

Oregon Psilocybin Advisory Board

April 27, 2022
1:00 p.m. to 4:00 p.m.

To Join via Zoom:

<https://www.zoomgov.com/j/16054780370>

Meeting ID: 160 5478 0370

Attendance

Ali Hamade
Andre Ourso
Angela Carter
Atheir Abbas
Barb Hansen
David Hart
Jessie Uehling
Kevin Fitts
Kimberly Golletz
Margaret Philhower
Nathan Rix
Rachel Knox
Sarah Present
Stephanie Barrs
Todd Korthuis
Tom Jeanne

Agenda Item	Description and/or Corresponding Action Items + Outcome, Vote Count, Action Items	Presenter	Time
Meeting Convenes	Welcome and Roll Call, 5 minutes	Atheir Abbas, <i>OPAB</i> <i>Vice Co-Chair</i>	1:00 p.m.
OHA Updates	Oregon Psilocybin Services Update, 5 minutes	Angie Allbee, <i>OHA-OPS</i> <i>Section</i> <i>Manager</i>	1:05 p.m.
Approval of Minutes	Approval of March Minutes, 5 minutes	Atheir Abbas, <i>OPAB</i> <i>Vice Co-Chair</i>	1:10 p.m.
Class Exception from OGEC	Class Exception from OGEC, 15 minutes Class Exception Summary Discussion on whether OPAB would like OHA to draft language for exception request (Roll Call, 1/min each) Vote on whether to have OHA draft language for class exception request from OGEC	Angie Allbee, <i>OPS Section</i> <i>Manager</i> and Atheir Abbas, <i>OPAB</i> <i>Vice Co-Chair</i>	1:15 p.m.
Board Elections	Board Elections, 60 minutes Bylaws Board Chair Election Nominations for Board Chair Nominees address board (1/min each) Discussion (Roll Call, 1/min each) Vote for Board Chair	Atheir Abbas, <i>OPAB</i> <i>Vice Co-Chair</i>	1:30 p.m.

	<p>Board Vice-Chair Election Nominations for Board Vice Chair Nominees address board (1/min each) Discussion (Roll Call, 1/min each) Vote for Board Vice Chair</p> <p>Subcommittee Chair Election Discussion on whether to pause nominations for subcommittee chairs until after the development period ends Vote on whether to pause nominations for subcommittee chairs until after the development period ends If board votes to elect, then: Nominations for Subcommittee Chair/Co-Chairs Nominees address board (1/min each) Discussion (Roll Call, 1/min each) Vote for Subcommittee Chair/Co-Chairs</p>		
<p>Vote on Recommendations</p>	<p>Recommendations, 60 minutes</p> <p><u>Facilities</u></p> <ol style="list-style-type: none"> 1. Licensing, 9/23/21: Recommend that to protect client privacy, service center operators shall not utilize audio, photo, or video surveillance within areas of a service center where clients are permitted. 2. Licensing, 9/23/21: Recommend that when not being used during an administration session, all psilocybin products shall be stored within a locked room or safe. Only designated employees of the service center shall access the locked room or safe. Photo and video surveillance of the exterior and interior of the locked room or safe shall be permitted to the extent that it runs no risk of recording clients in areas where clients are permitted. 	<p>Atheir Abbas, <i>OPAB Vice Co-Chair</i></p>	<p>2:30 p.m.</p>

	<ol style="list-style-type: none"> 3. Licensing, 10/7/21: Recommend that facilitators must have a reliable means to access emergency services at service centers. 4. Licensing, 10/7/21: Require that service centers be inspected prior to licensure. 5. Licensing, 10/7/21: Require that service centers submit safety and security plans as a part of their license application 6. Licensing, 11/4/21: Require OHA to offer endorsements with lower licensing fees for manufacturers that cultivate or produce psilocybin products on a smaller scale. 7. Licensing, 12/2/21: Recommend that OHA shall allow psilocybin service centers to operate within, adjacent to, or adjoining an unlicensed business or organization provided that a substantial physical barrier, such as a fence, wall, or door, separates the space designated as a service center from the space that is used for the unlicensed business or organization in a manner that ensures client comfort, safety, and privacy. Unlicensed business or organization means a business or organization that is not licensed under Measure 109 8. Licensing, 12/2/21: Recommend that OHA shall not prohibit psilocybin service centers from operating within manufactured structures, non-commercial buildings, outdoor or other non-conventional spaces, or related structures provided that the facilities meet other requirements for licensed psilocybin service centers. 9. Licensing, 11/4/21: Recommend that OHA shall adopt rules that allow manufacturers to share facilities or equipment with the goals of reducing operating expenses and increasing accessibility. <p><u>Privacy/Video</u></p> <ol style="list-style-type: none"> 1. Licensing, 9/23/21: Recommend that to protect client privacy, service center operators shall not utilize audio, photo, or video surveillance within areas of a service center where clients are permitted. 2. Licensing, 1/6/22: Recommend that the minimum video retention period of 30 days for required video recording. 3. Licensing, 9/23/21: Recommend that to protect client privacy, service center operators shall not use license plate readers, ID scanners, face recognition, behavioral analytics software, or related surveillance or biometric technology inside service centers, on 		
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properties where service centers are located, within service center parking lots, or in areas adjacent to these locations.

