:29 Standing alone constitute a violation. I'm raising concerns about fair notice, inconsistent application, and the potential reach into expression protected by Article 1, Section 8 of the Oregon Constitution and the First Amendment. I ask OHA.
- 15:42:45 You're almost done. Okay, that's been over 5 min.
- 15:42:51 Okay.
- 15:42:44 I'm almost done. Yeah. Well, again, I'm going to use all my time on this one. I ask OHA to explain how its proposed wording addresses those concerns. Please reflect these questions and let us know, because a lot of us feel this is a violation of free speech. Thank you.
- 15:43:04 And, um... Thank you for your input, and we will when we get to the the prior day.
- 15:43:10 Not the prior. The subsequent sections where these issues are addressed.
- 15:43:16 We'll ask you to just. stand on your your prior comments, please.
- 15:43:21 Okay, thank you.

- 15:43:24 All right, Jade.
- 15:43:26 Hi, I will keep it brief. I just want to say I am for this proposed rule with the specifications made by Amy, especially. And I'd like to just emphasize the a clause that would allow for protection for harm reduction and good Samaritan rules, especially in that lens of crisis, to be able to have that harm reduction specification for protections.
- 15:43:45 Um, with that, and many of the other specifications, um, already proposed, then I am for this rule.
- 15:43:52 Thank you.
- 15:44:06 All right. Mike.
- 15:44:08 This is just a question for clarification. But a violation of this, what kind of implication or penalty might that lead to?
- 15:44:21 for the licensee.
- 15:44:23 Um, you know, speaking generally to all violations, um.
- 15:44:28 all violations are subject to ORS Chapter 183 Oregon's Administrative Procedures Act, which governs.
- 15:44:39 Agency discipline of licenses and gives hearings rights and due process. So any violation would need to be supported by evidence. Some violation levels are determined within the rule itself, and some are not determined until the violation is actually brought.
- 15:44:59 to a hearing. So this particular rule violation, I believe, is undefined. But if you are looking for categories of violations, you will find those later in these.
- 15:45:12 Actually, we're not proposing to amend the categories of violations, so you will not find them in this draft, but you can find them.
- 15:45:21 on the Secretary of State. And if you're interested in finding the citation, if you're having trouble finding the citation, you can email us offline, because I cannot remember it from memory.
- 15:45:38 Oh, Gary.
- 15:45:40 Yeah, I just want to restate my support of Amy's statement and what was said.
- 15:45:49 you know, I I think we promoting is is so vague, and any location where it is unlawful to do so.

- 15:45:59 I mean, the legal model is a fraction of what's actually going on in the state, and we'd have to put our heads in the sand not to hear these conversations of.
- 15:46:14 Um, you know, uh, groups of people that are going and, and doing these, uh.
- 15:46:22 services illegally, or or just recreationally black market. You know, the other day I was at dinner and heard a group of people talking about going to Triangle Lake and all consuming mushrooms and, you know, what are we supposed to do?
- 15:46:39 just not weigh in, not listen, not talk about it.
- 15:46:47 You know, again, until OHA starts doing something about.
- 15:46:51 the black market consumption. I don't see how we can be held to this standard.
- 15:46:59 Thank you.
- 15:47:09 Hey, we have the labeling for sale to client rule.
- 15:47:14 Thank you. You will see on the screen in 3 F.
- 15:47:20 That the total silos. psilocybin equivalent.
- 15:47:25 contained in the product expressed in milligrams per package is now required to be on the label. So this works together with the definition that we discussed previously.
- 15:47:37 And you will also see that Section 5 has been deleted.
- 15:47:42 This was prior information about a different potency formula that used to be required, but the labeling is now shifting to the total psilocybin equivalent. So we have one addition and one subtraction.
- 15:47:57 Uh, in this rule.
- 15:48:06 Josh.
- 15:48:08 Uh, yeah, just a question to clarify, does that mean that the 50mg limit is going to be total psilocybin equivalent, or is it still.
- 15:48:19 just psilocybin.
- 15:48:22 So the short answer is that it will still be 50 milligrams of psilocybin. The longer answer is this is going to make much more sense when we get to 5250 duration of sessions, because we're only going to be using this total psilocybin equivalent.

- 15:48:38 Value for the lowest dosing tier. Um, so I would ask us to maybe just, like, put that in the parking lot until we get to 5250.
- 15:49:03 Hey, product information document.
- 15:49:07 Okay, this is just a very small change. I mentioned it previously. We're using operational name for consistency.
- 15:49:19 The section which is deleted in the prior rule is deleted here in the reference in 1e.
- 15:49:39 Moving on to psilocybin training program curriculum approval process.
- 15:49:45 Okay, we have several things happening in this rule.
- 15:49:52 As Angie mentioned in her opening remarks, this rule is being amended for consistency with the Higher Education Coordinating Commission's practices around issuing determinations.
- 15:50:07 And the rule is being revised to align with those practices.
- 15:50:12 Um, I think it will make the most sense to go kind of chronologically through the sections here because the rule is also doing a couple of other things.
- 15:50:21 Um, we're clarifying here. This is just a plain language edit closing as incomplete.
- 15:50:29 In 2A. and we also have.
- 15:50:36 a lot of things happening in 4. So this is the deletion of the prior requirement.
- 15:50:44 that. the training programs produce documentation from the higher education coordinating Commission.
- 15:50:54 Um... And that is replaced in 5 with a provision that says, if the training programs license with the higher educating coordination Commission.
- 15:51:04 has been revoked or if they have been found to operate without a license.
- 15:51:11 Um, then OHA would take action to revoke the curriculum approval.
- 15:51:19 So in plain language, we are moving from a requirement to produce documentation.

