

COLUMBIA COUNTY PLANNING COMMISSION
STAFF REPORT
September 23, 2022
Text Amendment – Legislative Process – Psilocybin Land Uses

HEARING DATE: October 3, 2022

FILE NUMBER: TA 23-01

APPLICANT/OWNER: Columbia County
Land Development Services
230 Strand Street
St. Helens, OR 97051

REQUEST: To amend the Columbia County Zoning Ordinance in response to Measure 109 and ORS 475A which allows for Psilocybin manufacture and service centers. This involves amending existing sections of the Zoning Ordinance as well as developing a Special Use Section 1804 for Psilocybin related uses.

APPLICABLE CRITERIA:

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Section 1611 Notice of Legislative Hearing	5
 <u>Oregon Revised Statute</u>	
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BACKGROUND:

Oregon voters approved Ballot Measure 109 on November 3, 2020, which authorizes the manufacture and use of psilocybin products under controlled supervision and establishes the regulatory framework for oversight and administration. Measure 109 was codified in ORS Chapter 475A and is patterned after the current marijuana statutes and regulatory system. Measure 109, which legalized psilocybin in Oregon, automatically opts cities and counties into the psilocybin program, which is currently under development and is slated to begin statewide on January 2, 2023. However, Measure 109 offers the option for cities and counties to opt out via a ballot measure in the next general election.

Ballot Measure 109 directs the Oregon Health Authority to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure also directs the OHA to issue, renew, and revoke licenses in compliance with the measure. The measure establishes the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education and training.

Columbia County passed Measure 109 in 2020 by 15,827 (50.8%) Yes votes to 15,307 (48.2%) No votes. On August 17, 2022, Land Development Services Staff met with the Columbia County Board of Commissioners and discussed the benefits of developing Time, Place, and Manner (TPM) regulations in response to Measure 109. The timelines associated with developing these regulations versus pursuing an opt-out measure were also discussed. During this meeting, it was decided that the Board would not pursue an opt-out measure on the ballot, but rather directed staff to begin the TPM process.

Measure 109 does contain limited basic criteria pertaining to land use. For instance, psilocybin service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier), and manufacturing facilities may not be located outdoors. Service centers may not be located in single family dwellings.

Measure 109 provides little direction as to “reasonable” time, place, and manner restrictions. Ultimately, in order for regulations to be “reasonable,” such regulations must be necessary to protect public health, safety and welfare of the citizens of Columbia County. ORS 475A.530 defines local time, place and manner regulations which include, but are not limited to:

- (a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under ORS 475A.290 may manufacture psilocybin products;
- (b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under ORS 475A.305 may provide psilocybin services;
- (c) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475A.210 to 475A.722 may operate;
- (d) Reasonable requirements related to the public’s access to a premises for which a license has been issued under ORS 475A.210 to 475A.722; and

(e) Reasonable limitations on where a premises for which a license may be issued under ORS 475A.210 to 475A.722 may be located.

On September 12, 2022, Staff held a work session with the Planning Commission to discuss the proposed amendments to the zoning ordinance. At this meeting, staff presented the general proposal to the Planning Commission. The general proposal for TA 23-01 includes psilocybin production/manufacturing permitted in the Primary Agriculture (PA-80) zone, authorized via administrative review process in Primary Forest zone and Industrial zones, authorized via conditional use permit in Rural Community zone and prohibited in all residential zones. Psilocybin Service Centers will be authorized via administrative review process in Commercial and Rural Community zones, permitted in Community Service – Institutional zone. Staff would like to note that the Community Service Institutional zone allows for similar uses such as hospitals, clinics, extended care facilities, etc. In addition to the zone specific processes, the proposal for TA 23-01 also includes establishing a new Section 1804 – Psilocybin Land Uses. This new section will require all new psilocybin uses to comply and be approved by the Oregon Health Authority. It describes the OHA Land Use Compatibility process and that the applicant shall obtain full land use approval prior to Columbia County signing off on a LUCs. It also requires separation from sensitive uses such as schools, public parks, and day care centers. Finally, it limits the business hours for proposed psilocybin service centers from 7AM to 6PM and does not allow for over night operations.

The remainder of this staff report will discuss to what extent the proposal conforms to the applicable sections of the Columbia County Zoning Ordinance, goals and policies of the Comprehensive Plan, and any relevant Oregon Revised Statute.