Group Administrative Sessions

1. Licensing, 8/26/21: Recommend that group administration sessions be permitted subject to rule requirements.
2. Client to Facilitator Ratio:
 1. Licensing, 8/26/21: Recommend a minimum ratio of 3 clients to 1 facilitator for group administration session, **or**
 2. Licensing, 1/6/22: Recommend maximum client to facilitator ratio for group sessions of 8:1 for perceptual doses and 10:1 for subperceptual doses.
3. Licensing, 8/26/21: Allow group administration sessions without limiting the total number of clients in a group, provided that the service center is compliant with building occupancy and other applicable state and local requirements.
4. Licensing, 1/6/22: Recommend that to reduce costs and increase the accessibility of psilocybin services in Oregon:
 1. Group preparation sessions shall be permitted;
 2. Facilitators shall be permitted to conduct individual and group preparation sessions remotely, provided that the client agrees and has opportunities for one-on-one interaction with the facilitator;
 3. Group integration sessions shall be permitted; and

Facilitators shall be permitted to conduct individual and group integration sessions remotely, provided that the client agrees and has opportunities for one-on-one interaction with the facilitator.

Service Center Staffing Levels

1. Licensing, 8/26/21: Require that an additional facilitator be on call for individual administration session.
2. Licensing, 8/26/21: Define “on call” to mean that the facilitator on call can be present at the service center within 20 minutes.

3. Licensing, 9/9/21: Require an additional license representative to be present at the service center during administration session. This person need not be a licensed facilitator.
4. Licensing, 12/2/21: Recommend that a client's licensed facilitator shall always be present in the facilitation room or area and shall continuously monitor the client for the duration of an administration session. The only permitted exceptions shall be short restroom or meal breaks in which the client or facilitator temporarily steps out of the treatment room or area. Facilitators shall only take such breaks when the client is safe and comfortable. During short breaks, a second staff person shall monitor the client. Facilitators shall remain on the premises during meal breaks.

Outdoor Administrative Sessions

1. Licensing, 8/26/21: Recommend that administration sessions may be held outdoors.
2. Licensing, 9/9/21: Recommend that during outdoor administration sessions, facilitators have a duty to ensure client safety comfort and privacy. The responsibilities associated with this duty included, but are not limited to:
 - Facilitators must take all reasonable efforts to ensure that areas where outdoor psilocybin administration occurs are free of reasonably foreseeable hazards that may cause physical or psychological harm or distress to clients.
 - Facilitators should ensure that outdoor areas are accessible to people with disabilities.
 - Except during client bathroom breaks, facilitators must ensure that all clients remain within visual range of a facilitator.

Advertising

1. Licensing, 8/26/21: Allow advertising of psilocybin products.
2. Licensing, 9/9/21: Regulate advertising of psilocybin products and services by prohibiting advertising that is false or misleading, makes medical claims or targets minors or other individuals ineligible to receive psilocybin services.
3. Licensing, 12/2/21: Recommend that advertising shall be defined as commercial communications distributed through print, television, radio, internet, including but not

