



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

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CHAPTER 333

OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

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& LEGISLATIVE COUNSEL

FILING CAPTION: Oregon Psilocybin Services – regulating hours of operation and authorized temporary uses for service centers

EFFECTIVE DATE: 08/29/2025 THROUGH 02/24/2026

AGENCY APPROVED DATE: 08/29/2025

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NEED FOR THE RULE(S):

Oregon Psilocybin Services (OPS) recently discovered an unintended loophole in administrative rules regulating hours of operation and authorized temporary uses for service centers.

OAR 333-333-4300(6) states that “A service center may authorize the temporary use of the licensed premises for activities that are unrelated to the exercise of license privileges...” Subsection (6)(a) of the same rule states that “The requirements of these rules and ORS 475A.210 to 475A.722 remain in effect during authorized temporary uses and licensees are responsible for any violation of these rules and ORS 475A.210 to 475.722 that occurs on the licensed premises during an authorized temporary use.”

OPS rules on hours of operation are described in OAR 333-333-4480(1)(a) which states that a service center may “Between the hours of 6:00 AM and 11:59 PM local time, sell psilocybin products and provide psilocybin services to clients 21 years of age or older.” [emphasis added]. Because this rule constructively defines operations as selling products and providing services, an authorized temporary use that extends beyond 11:59 PM is currently allowable and is the result of an unintentional drafting error.

The temporary rule amends OAR 333-333-4300(6) to require that an authorized temporary use may only occur between the hours of 6:00 AM and 11:59 PM local time.

JUSTIFICATION OF TEMPORARY FILING:

(1) The Oregon Health Authority (OHA) finds that failure to act promptly will result in serious prejudice to the public interest, to OHA, and members of the public who attend temporary events. Events that extend beyond 11:59 PM are not consistent with the safe and orderly operation of psilocybin service centers. Due to ongoing concerns regarding frequent, late night temporary use that impacts public health and safety, rules must be adopted promptly to prohibit service centers from hosting events at their licensed premises after 11:59 PM. Temporary use events that go beyond 11:59 PM are a risk to public health and safety because they are more likely to involve intoxicated individuals that have

consumed alcohol at neighboring businesses. The storage of Schedule 1 substances and potentially large quantities of cash on the licensed premises combined with potentially intoxicated individuals creates the risk of theft, diversion, or consumption of regulated products, disorderly conduct, and other harmful outcomes that would otherwise be avoided. In addition, sensitive client information stored on the licensed premises may be at risk.

(2) Failure to immediately adopt the temporary rule will result in an elevated risk to members of the public who attend events at licensed service centers after 11:59 PM and the communities where these events are located. Licensed service centers are required to report temporary use to the OHA under OAR 333-333-4300(6). Recent reports of temporary use events have indicated that some late-night events allow participants to enter and exit the licensed premises during the event, and some events have lasted until 3:00 a.m. the following morning. OHA has received concerns from law enforcement regarding such events due to concerns that individuals may be entering the premises after consuming alcohol and/or other substances. The adoption of temporary use rules was intended to provide flexibility to licensed service centers to offer additional community, healing, and wellness activities on the licensed premises and not intended for late night operations that extend beyond the hours of operation of a service center.

(3) Failure to take immediate rulemaking action allows licensed service centers to continue to host temporary events after 11:59 PM. There would continue to be elevated risk to public health and safety and inability to address significant concerns about ongoing temporary use. The issue is due to an unintended drafting error in current rules.

(4) The temporary action will explicitly prohibit temporary uses at licensed service centers after 11:59 PM. The concerns regarding the existing administrative rule loophole will be addressed through temporary action.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 333-333-4300

RULE SUMMARY: OAR 333-333-4300: Amend section (6) to require that an authorized temporary use may only occur between the hours of 6:00 AM and 11:59 PM local time.

CHANGES TO RULE:

333-333-4300

Licensed Premises Location Requirements

- (1) A licensed premises may not be located on state or federally owned land.¶
- (2) The interior and exterior areas of a licensed premises may not overlap with:¶
 - (a) An area that is licensed or certified or otherwise approved by the Oregon Liquor and Cannabis Commission, under ORS 475C.065, ORS 475C.085, ORS 475C.093 or ORS 475C.097, a licensed premises under ORS chapter 471 or a retail liquor store appointed as an agent.¶
 - (b) A medical marijuana grow site registered under ORS 475C.792.¶
 - (c) A medical marijuana processing site registered under ORS 475C.815.¶
 - (d) A medical marijuana dispensary registered under ORS 475C.833.¶
 - (e) An area used as an industrial hemp operation by an industrial hemp grower or handler licensed by the Oregon Department of Agriculture under ORS 571.281. ¶
 - (f) A health care facility licensed under ORS chapter 441.¶
 - (g) An area that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited-service restaurant, single event temporary restaurant, commissary, mobile unit, bed and breakfast, or warehouse licensed under ORS chapter 624.¶
 - (h) A residence.¶
 - (i) An area that has been issued another license under ORS chapter 475A.¶
- (3) The licensed premises of a service center may not be located:¶

- (a) Except as provided in ORS 475A.310 and OAR 333-333-4130(4), within 1,000 feet of:¶
 - (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or¶
 - (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.¶
- (b) In an area that is zoned exclusively for residential use within city limits.¶
- (4) A manufacturer with an edible psilocybin production endorsement may not:¶
 - (a) Engage in processing in an area that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited-service restaurant, single event temporary restaurant, commissary, mobile unit, bed and breakfast, or warehouse licensed under ORS chapter 624;¶
 - (b) Share a food establishment where psilocybin will be produced, with another person or entity;¶
 - (c) Process food intended for commercial sale that does not contain psilocybin; or¶
 - (d) Use a psilocybin product to produce edible psilocybin products unless that psilocybin product was processed or cultivated in a food establishment licensed by the Oregon Department of Agriculture in compliance with the applicable provisions of OAR chapter 603, division 21, division 24, division 25 and division 28.¶
- (5) A manufacturer, service center or laboratory license is prohibited from subletting any portion of the licensed premises.¶
- (6) A service center may authorize the temporary use of the licensed premises for activities that are unrelated to the exercise of license privileges. Activities related to the regular operation of the licensed business, such as staff meetings, are not temporary uses.¶
- (a) The requirements of these rules and ORS 475A.210 to 475A.722 remain in effect during authorized temporary uses and licensees are responsible for any violation of these rules and ORS 475A.210 to 475A.722 that occurs on the licensed premises during an authorized temporary use. Requirements include but are not limited to prohibiting any person under 21 years of age from being present on the licensed premises, preventing access to limited access areas, ensuring that no alcoholic beverages or other intoxicants are consumed during the temporary use, complying with local time, place and manner regulations and following applicable rules on food service.¶
- (b) A service center must provide advance written notice in the form and manner prescribed by the Oregon Health Authority (Authority) of temporary uses of the licensed premises for activities unrelated to the exercise of licensed privileges at least five business days prior to the authorized temporary uses in the form and manner prescribed by the Authority. Service centers may use a single written notice to provide advance notice of multiple and reoccurring events occurring within 90 days following the date of the notice.¶
- (c) Psilocybin products may not be sold or transferred, and no psilocybin services may be provided, during an authorized temporary use.¶
- (d) A licensee representative must be present at the licensed premises for the duration of the authorized temporary use.¶
- (e) An authorized temporary use may only occur between the hours of 6:00 AM and 11:59 PM local time.

Statutory/Other Authority: ORS 475A.235

Statutes/Other Implemented: ORS 475A.235, ORS 475A.305, ORS 475A.310