- 15:51:28 To a requirement to remain in compliance. Um, with a provision that the approval can be revoked if the HEC license is not in compliance.
- 15:51:43 Also in 5 D, we have a requirement that a training program must produce evidence within 10 business days of request.
- 15:51:53 This is identical to the requirement that is in place for licensees, and it helps to.
- 15:52:02 have efficient investigations. So I'd like to talk about these ones, and then we'll get to the change in subsection 10 after we've we've discussed these changes.
- 15:52:46 Hey, if we are ready to move on to subsection 10.
- 15:52:53 This is the first time that we'll see this change on form and manner. But it occurs throughout the rules.
- 15:53:02 So. Many of the prior rules, or many of the current rules, excuse me, have reference to the form and manner prescribed by the authority. The change that we will see throughout this rule set is where we have a specific form.
- 15:53:18 Um, that we are providing on our website, we are replacing that form and manner language by the language that you see there on the page, using the form published on the website.
- 15:53:29 In another rule, we will provide the URL where those are published.
- 15:53:36 For the rules where it still says form and manner, that means that we don't actually have a form that we will publish. It means that there are other methods of communicating that will not be specified necessarily in the rules, but they could be by email or by Tlc messaging or those types of things.
- 15:54:14 Okay, it looks like we can move on to psilocybin training program application requirements.
- 15:54:21 Okay, we have just some minor clarifications in this rule. In one C.
- 15:54:30 You see, um... that is clarified that meeting the practicum requirements means identifying service centers acting as practicum sites.
- 15:54:40 Um, and... and describing the observation and consultation. Sections 2 and 3 have been added to improve efficiency of the training program application process.
- 15:55:08 Lisa.

- 15:55:11 So I have a couple of comments. It's mostly related to the words practicum observation and practicum observation is being updated throughout the entire rules, so I'll try to.
- 15:55:23 explain some of my thoughts around this and curiosities. So earlier in this conversation, you mentioned that there's a statute that specifically says that, um.
- 15:55:37 that practicum requires observation only. I... I couldn't find that anywhere, so I'd like a little bit more clarity on the specific language in the... in the law that says that it has to be observation only.
- 15:55:55 I think that this completely. contradicts the intention of practicing during a practicum. Also, the definition of observation is not in the rules anywhere, but it's used and is being updated everywhere.
- 15:56:12 So I don't really know exactly what you all define observation as, but... I also think it contradicts the intention of the law, which says it requires facilitator trading to include instruction in the application of practical skills. And part of those practical skills are.
- 15:56:31 being with somebody and using your intuition and using your skills that you learned, but how are you supposed to do that when you're just watching people and observing other facilitators doing it. You actually don't get those skills by just.
- 15:56:46 sitting around and watching. I also... I think it's very confusing to add on or not add on, but, like, have the practicum site supervisor, what are they supervising? If they're just, are they supervising people sitting around? Or was the intention of the practicum site supervisor to oversee students who are in training.
- 15:57:08 practicing some of their skills, not providing psilocybin services, not providing psilocybin services outside of a practicum, but I just think that these things do not work together, they don't make sense together, and I think that it's a complete disservice to the students and to the field.
- 15:57:26 to send students out there. who have only watched people doing mushrooms and not actually practiced. That causes more harm, in my opinion, than actually having students providing sitting with somebody. And now there's language around can't even be a client support person.
- 15:57:45 Like, this just makes no sense to me, and this is my thoughts and my feelings about this word practicum observation in general. Um, so I might say some of the same things.

- 15:57:58 Thank you. I I'd like to provide a little more info on on the statute, and then we'll we'll move over to Marcy. The statutory provision, and I do not have the citation committed to memory. But there is a requirement that a psilocybin facilitator license is required to provide psilocybin services.
- 15:58:20 Um, and... you know, you're not going to find that in the practicum piece. But practicum students do not hold a facilitator license, so they are unable to provide psilocybin services.
- 15:58:36 pricing.
- 15:58:37 Yeah.
- 15:58:37 Yeah, and I know we've gone round and round about that for years now, and so for anyone who wasn't part of that change a few years ago, I just wanted to mention.
- 15:58:45 like, I think that OPS and OHA wanted that like that was the original language that people could practice during practicum, and then somebody complained to the legislator, and they said, oh, yeah, you gotta have a license. So OPS isn't the bad guy. I just want to, like, make that very clear that the language was originally written that they could practice.
- 15:59:04 Um, as far as this is concerned, I do think it puts an unnecessary burden on the training program applying to have to identify a specific service center at the beginning. I do think their own practicum site supervisor should be identified, and their description of practicum should be very clearly laid out.
- 15:59:22 Um, but making connections with the service center is... I don't want to say difficult, but time-consuming. It's a process, um, and so I think that if they're just starting out, and they're not even an approved training program yet, to be able to communicate with service centers and get on their books and have an agreement that, yes, you can do that here. I think that puts an unnecessary burden on them. We didn't identify our 1st.
- 15:59:47 service centers until, you know, we had already started as a training program, and then we named the service centers. So I think identifying that is a little bit heavy-handed.
- 15:59:59 Thank you. Josh.
- 16:00:02 Uh, so, my understanding is that a service center representative can step in in case, uh, like, for example, to give the facilitator, if they need to use the restroom, and then they would be.

- 16:00:16 offering psilocybin services without a license. Um, so I'm wondering how that fits in with this, with the practicum.
- 16:00:24 peace. Am I correct in my understanding that that is allowable? A service center representative can step in and support as needed, but they don't have a license. They have less training, theoretically, than a practicum student would have as well.
- 16:00:44 Thank you, Amy.
- 16:00:58 Thank you, Mike.
- 16:01:00 Yeah, I wasn't familiar with the discussions that led to.
- 16:01:05 I'm changing the rule to the way the practicum was was defined, and and that training. The program that I went through previously had done role playing, and with with trained actors, and to tell you the truth, I think that that.
- 16:01:22 probably provided a better learning opportunity and a variety of potential reactions to a psilocybin administration. I mean, when I did my practicum.
- 16:01:36 It was a low dose, and there was not, you know, not a lot going on. And it wasn't very challenging from... from an experiential point of view for me as a trainee, whereas, you know, with a with a role-playing situation.
- 16:01:51 With skilled, experienced people, you're challenged. I mean, it may not be the actual real thing, but you're challenged to try and adapt and respond and figure out how to address a variety of different reactions.
- 16:02:07 that you would not get in a very limited, um, actual observation type of situation.
- 16:02:13 Thank you.
- 16:02:16 Thank you.
- 16:02:41 Okay, and 3030. We are removing some obsolete date references.
- 16:02:51 in sections 5 and 6. Because those dates have passed.
- 16:02:57 And we are also clarifying the the process for change request. So in.
- 16:03:04 Section 7, you will see that a material change which is defined as a change that affects the minimum requirements for core training and practicum described in these rules.