FINDINGS:

This request is being processed under Section 1606 (Legislative hearing) and Section 1611 (Notice of Legislative Hearing) of the CCZO. The pertinent sections of the ordinance are reviewed as follows:

1606 Legislative Hearing:

Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures.

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.

Finding 1: As stated in the Summary, Planning Staff held a work session with the Board of Commissioners on August 17th, 2022 in regards to Measure 109. At this work session, the Board directed staff to prepare a Zoning Ordinance Text Amendment and draft Time, Place, Manner regulations to allow

for Psilocybin manufacturing and service centers in some capacity. With this information, the criteria required in Section 1606.1 has been met.

Continuing with the Columbia County Zoning Ordinance:

- .2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 2: A hearing notice was published in the Columbia County Spotlight Newspaper on September 16, 2022 and on September 23, 2022. Additionally, another hearing notice was published in the Chronicle Newspaper on and September 14, 2022 and on September 21, 2022. Both of these notices in each newspaper were published more than 10 days prior to the Planning Commission hearing date of October 3, 2022. The Board of Commissioners did not direct staff to notice individual property owners.

Pursuant to ORS 215.503, Measure 56 Notice of the proposed zoning code text amendment is not required. This will be discussed in detail in later findings. Staff finds appropriate public notice meeting the required timelines for legislative hearings has been given; therefore, this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 3: The Planning Commission will hold a public hearing on October 3, 2022 to consider the adoption of the proposed amendments to the Zoning Ordinance. The Planning Commission does not make the final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. The Board of Commissioners public hearing on this matter has not been scheduled at this time, but notice will be published in accordance with the required legislative notice criteria. Staff finds there will be two public hearings on this matter, one before the Planning Commission and one before the Board of Commissioners. The Board of Commissioners is required to hold at least one public hearing, which they will; therefore, this criterion is satisfied.

Continuing with the Columbia County Zoning Ordinance:

1611 Notice of Legislative Hearing:

The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

Finding 4: All of the above information was included in the Planning Commission Notice of Public Hearing published twice in the Columbia County Spotlight and the Chronicle newspapers. Reference the attached notices. The Board of Commissioners public hearing on this matter has not been scheduled at this time, but notice will be published in accordance with this legislative notice criteria. Staff finds that the public hearing notice given for the scheduled Planning Commission public hearing includes all of the required language for legislative hearings under CCZO Section 1611; therefore, these criteria have been satisfied.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

ORS 197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.
- (3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
 - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;
 - (d) The date set for the first evidentiary hearing;
 - (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
 - (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.
- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:
- (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and
 - (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

Finding 5: Notice of the proposed post-acknowledgement zoning ordinance amendment was uploaded to the DLCD PAPA Online Submittal portal on August 29, 2022 and the first public hearing date is scheduled for October 3, 2022. Reference DLCD file number 003-02. The online submittal includes all of the required information describing the type of change, the text of the change, the date of the first public hearing and how a copy of the staff report can be obtained. This staff report will be uploaded to the online portal once complete, as well as added to the Columbia County LDS Planning webpage. Staff finds that it has exceeded the minimum notice requirements to State agencies by providing notice more than 20 days prior to the first public hearing. These criteria have been met.

The following Oregon Revised Statutes are applicable to this post-acknowledgement zoning ordinance amendment:

NOTICE TO PROPERTY OWNERS (Required by Measure 56)

ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.

- (1) As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.
- (2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the governing body of a county shall be by ordinance.

- (3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.
- (4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.
- (5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the governing body of the county and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (governing body of the county) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (governing body) will hold a public hearing regarding the adoption of Ordinance Number _____. The (governing body) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.
Ordinance Number _____ is available for inspection at the _____ County Courthouse located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.
For additional information concerning Ordinance Number _____, you may call the (governing body) Planning Department at _____.

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- (6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by the governing body of a county pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the governing body of the county shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (governing body of the county) has proposed a land use that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (governing body) has proposed Ordinance Number _____. (Governing Body) has determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number _____ will become effective on (date).

Ordinance Number _____ is available for inspection at the _____ County Courthouse located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the (governing body) Planning Department at _____.

(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.

