



March 17, 2023

Oregon Psilocybin Services
Temporary Waiver
Product Tracking Rules

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Background

ORS 475A.400 requires the Oregon Health Authority (OHA) to either develop and maintain a system for tracking psilocybin products or enter into an agreement with the Oregon Liquor and Cannabis Commission to use the tracking system for cannabis. ORS 475A.400(a) authorizes OHA to develop an internal solution, and ORS 475A.400(b) authorizes OHA to engage the vendor providing the cannabis tracking system for the Oregon Liquor and Cannabis Commission (OLCC), Metrc.

Beginning in mid-2021, the Oregon Psilocybin Services Section (OPS) engaged and negotiated with Metrc to configure and support OPS' psilocybin product tracking needs. Although the State and Metrc worked together to negotiate mutually acceptable terms and conditions for OPS services, the needs of the program dictated that OHA pivot toward development of an internal solution for psilocybin product tracking.

Oregon Psilocybin Services will be enhancing the Training Program, Licensing, and Compliance system (TLC) to include product tracking and expects this work to be completed by summer of 2023.

Until this in-house solution has been developed and is ready to use, OPS will use an interim tracking solution to comply with the requirements in statute. Recently adopted administrative rules were drafted assuming that a vendor-provided tracking system would be in place by 2023, and some of the rule sections are incompatible with both the interim and ongoing product tracking solution.

Waiver

Effective March 17, 2023, the Oregon Health Authority temporarily waives the requirements of the following rule sections, pursuant to OAR 333-333-8200(9). This waiver remains in place until rescinded in writing on the OPS website.

- OAR 333-333-8100(2)(b)(F)
- OAR 333-333-8200(2)
- OAR 333-333-8200(3)
- OAR 333-333-8200(4)
- OAR 333-333-8200(5)
- OAR 333-333-8200(7)
- OAR 333-333-8210(4)
- OAR 333-333-8210(7)
- OAR 333-333-8220
- OAR 333-333-8230(3)
- OAR 333-333-8250(3)
- OAR 333-333-8250(4)
- OAR 333-333-8250(5)
- OAR 333-333-8260

Guidance

The interim tracking solution will generate unique identification numbers, but it will not provide unique identification tags. Therefore, administrative rules that require licensees to assign and affix unique identification tags have been included in this waiver. Rather than using system-generated unique identification tags, manufacturers should make their own, legible tags that contain the product's unique identification number. These user generated tags should be assigned and affixed to cultivation batches, harvest lots and process lots. When a psilocybin product is labeled for sale as under OAR 333-333-2400, user generated tags will no longer be required. Instead, the unique identification number will be listed on the label as required by the rule. Shipping receptacles used when transporting psilocybin products do not require additional user generated tags to be affixed.

OAR 333-333-8200(7) is included in this waiver. The waived rule section addresses the requirements for secondary software applications that link to the psilocybin tracking system. The rule is included in the waiver because the interim tracking solution lacks functionality to link to secondary software. Please note that licensees may use any secondary software application that they choose, but those applications will not be able to link to psilocybin tracking system. Any secondary software would be in addition to the required psilocybin tracking system.