- 16:03:16 our material changes. and they require prior written approval, and there's clarification in the rule that the change to a practicum site is not a material change.
- 16:03:27 Um, and the other changes described in Section 8 do not require prior approval. They require notice.
- 16:03:53 Marcy.
- 16:03:54 I just wanted to say that I appreciate the sort of specificity of like what a material change is. That is helpful as the program director of a training program to know, like, okay, if I need to change the order of things, that's not a material change or something like that. So I just appreciate those 2 last 2 sentences.
- 16:04:38 Okay, are we ready to move to 3035? in Section 1 and 3035, that is a conforming edit to the prior rule which removes the documentation requirement.
- 16:04:53 In sections 2, 3, and 4. These are all changes that are designed to improve the efficiency of the training application process.
- 16:05:03 Um, and it specifies that documents must be provided within a certain timeframe. These are very similar to existing provisions that we have in place for licensees.
- 16:05:19 We also have a conforming edit down the page in 8 c.
- 16:05:26 which is referring to deleting a requirement or. This is not a deletion, it's an addition that says that if the trainings program's license has been revoked or found to have been operated without a license issued by HEC, then, um.
- 16:05:42 That could be a reason for revocation of the curriculum approval.
- 16:06:12 Okay, we have the psilocybin training program record keeping.
- 16:06:17 Okay. There's a very minor change in section one which states that.
- 16:06:26 Records should include whether the class was online or in person.
- 16:06:31 And this helps programs track compliance with the requirements for synchronous and asynchronous that are found in other rules.
- 16:06:46 Lisa.
- 16:06:48 Just curious, my understanding of asynchronous and synchronous was like stuff happening live or stuff not happening live. And so sometimes there's stuff that happens online that is live and there sometimes there's... things to read that is not live. That's a reading material, or maybe like

watching a video for homework or something like that. So I'm just not sure...

- 16:07:13 This just doesn't... something doesn't align here with, like, the intention versus, like, what's actually happening.
- 16:07:23 Thank you, Marcy.
- 16:07:25 Yeah, just same thing. To me, online or in person just has to do with location. It has nothing to do with synchronous or asynchronous. Those are very different things. So if that was the intention, this doesn't provide for that. If that wasn't the intention, and they just want to know location. Okay.
- 16:07:42 But if it is about synchronous or asynchronous, this does not prove any of that 50%, 50, 50 requirement.
- 16:07:54 Thanks.
- 16:07:58 So the next rule, 3050 the only edit proposed is removal of an obsolete date reference. But.
- 16:08:06 This is where that 50% requirement lives for synchronous versus asynchronous. So it ties together with 3040.
- 16:08:17 Because if the record says that it was. not conducted in person.
- 16:08:26 Then you would need to look to see if this 50% requirement was met.
- 16:08:56 Okay, are we ready to move on to 3070? Okay, facilitator practicum requirements.
- 16:09:04 There's several things happening in this rule. There is removal of the obsolete date references and removal of all references to alternative practicum, because that is no longer allowed now that the dates have passed. We are past January first.
- 16:09:24 of 2026. All practicum must take place at a practicum site.
- 16:09:30 As we scroll down in section 7, 8, and 9.
- 16:09:36 What is the newly renumbered 7, 8, and 9. We see that.
- 16:09:43 this issue about direct practice and and observation comes back around.
- 16:09:48 We are replacing the term direct practice because it was misleading.

- 16:09:54 Um, and in... Section 10. We have the prohibition on practicum students acting as client support persons.
- 16:10:06 Students cannot act as client support persons because these individuals are chosen by the client and perform duties that are not consistent with observation.
- 16:10:16 There's a separate process and a separate rule for client support persons.
- 16:10:27 Um, I would, um, recommend that you change the name of the rule to include observation, since that's really what you're going to be doing. State it write up fact, uh, right up front.
- 16:10:39 Um... I... yeah, I don't need to voice my rest of my concern about observations value or not, so I won't do that at this time. But noted that I have it. Sorry.
- 16:11:02 Got it. Thanks, Merlin. Mercy.
- 16:11:05 I just wanted to express gratitude for the inclusion in the new Section 8 about it used to just say that all everything had to be done in person. And so we weren't able to count preparation sessions that we were doing online with real clients, and students were observing those. And so with the inclusion of this language, we now would be able to. So I just really appreciate the inclusion of that after our last conversation.
- 16:11:32 Thank you, Lisa.
- 16:11:35 I just wanted to state again. I I disagree with removal of direct practice on the continued use of observation without a definition of observation. And I also want to advocate some point in time would be really great to be able to do practicums in other states like Colorado.
- 16:11:58 Thank you.
- 16:12:03 Amy.
- 16:12:11 Lisa. Yeah.
- 16:12:04 Just want to quickly agree with. Oh, my gosh, what's her name? The gal that just spoke? Sorry, your name disappeared from my screen. Lisa. Lisa statements. Yeah. Second Lisa statement. And also I want to just add one fast thing here that the notion that a client may not be choosing that person to be their support person isn't necessarily accurate.
- 16:12:24 Sometimes they may choose that person, especially since we're all in a really, really tight-knit, close circle, and people may ask for support

person recommendations, and what better person to be a support person than someone who is also able to, at the same time.