(8) Notwithstanding subsection (7) of this section, the governing body of a county may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.

(9) For purposes of this section, property is rezoned when the governing body of the county:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(10) The provisions of this section do not apply to legislative acts of the governing body of the county resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047, or resulting from an order of a court of competent jurisdiction.

(11) The governing body of the county is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the local comprehensive plan or land use regulation.

(12) The Department of Land Conservation and Development shall reimburse the governing body of a county for all usual and reasonable costs incurred to provide notice required under subsection (6) of this section.

Finding 6: Finding 2 of this staff report stated that a Measure 56 notice was not required for the subject Zoning Ordinance Text Amendment. As stated in ORS 215.503(9), property is rezoned when the governing body of the county changes the base zoning classification of the property or adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. As stated in the Summary, Measure 109 and ORS 475A goes into effect on January 2, 2023. The proposed text amendment for TA 23-01 will also go into effect on that date. The proposed text amendment will not amend an ordinance in a manner that limits or prohibits land uses previously allowed in the affected

zones because the use of psilocybin is not an allowable use until January 2, 2023. With this information, staff finds that a Measure 56 notice is not required.

Review of the following Columbia County Comprehensive Plan Goal & Policies:

The Columbia County Comprehensive Plan has twenty one parts, each with a set of general Goals and implementing Policies. These Goals and Policies are implement by Ordinance and most specifically the CCZO. The most applicable portions of the Comprehensive Plan are Part I – Administrative Procedures for Zoning Text Amendments, Part V – Agriculture, and Part XIV – Public Facilities and Services are reviewed below.

Columbia County Comprehensive Plan

Part 1 Administrative Procedures

Goals:

1. To assure the goals and policies of this plan are implemented.
2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide and understandable framework for reviewing and revising this plan.

Policies:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
 - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
 - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
 - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
 - D. For quasi-judicial amendments, all property owners within two hundred and fifty (250) feet of the affected area shall be notified of the hearing date and the requested amendment at least ten (10) days prior to the first scheduled public hearing.
 - E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees

and interested parties at least ten (10) days prior to the first scheduled public hearing.

Finding 7: The proposed zoning ordinance text amendment was initiated by the passage of Measure 109 and the adoption of ORS 475A. Planning Staff discussed the matter with the Columbia County Board of Commissioners at the August 17th, 2022, Board work session. At this meeting, the Board initiated the CCZO text amendment and authorized staff to begin the process of drafting time, place and manner regulations relating to the manufacturing and administering of psilocybin products. This project was not initiated by a CPAC and is not a quasi-judicial decision. Adoption of the proposed text amendments will follow the process for a legislative amendment with notice and opportunity to comment given to CPAC’s, followed by a Planning Commission public hearing and recommendation and then a Board of Commissioners public hearing and adoption of amendment. Notice to CPAC’s was more than 10 days before the first scheduled public hearing with the Planning Commission on October 3, 2022. Reference Findings 2-6 for specific details of the notice. Staff finds the process used for this legislative text amendment to the CCZO is consistent with Part 1 of the Comprehensive Plan. These criteria are satisfied.

Continuing with the Columbia County Comprehensive Plan:

Part V Agriculture

GOAL:

To preserve agricultural land for agricultural uses.

5. Encourage agricultural activities on designated agricultural lands.

Finding 8: The proposal for TA 23-01 includes the allowing psilocybin manufacturing/production as a permitted use in the Primary Agriculture (PA-80) zone. This is because ORS 475A.570 defines psilocybin-producing fungi as crop, for the purposes of “farm use” defined in ORS 215.203. As such, in order to be consistent with Part V of the Comprehensive Plan, the proposal will encourage these agricultural activities on designated agricultural lands. Staff finds the proposal for this legislative text amendment to the CCZO is consistent with Part V of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part XIV Public Facilities and Services

GOAL:

To plan and develop a timely, orderly, and efficient arrangement of public as a framework for urban and rural development.

20. Designate as Community Service Institutional (CSI) those lands that:
- A. Support various types of public and private institutional facilities existing as of the date of this ordinance; or,
 - B. Are needed to support public and private institutional facilities which can be shown to satisfy the minimum standards set out in the implementing ordinances.

Finding 9: Ballot Measure 109 directs the Oregon Health Authority to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure establishes the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education and training.