	<p>limited to, websites and social media, signage, and other media that is accessible to the public outside of psilocybin service centers, manufacturing facilities, and laboratories.</p> <ol style="list-style-type: none"> 4. Licensing, 12/2/21: Recommend that OHA shall prohibit advertising by parties licensed under Measure 109 for psilocybin services that violates or promotes breaches of the facilitator's code of professional conduct approved by the Oregon Psilocybin Advisory Board. 5. Licensing, 12/2/21: Recommend that OHA shall allow advertising by parties licensed under Measure 109 that presents scientific data on the safety, risks, or effects of psilocybin products. 6. Licensing, 12/2/21: Recommend that OHA shall prohibit advertising by parties licensed under Measure 109 that asserts that psilocybin products or services are safe because they are regulated by the OHA. 7. Licensing, 12/2/21: Recommend that OHA shall not prohibit advertising by parties licensed under Measure 109 that specifically targets persons located outside the state of Oregon. 8. Licensing, 12/2/21: Recommend that OHA shall prohibit advertising by parties licensed under Measure 109 that utilizes location-based devices and technologies including, but not limited to, Bluetooth beacons and radio frequency identification (RFID). 9. Licensing, 12/2/21: Recommend that OHA shall prohibit parties licensed under Measure 109 from utilizing web tracking technologies including, but not limited to, web beacons, tracking pixels or tags, and related technologies. 10. Licensing, 12/2/21: OHA shall allow the use of first party internet cookies (a.k.a. web or browser cookies) by parties licensed under Measure 109 only if the parties notify consumers that visit the parties' websites that the websites use such cookies and provide visitors with a clear and easily accessible means of opting out. Visitors that opt-out shall still be permitted to access and utilize the website. 11. Licensing, 12/2/21: Recommend that OHA shall prohibit the use of third-party internet cookies (a.k.a. web or browser cookies). <p><u>Packaging and Labels</u></p> <ol style="list-style-type: none"> 1. Licensing, 11/4/21: Recommend that before a psilocybin product is dispensed to a client, the client shall be provided with a product information sheet that includes all label 		
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	<p>information in an easy-to-read format. Alternates to the standard product information sheet shall be made available to clients with disabilities.</p> <ol style="list-style-type: none"> 2. Licensing, 11/4/21: Recommend that psilocybin product labels shall contain an easily recognizable symbol or warning that indicates that they contain psilocybin. 3. Licensing, 11/4/21: Recommend that The OHA should review psilocybin product labels before products are offered for sale. 4. Licensing, 11/4/21: Recommend that the ingredients of psilocybin products should be included on all product labels in a manner consistent with current U.S. food labeling practices. Additional information such as dosage, solvents used, and the potential for potentiation or attenuation of psilocybin effects shall also be listed. Common allergens shall be listed in bold at the top of each label. 5. Products, 1/6/22: Recommend that labels display the following information: species, health and safety information, serving size, harvest date, unique id, food ingredient, substrate, solvents, activation time, potency (quantity of psilocybin), number of servings, manufacturer info, QR code, tissue type (fruiting body vs. mycelium) and allergen information. 6. Products, 2/3/22: Require manufacturers to identify ‘best if used by’ dates for all products and include that information on the package. 7. Products, 2/3/22: Require that manufacturers determine ‘best if used by’ dates based on industry standards and reliable scientific evidence. 8. Products, 2/3/22: Recommend that OHA gather quantitative data on degradation rates of psilocybin products and factors leading to psilocybin degradation. 9. Products, 2/3/22: Require that psilocybin products be packaged in child proof packaging that does not leach harmful chemicals. <p><u>License Process</u></p> <ol style="list-style-type: none"> 1. Licensing, 10/7/21: Recommend that facilitators must have a reliable means to access emergency services at service centers. 2. Licensing, 10/7/21: Require that service centers be inspected prior to licensure. 		
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3. Licensing, 10/7/21: Require that service centers submit safety and security plans as a part of their license application
4. Licensing, 11/4/21: Recommend that licenses issued by the OHA under Measure 109 shall not be transferrable.
5. Licensing, 10/21/21: Recommend that once licenses are accepted, the Licensing Subcommittee should take on the role of licensing oversight, which will review licensing requirements on an ongoing basis and make recommendations to the OHA. As with all OPAB subcommittees, OPAB members may submit a request to join the Licensing Subcommittee.
6. Licensing, 11/4/21: Recommend that licenses issued by the OHA under Measure 109 shall not be transferrable.

Equity Plans

1. Licensing, 9/9/21: Require that licensees create and maintain an equity plan.
2. Equity, 1/21/22: Recommend that OHA require applicants submit a social equity plan as a condition of licensure. (Full text below)

CONSIDERATIONS FOR MANUFACTURING & SERVICE CENTER LICENSE HOLDERS

OHA shall require that applicants for manufacturing and service center licenses develop Social Equity Plans as part of their application for licensure.

OHA shall require that licensed manufacturers and service centers maintain Social Equity Plans as a condition of renewal.