- 16:12:39 observe, whether it's an official capacity or not, any exposure is additional training, and we have a training opportunity issue we're trying to solve for right now, and so we're removing opportunities from people to continue learning, and they're not mutually exclusive things.
- 16:12:55 Thank you.
- 16:12:59 Thank you.
- 16:13:20 Alright, we have the continuing facilitator education section.
- 16:13:26 Thanks. We have just some clarifying language in this section. But I would like to share some general framing on this section.
- 16:13:38 Mcap does not have the resources to review or or pre-approve continuing education offerings for facilitators. So this rule was adopted in its current state to allow flexible options for continuing education.
- 16:13:56 While ensuring that continuing education has been verified either by an independent body or a training program.
- 16:14:04 Um, as far as the actual edits to the rule, there's an obsolete date language date reference. There is a form and manner edit, and then, Emily, if you can scroll down just a little bit.
- 16:14:19 You will see, um... The clarifying edit there in 3B that these are conferences that have been approved by a professional licensing body. That's the clarifying edit that I referred to.
- 16:14:44 Amy.
- 16:14:44 I think I'm just looking for more, um, clarity on what that, uh, involves. Getting CEUs is really, really difficult right now, and as I mentioned on last rack on this topic, there's not a lot of organizations that actually even understand psychedelics.
- 16:15:01 across the licensing bodies that exist today, so we're not actually getting direct.
- 16:15:06 specific psychedelic education. So I'm just trying to keep it more accessible so I can get my CEUs from, like, psychedelic science conference that happens in Colorado, which I don't think falls under any of these models.
- 16:15:28 Thank you. Sam.

- 16:15:33 Yeah, and so I'm also a therapist, and so I need to get CEUs for that, um, and, you know, there's a lot of reasons why that's necessary, but I question... And in the case of somebody who's a facilitator. It seems like, so I saw the page where it has all the places that are approved.
- 16:15:58 Most of the ones that are on that page don't even offer continuing education, and one of the links was broke. And so it's really onerous on the facilitator right now to find the appropriate places. Also, we're already spending $2,000 a year.
- 16:16:15 and CEU's cost extra, which is more of a burden. And I'm wondering if... Demonstrating knowledge isn't the real thing that we're trying to do, which can be done with an annual test that's free instead of sending people to.
- 16:16:35 Random places for education that may or may not apply to... specifically to the actual work that they're doing.
- 16:16:45 Thank you. Mariah.
- 16:16:55 Okay, sorry, I was having a hard time finding my unmute button. Maybe some some clarification would be nice, because Amy just said that maybe psychedelic science wouldn't be appropriate or fit this. But in my interpretation it would, because.
- 16:17:14 um, psychedelic science offers courses before the the whole.
- 16:17:20 week begins where you can get continuing education credits for if you are of a profession that would need them. They are more expensive, but like that.
- 16:17:34 In my interpretation, that would fit, or if you were taking, like, an IFS or a therapy CE, as long as you pay for it, and it was by a licensing body, then maybe that would be... that would work. I know that other training programs have had.
- 16:17:51 Some continuing education opportunities. But is that my understanding? Is that correct that like if if a therapy, if there was continuing education for therapy that was maybe relevant, but ultimately approved by different licensing body, then that would.
- 16:18:06 be sufficient.
- 16:18:09 Yeah, so for clarity, the requirements for outside organizations are two parts. The first part is that.
- 16:18:20 The training is eligible to receive continuing education for that other license type. So in the.

- 16:18:29 Example of a therapist, you know, the the board that regulates therapists, if they have approved that training as a Ce.
- 16:18:37 For therapists, that first requirement would be met, and then the second requirement is that it needs to be relevant to psilocybin services.
- 16:18:47 Um, so, um, once those two requirements are met, then the, um.
- 16:18:55 The facilitator would, with the renewal, be able to fill out the form, list the, uh.
- 16:19:02 The CEs and they would meet the requirements for the rule.
- 16:19:07 And then what... where would we understand what would be relevant or not relevant? Because some things can be because they're complementary to like a lot of people are coming in like talking about their parts and ifs. A lot of people will specialize in that.
- 16:19:23 But that isn't technically like psychedelia, but it can help with integration or preparation and discussion and breaking it down. So, like, um... I often will create a list for at chariot for our facilitators of of relevant resources that they can do. So I just want to make sure that I'm understanding.
- 16:19:45 what... where, if you guys have... have a boundary, or if it's just kind of, like, common sense. Yes, this is. This has been coming up seemingly relevant, or if there's something that people would do, or you'd be like, hard. No, that that isn't. That isn't that.
- 16:20:00 Yeah, we can't answer that question right now in this meeting, but I have.
- 16:20:06 taking a note that your input is that we we could use some more clarity on what is relevant.
- 16:20:09 Oh.
- 16:20:12 Yeah, I just don't want people to spend the money and take the time, and then for it to not be acceptable.
- 16:20:18 Um, but if you guys are lenient, or it seems like common sense, then that's great.
- 16:20:24 Yeah, and I was just going to add it. I think it's.
- 16:20:26 what is it? 6d? It says a description of how it's relevant to core curriculum. So maybe looking at the curriculum requirement which which go into pretty.