Currently psilocybin is a Schedule I drug, a substance having no currently acceptable medical use within the US. However, the FDA has granted psilocybin a breakthrough therapy designation for treatment resistant depression and major depressive disorder under the direction of physicians and scientists.

While there are no current plans to partner or provide publicly available psilocybin treatments, by supporting a more diverse spectrum of health care options, the proposed text amendment will allow Columbia County citizens to benefit through this therapy. With this information, staff finds that the proposed text amendments will result in supporting various types of public and private institutional facilities.

COMMENTS:

There were no comments received from any federal, state, or local agency. There were also no comments received from private property owners.

CONCLUSION & DISCUSSION:

A work session with the Planning Commission (PC) for the proposed text amendment was conducted on September 12, 2022. This work session included general discussions about the proposal and clarification regarding the specific language. A Measure 56 notice is not required for the proposal. Notice of the public

hearing was published in two local newspapers and mailed notice was given to Federal, State and Local agencies. All notices given have been shown to meet the timelines required by State and Local law.

STAFF RECOMMENDATION:

Based upon the findings in this staff report, Staff recommends the Columbia County Planning Commission give the Board of Commissioners a recommendation of **APPROVAL**, adopting the proposed legislative text amendments to the CCZO, contained in File Number TA 23-01, which will adopt time, place, and manner regulations for allowing uses associated with psilocybin producing fungi and establish a new Special Uses Section 1804 Psilocybin Land Uses.

Attachments:

1. Proposed Zoning Ordinance Text for TA 23-01
2. Published Notice of Legislative Hearing
3. DLCDC Notice of Proposed Change
4. Application for TA 23-01
5. Measure 109 Explanatory Statement
6. OHA Draft Rules dated September 2022

JULY 1984
[Integrated through March 2022]

COLUMBIA COUNTY OREGON

ZONING ORDINANCE

AMENDED:

<u>ORD No.</u>	<u>EFFECTIVE DATE</u>	<u>DESCRIPTION</u>
84-4	AUG 1, 1984	Enacting Ordinance
85-2	MAR 1985	Dwellings in Resource Zones
85-7	JUL 1985	Divisions in Resource Zones, Map Amendments
88-6	AUG 1988	Flood Hazard Overlay Zone
88-7	SEP, 1988	Horse Breeding, Boarding, Training in FA-19
89-1	JAN 1989	Motels in C-4
90-1	MAR 1990	Repeals 89-1
90-2	FEB 1990	Lot Size Standards in PF-76
90-3	FEB 1990	Deletes Board of Adjustment
90-4	FEB 1990	Temporary Permit - Storage of Structures & Equipment
90-5	APR 1990	Appeal Procedures
90-24	FEB 1991	Conditional Use Permits
92-4	MAR 1992	Division in RR-5 Where 2 or More Existing Dwellings
92-7	JUL 1992	Home Occupations, Fire Siting Standards, Housekeeping
92-14	NOV 1992	Sign Sections