	<p>Social Equity Plans shall encompass internal and external equity strategies and shall be commensurate to the size of the organization.</p> <hr/> <p>At minimum, Social Equity Plans shall include a well-defined mission and description of the ways license holders will accomplish the following:</p> <ul style="list-style-type: none">● Integrate DEJI throughout their internal practices, policies, and programming● Participate in and support any Psilocybin Services Program's equity efforts, including the implementation and support of any future equity program● Monitor, measure, and report against stated key performance indicators (KPIs) as defined in the Social Equity Plan <hr/> <p>Social Equity Plans shall include a forecast of incremental KPIs (milestones) that advance the license holders' Social Equity Plan.</p> <hr/> <p>License holders shall submit an annual report detailing the implementation and management of their Social Equity Plans, including the following:</p> <ul style="list-style-type: none">● Plan summary● Narrative of activity to date● Evaluation of each KPI● Successes● Challenges● Assessment of internal and external impact● Future plans and opportunities● Opportunities for policy and regulation changes		
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OHA shall review SEPs each renewal period, provide an assessment of the plan’s efficacy and the organization’s achievement of stated goals, and make a determination on whether the organization’s license may be renewed, put on an improvement plan, or discontinued.

CONSIDERATIONS FOR FACILITATOR LICENSE HOLDERS

Require continuing education in cultural equity, racial justice, and health equity as part of facilitator renewals.

Require continuing education in ethics as part of facilitator renewals.

OHA shall require that applicants for facilitator licenses develop Social Equity Plans as part of their application for and maintenance of licensure.

Compliance

1. 10/21/21: Recommend that OHA adopt the following language on license penalties:
 - (a) Denial, suspension, or revocation of licenses; restrictions on admission; penalties.

The Oregon Health Authority may assess a civil penalty and, pursuant to ORS 479.215, shall deny, suspend, or revoke a license, in any case where the State Fire Marshal, or the representative of the State Fire Marshal, certifies that there is a failure to comply with all applicable laws, lawful ordinances and rules relating to safety from fire.

- (b) The authority may:
 1. Assess a civil penalty or deny, suspend, or revoke a license of psilocybin manufacturer, testing laboratory, service center, or facilitator in any case where it finds that there has been a

	<p>substantial failure to comply with ORS [sections that pertain to Measure 109].</p> <p>2. Suspend or revoke a license issued under ORS [sections that pertain to Measure 109] for failure to pay a civil penalty imposed under ORS [relevant sections].</p> <p>2. 10/21/21: Recommend that a psilocybin service center, or person acting in the interest of the center, may not take any disciplinary or other adverse action against any employee or facilitator who in good faith brings evidence of inappropriate care or any other violation of law or rules to the attention of the proper authority solely because of the employee or facilitator's action as described in this subsection.</p> <p>3. 10/21/21: Recommend that OHA adopt the following language on license responsibility: Service center staff and bylaws; rules.</p> <p>(1) The licensee of a psilocybin service center shall be responsible for the operation of the facility, the selection of the staff and the quality of services rendered in the facility.</p> <p>(2) The governing body shall:</p> <p>(a) Ensure that all personnel for whom state licenses, registrations or certificates are required are currently licensed, registered or certified;</p> <p>(b) Ensure that psilocybin facilitators licensed to practice in the facility are granted privileges consistent with their individual training, experience and other qualifications;</p> <p>(c) Ensure that procedures for granting, restricting and terminating privileges exist and that such procedures are regularly reviewed to ensure their conformity to applicable law;</p>		
Break	Break if time allows, 5 minutes	All	3:30 p.m.

Subcommittee Reports	Subcommittees Report to Board, approx 1-2 minutes/each for total of 5 minutes Equity SC Research SC	SC Chairs: Dr. Rachel Knox and Dr. Angie Carter, <i>Equity SC Co-Chairs</i> Dr. Atheir Abbas and Dr. Todd Korthius, <i>Research SC Co-Chairs</i>	3:35 p.m.
Oregon Psilocybin Advisory Board Open Comment and Discussion Period	Equal time for Oregon Psilocybin Advisory Board Members, approximately 1 min/each for 10 minutes	Atheir Abbas, <i>OPAB Vice Co-Chair</i>	3:40 p.m.
Public Comment Period	Comments from the Members of the Public, 10 minutes	<i>OHA Oregon Psilocybin Services Team Member</i>	3:50 p.m.

Adjourn	Meeting adjourns	Atheir Abbas, <i>OPAB</i> <i>Vice Co-Chair</i>	4:00 p.m.
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