- 16:20:37 good detail within the rules, and if there's a piece within the curriculum that the training connects to, it might not.
- 16:20:47 have to be fully about, like you said, psychedelics, but connected to something that's required in the curriculum requirements.
- 16:21:00 Jade.
- 16:21:03 I just wanted to make a quick comment on that train of thought in terms of adding those kinds of specifications that are may may not explicitly related to psilocybin. But if you are a facilitator in a certain local area to have trainings be validated for maybe working with local community crisis partners or other things related to that. If there is.
- 16:21:20 you know, some kind of ability to work with those community partners. I feel like that is a very advantageous kind of training, so that if those kinds of moments happen, you kind of already have those relationships built amongst maybe EMS or law enforcement or crisis teams.
- 16:21:37 Just some food for thought. I know that's... we're not specifically addressing that in this, but on that turn of thought, just wanted to get that out there, that that could be something that's not explicitly psilocybin, but just would be advantageous for facilitators and centers alike.
- 16:21:51 Thank you. Sam.
- 16:21:55 Yeah, one more thought on on this is that there's potentially a can of worms opening up for your guys' work, and that you might have 100 or more facilitators a year coming to you saying, Hey, what about this one? And then you got to research that, and sounds like a lot of work when.
- 16:22:13 a test that everybody takes just avoids the whole problem.
- 16:22:22 Thanks.
- 16:22:35 Great. Thanks, everyone, for your continued attention and participation. We're got about another half an hour together today, and I know we've got the time change, so it may feel even later than it really is.
- 16:22:53 We are. Oh, wait. Do we have another section within this that we didn't discuss? Oh, no, application processes.
- 16:23:01 Yes, I think we're ready to move to 4,000.
- 16:23:03 Okay? Okay. 4,000.
- 16:23:05 Yes, and if you could scroll down to where the edit is, it's there in G.
- 16:23:14 Nope. That's formid manner. We have a couple form and manner. Sorry, I I gave you bad directions.

- 16:23:20 Um, we're down in K at the bottom of the page.
- 16:23:26 And this rule implements House Bill 4040. because it has some provisions on out-of-state training, and.
- 16:23:37 Colorado is the only state currently licensing training programs with curriculum that meet or exceed MCAP requirements.
- 16:23:47 And Emily, if you could scroll down just a little bit, because we've got the line is kind of in between. Oh, shoot. Yeah. Okay. Well, um... This legislation was passed in the most recent session.
- 16:24:06 and it allows out-of-state training for programs that meet in.
- 16:24:12 or exceed the Mcap requirements. And, as I stated, Colorado is currently the only state which we have determined meets or exceeds Mcap requirements, and that is documented here in the rule. So the rule is just simply implementing the statute.
- 16:24:29 Marcy.
- 16:24:31 Yeah, I just wanted to support the language in this rule that it, as long as they were approved by Dora at the time that they took it. It applies for anyone who doesn't know, Colorado has even more hours required, and they are allowed to practice during practicum. So.
- 16:24:46 I do... I know it's legislative anyway, and it wouldn't change, but I like it, and we have reciprocity the other way, so I'm glad we're returning that with them.
- 16:24:56 Thank you. Lisa.
- 16:25:00 I also support this language. I just wanted to get clarification that you're talking about the training only. Does that include practicums? Or you're just talking about the training program, and you're not including practicums. Because if you're not including practicums.
- 16:25:16 I would advocate for because especially because now this is here, and this language is here to include practicums that happen in Colorado as approved.
- 16:25:28 practicums for Oregon also, because they actually go above and beyond as well in hours. Thank you.
- 16:25:40 Thanks.
- 16:26:09 All right. We are at 40, 10 communication with the Oregon Health Authority.

- 16:26:16 Okay, this is a very simple edit which I previewed when I was talking about the form and manner.
- 16:26:24 And it states that all forms published. the authorities website described in these rules are published to that URL.
- 16:26:31 And that URL will be a landing page rather than a link to individual forms.
- 16:26:43 Next we have 40, 70 worker permit term and fees.
- 16:26:48 Okay, so in section 3, we have a requirement that a worker permit notify the authority of any convictions.
- 16:26:58 This is. identical to the requirement for licensees.
- 16:27:05 in Section 7, we have a requirement that an individual designated as a practicum site supervisor must have a worker permit.
- 16:27:14 The reason for this requirement is that these individuals will be consistently present with clients who are experiencing the effects of psilocybin at a licensed service center.
- 16:27:25 and those are the substantive edits to this rule. The rest are plain language edits. Oh, excuse me, there is another substantive edit.
- 16:27:35 In, um... Section 10, the payment window has been reduced from 80 days to 90 calendar days after notice that the application is ready for payment.
- 16:27:53 Marcy.
- 16:27:55 Understand your explanation just then of the practicum site supervisor and worker permit, but it seems redundant if the practicum site supervisor is also a licensed facilitator. Why would they also need a worker's permit? So I'm just not really understanding.
- 16:28:10 Maybe there's an exception that could be carved out if they also have a facilitator's license or something that would allow them to be there to be present. But worker permit to me feels like, oh, they work for the service center instead of their part of the training program.
- 16:28:26 On the facilitation side of things.
- 16:28:28 I can clarify that one real quick. Licensed facilitators are also required to hold a worker permit.
- 16:28:36 So if the individual were a licensed facilitator, they would already hold a permit.
- 16:28:41 Is that new? Oh, okay. Thank you.

- 16:28:42 No, it is not.
- 16:28:48 Amy.
- 16:28:49 I just want to state for the record, I disagree with facilitators being required to also have workers permit. It requires them to have two background checks and two fee processes that I think most on this call would disagree.
- 16:29:14 Thank you.
- 16:29:17 Lisa.
- 16:29:19 I wanted to state for the record that all of this extra stuff that practicum site supervisors need to do. It doesn't make sense to me if they're just sitting around watching people watch other people.
- 16:29:34 It doesn't make sense to me. So I just wanted to state that for the record. Thank you.
- 16:29:42 Gary.
- 16:29:46 I would agree with Amy's comment. If you're already a licensed holder of one of the certain licenses, then why do you need a worker's permit? To me, the workers permit would be for people.
- 16:29:58 Working in a manufacturing facility that don't have a license or working in a service center as.
- 16:30:07 you know, a representative or that this would make more sense if it was.
- 16:30:15 for a worker's permit. And, you know, I am, I guess, a little confused on the whole.
- 16:30:24 Why are we, you know, maybe spending? And I realize we need to define and work out some of these.
- 16:30:35 issues in in the practicum and the continued education and everything. And and please correct me if I'm wrong. But are you facilitators as busy as you would like to be? From my understanding, most facilitators.
- 16:30:52 Are saying they would like to be busier, and I'm I'm a little confused of why we're not talking.
- 16:31:00 possibly even a moratorium on facility, you know, do you really want more out-of-state people coming in?
- 16:31:09 Um, and getting licenses here, and um... you know, my understanding is that you know a lot of people that are coming through the programs aren't even going and getting licensed now, and they're

operating in the underground. So I think there has to be some type of conversation around that as well.

