

Measure 109

Text of Measure

AN ACT

Be It Enacted by the People of the State of Oregon:

SECTION 1. Findings.

The People of the State of Oregon find that:

- (1) Oregon has the one of the highest prevalence of mental illness among adults in the nation;
- (2) An estimated one in every five adults in Oregon is coping with a mental health condition;
- (3) The Governor has declared addiction as a public health crisis in this state;
- (4) The 2019–2021 Governor's Budget proposes spending over \$2.8 billion on mental health and behavioral health programs;
- (5) Studies conducted by nationally and internationally recognized medical institutions indicate that psilocybin has shown efficacy, tolerability, and safety in the treatment of a variety of mental health conditions, including but not limited to addiction, depression, anxiety disorders, and end-of-life psychological distress;
- (6) The United States Food and Drug Administration has:
 - (a) Determined that preliminary clinical evidence indicates that psilocybin may demonstrate substantial improvement over available therapies for treatment-resistant depression; and
 - (b) Granted a Breakthrough Therapy designation for a treatment that uses psilocybin as a therapy for such depression;
- (7) The Oregon Health Authority has direct supervision of all matters relating to the preservation of life and health of the people of this state;
- (8) During a two-year program development period, the authority should:
 - (a) Examine, publish, and distribute to the public available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in treating mental health conditions; and
 - (b) Adopt rules and regulations for the eventual implementation of a comprehensive regulatory framework that will allow persons 21 years of age and older in this state to be provided psilocybin services; and
- (9) An advisory board should be established within the authority for the purpose of advising and making recommendations to the authority.

SECTION 2. Purposes of this 2020 Act.

- (1) The People of the State of Oregon declare that the purposes of this 2020 Act are:
 - (a) To educate the people of this state about the safety and efficacy of psilocybin in treating mental health conditions; (b) To reduce the prevalence of mental illness among adults in this state, and to improve the physical, mental, and social well-being of all people in this state;
 - (c) To develop a long-term strategic plan for ensuring that psilocybin services will become and remain a safe, accessible and affordable therapeutic option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate;
 - (d) To protect the safety, welfare, health and peace of the people of this state by prioritizing this state's limited law enforcement resources in the most effective, consistent and rational way; and
 - (e) After a two-year program development period, to:
 - (A) Permit persons licensed, controlled and regulated by this state to legally manufacture psilocybin products and provide psilocybin services to persons 21 years of age and older, subject to the provisions of this 2020 Act; and
 - (B) Establish a comprehensive regulatory framework concerning psilocybin products and psilocybin services under state law.
- (2) The People of the State of Oregon intend that the provisions of this 2020 Act, together with other provisions of state law, will:
 - (a) Prevent the distribution of psilocybin products to other persons who are not permitted to possess psilocybin products under the provisions of sections 3 to 129 of this 2020 Act and rules adopted under sections 3 to 129 of this 2020 Act, including but not limited to persons under 21 years of age; and
 - (b) Prevent the diversion of psilocybin products from this state to other states.

SECTION 3. Short title.

Sections 3 to 129 of this 2020 Act shall be known and may be cited as the Oregon Psilocybin Services Act.

SECTION 4. Construction.

Sections 3 to 129 of this 2020 Act may not be construed:

- (1) To require a government medical assistance program or private health insurer to reimburse a person for costs associated with the use of psilocybin products;

- (2) To amend or affect state or federal law pertaining to employment matters;
- (3) To amend or affect state or federal law pertaining to landlord-tenant matters;
- (4) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession or use of psilocybin products to the extent necessary to satisfy federal requirements for the grant;
- (5) To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession or use of psilocybin products to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;
- (6) To require a person to violate a federal law;
- (7) To exempt a person from a federal law or obstruct the enforcement of a federal law; or
- (8) To amend or affect state law, to the extent that a person does not manufacture, deliver, or possess psilocybin products in accordance with the provisions of sections 3 to 129 of this 2020 Act and rules adopted under sections 3 to 129 of this 2020 Act.

SECTION 5. Definitions.

As used in sections 3 to 129 of this 2020 Act:

- (1) "Administration session" means a session held at a psilocybin service center at which a client purchases, consumes, and experiences the effects of a psilocybin product under the supervision of a psilocybin service facilitator. (2) "Client" means an individual that is provided psilocybin services in this state.
- (3) "Integration session" means a meeting between a client and a psilocybin service facilitator that may occur after the client completes an administration session.
- (4) "Legal entity" means a corporation, limited liability company, limited partnership, or other legal entity that is registered with the office of the Secretary of State or with a comparable office of another jurisdiction.
- (5) "Licensee" means a person that holds a license issued under section 23, 26, 30 or 97 of this 2020 Act.
- (6) "Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- (7) "Manufacture" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.
- (8)(a) "Premises" includes the following areas of a location licensed under sections 3 to 129 of this 2020 Act:
 - (A) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;
 - (B) All areas outside a building that the Oregon Health Authority has specifically licensed for the manufacturing of psilocybin products or the operation of a psilocybin service center; and
 - (C) For a location that the authority has specifically licensed for the operation of a psilocybin service center outside a building, that portion of the location used to operate the psilocybin service center and provide psilocybin services to clients.
- (b) "Premises" does not include a primary residence.
- (9) "Preparation session" means a meeting between a client and a psilocybin service facilitator that must occur before the client participates in an administration session.
- (10) "Psilocybin" means psilocybin or psilocin.
- (11) "Psilocybin product manufacturer" means a person that manufactures psilocybin products in this state.
- (12)(a) "Psilocybin products" means:
 - (A) Psilocybin-producing fungi; and