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OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

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FILING CAPTION: Oregon Psilocybin Services – Licensed Premises Location Requirements

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AMEND: 333-333-4300

REPEAL: Temporary 333-333-4300 from PH 15-2025

NOTICE FILED DATE: 11/21/2025

RULE SUMMARY: OAR 333-333-4300: Amendments remove a redundant reference to Oregon Department of Agriculture licensure for psilocybin manufacturers. The amendments also make changes to the requirements for holding authorized temporary events at licensed service centers. The amendments allow a service center to provide a single notice for temporary events occurring over a 180-day period. The rule is being amended to require that temporary events may not occur after 11:59 PM. This change is consistent with hours of operation described in other rules within OAR 333-333.

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; or¶
(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 475.722 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 9180 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