- 16:31:33 Intell the facilitators are at a point to where.
- 16:31:37 you know, there... and I'm saying this against a service center, because, you know, service centers, the more facilitators, the more we have to pick from.
- 16:31:48 But I would like to see the facilitators that are already in the program, be at their maximum capacity before we're bringing on a lot of outside license.
- 16:32:00 would be my I maybe I'm missing something here. I'd love to hear some opinions on that.
- 16:32:06 Yeah. Yeah, Gary, I appreciate your comments. But this is outside the scope of of what we can do in rule. You know, any kind of moratorium would require a statutory change.
- 16:32:44 All right. Moving on to. 4,100 criminal record checks.
- 16:32:46 Great.
- 16:32:52 Yes, this is just a very simple plain language edit in 6, where we are using the term individual rather than individual person.
- 16:33:09 and we have a foreman manner at it as well.
- 16:33:16 and 41 10 application review. Oh, sorry, Amy. Yeah, sorry about that.
- 16:33:17 Oh, I'm sorry. There was a hand. Yeah.
- 16:33:20 It's okay. I was just going to quickly reiterate here that when a facilitator facilitator applies for their licenses, I'm sure is the case for a lot of other of the processes that when I'm going down to get my fingerprints and my background check done. I'm happy to do 2.
- 16:33:36 I would just, like, appreciate a rule that says there's only one background check and one fingerprint set required because we do have to pay for both of them for during the licensing process. It doesn't make any sense to me why the State of Oregon would need two background checks that the applicant applies for. And so just.
- 16:34:05 Thank you.
- 16:34:17 Okay, if we're ready to move on to 4110.
- 16:34:21 The substantive change.

- 16:34:30 is in section four is that an individual named as an applicant on the application must be present at the time of the license inspection. This was always implied and it is just a help for.
- 16:34:44 more efficient communications as the licensee is ultimately responsible for the license premises.
- 16:35:05 Great, 41 20 approval and issuance.
- 16:35:10 Okay, the substantive change here is in 3. which moves the payment window from 180 days to 90 days. That helps to improve the efficiency of our licensing process and reduces workload on the staff side.
- 16:35:48 4,200 notification of changes.
- 16:35:52 Okay, we have a form and manner edit. We also have a cross-reference to 4930, which is in a.
- 16:36:08 There's nothing substantively changing in A, because the. the rule already described the requirements. So we're just added the reference.
- 16:36:42 We have several form and manner edits there as well.
- 16:36:46 4210, the only edit here is is another form and manner edit.
- 16:36:59 42 50.
- 16:37:00 We have a few things going on in 42 50. So depending on how the conversation goes, we we might close out with this rule for the day.
- 16:37:11 So starting at the top in 1A. This is 49 30.
- 16:37:19 refers to the demographic information that's required for licensees and applicants.
- 16:37:26 by Senate Bill 303. And it clarifies that this does not need to be resubmitted if it has been previously submitted and has not changed. So that clause at the end, if they have not been previously submitted, is the substantive change.
- 16:37:45 in one C. This is going to be a companion edit to 8,200, which we'll get to later. But it is a requirement that that the renewal application include an attestation.
- 16:38:03 that all of the product tracking system users have completed the required training.
- 16:38:11 And then in one. D, we have... a.
- 16:38:20 kind of process improvement where we are adjusting the process for determining the timeliness of an application.

- 16:38:30 In 2, we are removing. duplicative language that is covered by 1A.
- 16:38:39 In 3 there's a requirement that the applicant must be present for the inspection. That's similar to the.
- 16:38:46 prior rule that we discussed.
- 16:38:51 In 4 and 8 applicants have 30 days to complete modifications and provide documents when requested, which supports efficient processing of renewals.
- 16:39:04 and 9 clarifies that. the license will not be renewed. If there is an outstanding civil penalty. So this is a civil penalty that was imposed by a final order after a notice of violation and licensees were afforded due process to challenge.
- 16:39:27 This supports efficient collection of civil penalties, which can be something that's fairly challenging for state agencies.
- 16:39:34 So, as I said, there's quite a lot here, but we can open it up for for comments now.
- 16:39:46 I see.
- 16:39:49 In Section 4 to go back to that one. I have some concern about the language that.
- 16:39:56 that everything must be done within, like, address the modification within 30 days, especially if it's something that needs to happen with the premise, if it's something construction related. I'm just, you know, I'm thinking of like, is that a reasonable timeline? Could we have, like, some language in there that says, like, or that they've received an extension or something like that that just provides a little bit more flexibility.
- 16:40:18 If it's not reasonable to actually have the modification fully addressed within 30 days.
- 16:40:28 Thank you.
- 16:41:26 Okay, well, there are a lot of changes in this rule, but we do not have comments on those changes, we can. Oh.
- 16:41:34 Yeah, Marie.
- 16:41:35 I mean, we do have comments. Yes.
- 16:41:38 Um, I kind of have a question for the including.
- 16:41:43 an attestation that every product tracking system user, the license premises has completed training required by the authority for the product tracking system.

- 16:41:53 What exactly is the training that's required? by the authority for the product tracking system.
- 16:42:01 Right. So we're we're going to cover that when we get to 8,200, and the short answer is, it is a training that is going to be published on our website. It will be a training video.
- 16:42:13 Okay? But isn't yet in existence.
- 16:42:16 No, I think it is there. Now I it could be updated again, but there is one currently posted.
- 16:42:23 Where would one find such thing?
- 16:42:25 There's a Tlc. system web page. If you go to the home page under licenses.
- 16:42:37 you'll see a Tlc system page for tips and training.
- 16:42:44 Oh, cool. Thank you.
- 16:43:27 We have about 15 minutes left and I think we can probably cover a couple more sections.
- 16:43:34 Yeah.
- 16:43:35 4280 is. The rule on license surrender.
- 16:43:41 And there are some form and manner up there on the top in one, the substantive change is in Section 6.
- 16:43:50 which adds worker permits to this rule. So you'll see that, you know, form and manner is showing up in several sections, but then in 6.
- 16:44:02 a permittee may request for surrender the worker permit using the form published on the website.
- 16:44:08 This is the same way we do it for licensees. We had just admitted to include worker permits in the rule prior to this rulemaking.
- 16:44:23 Amy.
- 16:44:24 I just want to state again here that facilitators that are not working for the service center and have no ability to use.
- 16:44:33 the access that the permit gives them by having a worker's permit, that this is, again, a double... a duplication of effort that's required for the facilitator for a permit that they can't even use in their role. And so, uh, I disagree with adding that in.

- 16:44:49 I don't find it necessary for for the permit holders, and I definitely don't find it necessarily for necessary for facilitators to have to do it twice when they can only use their facilitation.
- 16:45:09 Josh.
- 16:45:11 Um, I'm unclear as to why someone would, um... surrender their license versus just not renew it? Is this... just create more work for everyone when it... It's not necessary unless I'm missing where someone would...
- 16:45:29 give it up, instead of just not renewing it.
- 16:45:36 I don't know all the reasons, but I can speak to one that I'm aware of, which is just that they'll continue to receive communications from our program if they don't surrender.
- 16:45:51 But there there may be others that Jesse or other team members know of.
- 16:45:56 you know, it may be more of an issue for premises-based license than facilitators, frankly, but you know, I see, Gary, you have your hands raised, so maybe you have something to offer here.
- 16:46:08 I mean, very little. I mean, I think it was Courtney who, in our original rules advisory committee stated that, you know, we just don't see.
- 16:46:21 people that are only holding a worker's permit, even going through the process to do this. To Josh's point, they're just going to let it expire. You know, possibly if they have a license.
- 16:46:36 They're a license holder as well. They might go through this process. But for your average employee at either a manufacturer or service center that holds a worker's permit. I I just don't see them going through the effort.
- 16:46:52 to do this. So, um... Yeah. You might not be pertinent.
- 16:47:12 Amy.
- 16:47:12 Sorry, one more thing. It just seems like a moot point, too, because what is the intent of having this requirement if they don't follow up with it, that you take their permit away? It just... to me, it just seems like added hoops or steps. It's more of, like, a polite request versus a needed process. It doesn't, to me, it doesn't accomplish anything to.
- 16:47:35 earlier points, if it's just gonna expire anyway, and they're not gonna renew it, then what's the point in surrendering?

- 16:47:43 Yeah, I think it's not a requirement, correct? Jesse. It's just saying that they can choose to.
- 16:47:50 Yeah, it is an so this render is an an option, whether we're talking about licensees or or worker permits, or even training programs, you know, it's never required that somebody surrender their license. It's an opportunity.
- 16:48:03 For the, uh... the person or the business to do so. And the section's interest in having a request process is that if somebody has a pending compliance issue that is unresolved, we can wait until that.
- 16:48:21 Issue is resolved before we accept the surrender, and it makes for more efficient resolution of those cases.
- 16:48:41 Great, 4,300 licensed premises location requirements.
- 16:48:47 Okay, so there's a lot of deleted content here.
- 16:48:51 Um, but it is not actually being deleted. It is being moved over to a new rule, 4310.
- 16:49:00 which covers. service center temporary events.
- 16:49:07 Um... So to summarize, 4310.
- 16:49:13 All requirements of an annual license remain in place during a temporary use.
- 16:49:18 And this is essentially what is covered in sections one through five.
- 16:49:26 Section 6 states that temporary events cannot be held while the license is suspended.
- 16:49:34 Section 7 states. That, um... A single notice can be used to cover recurring events during an entire license year. So seven, um... Requires written notice.
- 16:49:51 But again, to clarify, if it's a recurring event, same event, it can be an entire year's worth of events can be filed on the same notice.
- 16:50:01 In Section 8, it requires adequate and complete. written notice to describe the event in detail. This helps licensees to remain in compliance. It gives us an opportunity to spot any issues and communicate with the licensees when we receive that notice.
- 16:50:21 Um, and sections 9, 10, 11 describe process for advanced written notice and confirmation in more detail.

- 16:50:31 Again, MCAP does not pre-approve events. We evaluate the adequacy of the notice. And if the notice demonstrates a compliance issue, then we have an opportunity to provide education.
- 16:50:42 Um, if an event itself is out of compliance, that may give rise to an administrative violation.
- 16:50:50 And I see that there are a lot of hands up, and I know that we have 10 min left. So we'll cover what we can on this rule and then we can we can start here on Wednesday if we have further comments.
- 16:51:06 All right, Gary.
- 16:51:11 Yeah, I mean, one thing, I mean, you cruised right by 4300. I realize that might be out of scope, even though I think we changed some numbers around there. So hopefully that might bring it into scope. But.
- 16:51:27 you know, the whole subletting thing, I think, is something we need to talk about, but especially with some of the legislative bills.
- 16:51:37 that are coming our way on the dual licensure issues. So I don't know. That's probably not something we talk about right now, but 4310, I think is super, super vague. And, uh, you know, like.
- 16:51:53 You use the example here, such as staff meetings are not temporary uses.
- 16:52:01 Would hope not. But I think we need to really define that and what is, you know, could you.
- 16:52:11 you know, hold different events that are. psilocybin.
- 16:52:18 centric, but may not have anything to do with the actual.
- 16:52:23 business being done, such as a ladies night for information.
- 16:52:29 Things like that. I would be really curious to and we have actually used this and and took our service center out of.
- 16:52:37 um, use on a temporary use just to be safe and sure. But I think we need a lot more definition around this.
- 16:52:47 Thank you.
- 16:52:49 Thank you. Jade.
- 16:52:52 Yeah, I'd like to agree with what Gary's saying. I'm also very much in favor of this with maybe more specifications on how to meet those parameters. It allows for diversification of facilitation centers that can build community connections outside of the psilocybin scope as well as within in terms of connections in the community, but also, you know.

- 16:53:10 I would just say for community centers might be able to help them thrive since I know it's very hard to get these businesses up. It would be to me, I think it'd be a really great way to diversify these centers. The only caveat is if there is no relation to the psilocybin community wise is 21 plus. I know like at restaurants, you can sell alcohol, but if people are outside of that scope, if the psychoactive substances are locked.
- 16:53:36 And this is a center maybe for, like, Boys and Girls Club or something to be able to, like, I'm not saying Boys and Girls Club specifically, but in terms of, like, other things, I'm thinking of, like, parent support groups or things like that. I just don't see why that would be necessary. But yeah, I definitely like that they're, um, in terms of.
- 16:53:52 Reducing redundancy that there's only one notice needed for recurring events. I think that if you have an approved event that's happening monthly for however many up for a year, I think that would at least, you know, save some redundancy there. But yeah, I'm very much in favor of this. I think there just needs to be some more specifications, specifically around if this is, like, a paid event. Is there any specifications in reporting this to MCAP or other kinds of.
- 16:54:28 Thanks, Jane. Lisa.
- 16:54:32 I wanted to say for record, I support this addition, although we don't. We're not in the business of having a service center anymore. It was really helpful when we wanted to have alumni gatherings to request a temporary.
- 16:54:48 event. I disagree with the requirement for it being 21 and over for those. I also I don't think personally we need more information about what we can and can't do there other than.
- 16:55:04 Then maybe around the age thing. It seems to me like pretty open. Like, you can have people there during these hours, and you can kind of do what you want within the law. So I think like more details around that, I don't see any necessary, and I'm curious about that from the other folks who were advocating for that.
- 16:55:25 Um, but in general, I think this is a really good, helpful tool for service centers who are trying to make it work.
- 16:55:33 Thank you. Josh.
- 16:55:36 Yeah, I just want to reiterate that it's unnecessary to have the 21 years... have people 21 years or older.

- 16:55:46 Uh, if it's not being used as a licensed service center at that time, if it's yoga or art, it doesn't make any sense why.
- 16:56:00 And I would just like to say real quick that the requirement that no one under 21 can be on a licensed premises is statutory.
- 16:56:10 Thank you.
- 16:56:13 Mercy.
- 16:56:14 I'm confused by the language that refers to it as written notice when it's clearly a request that must be approved because it says in section, I think, 10 or on the second page that they cannot do it unless they've gotten written confirmation of it. And 5 business days seems like a really quick turnaround for OPS or OHA to like get that going, you know, so it says they have to.
- 16:56:37 give written notice, or really apply within 5 days, 5 business days of the event, but they can't do anything until they get confirmation. So is OHA committed to responding to those notices or requests immediately, so that that can actually happen.
- 16:57:00 Thank you. Sam.
- 16:57:03 Yeah, I think this is a real opportunity to reduce stigma around our industry and to help service centers out in terms of 4,300, 4310 and 4,400.
- 16:57:19 You know, the prohibition of. subletting should be revised to allow temporary rentals and shared uses that do not transfer psilocybin.
- 16:57:29 License privileges. I think it's important that service centers be allowed to host ordinary community educational, commercial and private events without advanced notice or OHA approval.
- 16:57:45 unrelated events should allow the same applicable applicable laws as comparable businesses. I'm curious about what specific safety risk.
- 16:57:56 justify special restrictions on activities involving no psilocybin services.
- 16:58:05 Thank you. Lisa.
- 16:58:08 I wanted to say that the current rules say for 4,400, a person under 21 years of age to work to be or be present on a licensed premises except for persons temporarily at the premises to make a service, maintenance, or repair call.

- 16:58:25 or for other purposes independent of the premises operations. So, to me, that seems like if you're there for a purpose independent of the premises operations that someone under 21 could technically be there.
- 16:58:44 Thanks, Jade.
- 16:58:46 Yeah, I just want to say for specifications, I did not. I want to clarify that I did not mean to specify which events were allowed or not allowed, but more towards if they're paid or unpaid, and in terms of the 21 under, I don't think that should be specified. So my my definition of specification was more around what is being reported in terms of like income for Ric or for a wage.
- 16:59:07 OHA, or, like, how to specify towards that due process, but rather than actually specifying what is and what is not allowed to be, um, a temporary event.
- 16:59:18 Thank you. Gary.
- 16:59:22 Yeah, and I don't think you need to, you know, clarify every imaginable use of this. But you know, as a service center license holder, I I want to be compliant. And you know this scares me.
- 16:59:38 Because it is a little vague. And to Josh's point, I think he used the example of yoga and art.
- 16:59:47 So if yoga is done in the premises without psilocybin.
- 16:59:54 Versus, is yoga done on the premises with psilocybin?
- 17:00:00 Um, is, is there a difference? And, um, you know, just trying to stay compliant and, um, work within OHA's parameters, I would just love some more clarity around this.
- 17:00:13 of some type. Thank you.
- 17:00:17 Yeah, thanks. And I'm looking at the time. I'm seeing it's 5 o'clock, and I know, Jesse, you thought maybe we could pick this back up on Wednesday and give ourselves a little bit more time to finish up the discussion.
- 17:00:30 Um, so just to be respectful of everyone's time, I think that might be the route we take. And Jesse, I don't know if you have any other concluding remarks.
- 17:00:40 We will reconvene on Wednesday at one o'clock, and we will cover the remainder of these rules as well as the statement of fiscal impact and racial equity impact. And we want to make sure that we have ample time.

- 17:00:57 For that statement. So the agenda for Wednesday has one h allocated to rules and and one h allocated to the impact statement.
- 17:01:06 And I thank everybody on behalf of the section for your participation today, and I look forward to seeing you on Wednesday.
- 17:01:16 Thanks, everyone. Good night.
- 17:01:16 Thank you to you all.