<u>ORD No.</u>	<u>EFFECTIVE DATE</u>	<u>DESCRIPTION</u>
92-16	JAN 1993	Housekeeping Amendments
93-2	MAR 1993	Delete Maximum Building Height in RIPD - §684.4
93-3	APR, 1993	Frontage in RR-5 - §604.5
93-5	APR 1993	Water Dependent Construction Activities in C-2
93-8	JUL 1993	Airport Industrial AI Zone
94-6	JAN 1995	Special Hearings, Hearings Officer
94-12	JAN 1995	Utilities and RIPD Changes
95-9	NOV 1995	Home Occupations
97-3	APR 1997	Replats, Right-of-Way Dedications
97-4	JUL 1997	Site Design Review Amendments, Appeals to LUBA
165-97	JUL 1997	Interpretation of § 605 [Board Order #165-97]
98-1	JUN 1998	Surface Mining Amendments
98-2	MAY 1998	Lot or Parcel of Record
98-4	FEB 1999	RR-2, RR-5, Rural Communities
98-9	NOV 1998	Site Design Review - Full Re-write
99-2	JAN 2000	Churches in RR-2, RR-5, RC, EC, R-10, R-7
99-4	MAR 2000	Type 1,2 Home Occupations
99-5	FEB 2000	RR-2, RR-5, Rural Communities
2000 - 04	NOV 2000	Goal 5 Exception, SIA
2002 - 02	JUN 2002	§ 1300, Sign Regulations
2003 - 06	JUL 2003	§ 1190, Big Game Habitat Overlay; § 1130, Historic Overlay
2003 - 05	DEC 2003	Goal 5: Sensitive Lands, Riparian, Wetlands, Natural Areas
2008 - 03	JUL 2008	§§ 1102.3, 1105.1, 1109.1, 1109.2, 1109.3, Flood Hazard Overlay
2009 - 04	SEP 29, 2009	Amends § 942, Airport Industrial Zone
2009 - 08	DEC 22, 2009	Amends § 683, RIPD Permitted Uses
2010 - 06	NOV 26, 2010	Amends § 1100, Flood Hazard Overlay Zone
2010 - 03	JAN 4, 2010	Amends Several §§; adds Article IX and §§ 1800 - 1802, Kennels
2010 - 11	JAN 5, 2010	Resource Zone Amendments, §§300, 400, 500; deletes §1178
Order 78-2010	DEC 15, 2010	Corrects Scrivener's Errors in Ord No. 2010-11
2015-04	NOV 25, 2015	Amends to Establish Regulations for Marijuana Related Land Uses
Order 2-2016	Jan 13, 2016	Corrects Scrivener's Errors in Ord No. 2015-04
2017-2	Oct 10, 2017	Adopting the Columbia County Transportation System Plan and Related Amendments to the Columbia County Comp Plan, Zoning
2018-2	Jun 12, 2018	Amends Columbia County Zoning Ordinance Pertaining to Marijuana Related Land Uses in Unincorporated Columbia County
2019-1	May 15, 2019	Accessory Dwelling Units Inside the Urban Growth Boundary
2021-2	Nov 2, 2021	Amends Sec. 1100 Flood Hazard Overlay Zone

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ARTICLE I – GENERAL DEFINITIONS

Section 100 GENERAL DEFINITIONS: *[Amd. Ordinance 99-4, eff. 3/07/00; Amd. Ordinance 2003-5, eff. 12/15/03; Amd. Ordinance 2015-4, eff. 11-25-15; Amd. Ordinance 2019-1, eff. 5-15-19].*

For the purpose of this ordinance, the following terms are hereby defined:

- .41 High-Value Farmland: Lands as defined in Oregon Administrative Rules 660-033-0020 (8) (a-f).

- .45 Home Occupation: An accessory non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building pursuant to ORS 215.448.. **Home Occupation does not include:**
 - A. **Marijuana growing or production;**
 - B. **Marijuana processing, wholesaling, dispensing or retailing**
 - C. **Psilocybin growing or production;**
 - D. **Psilocybin processing, wholesaling, dispensing or retailing;**
 - E. **A Psilocybin Service Center**

- .89 **Psilocybin: Psilocybin or psilocin.**

- .90 **Psilocybin Manufacturing: As defined by ORS Chapter 475A, as amended.**

- .91 **Psilocybin Product Manufacturer: As defined by ORS Chapter 475A, as amended.**

- .92 **Psilocybin Products: As defined by ORS Chapter 475A, as amended.**

- .93 **Psilocybin Service Center: As defined by ORS Chapter 475A, as amended.**

- .94 **Psilocybin Service Center Operator: As defined by ORS Chapter 475A, as amended.**

- .95 **Psilocybin Service Center Premises of Premises: As “Premises” is defined by ORS Chapter 475A, as amended.**

- .96 **Psilocybin Service Facilitator: As defined by ORS Chapter 475A, as amended.**

- .97 **Psilocybin Services: As defined by ORS Chapter 475A, as amended.**

ARTICLE III – RESOURCE DISTRICTS

**PRIMARY AGRICULTURE USE
ZONE (PA-80)**

[Amd. Ordinance 2010-11 eff. 1.05.11; Amd. Ordinance 2015-4, eff. 11-25-15]

- 301 Purpose
- 302 Definitions
- 303 Table of Authorized Uses & Development
- 304 Permitted Uses
- 305 Uses Subject to Administrative Review
- 306 Conditional Uses
- 307 General Review Standards
- 308 Development Standards
- 309 Land Division Requirements
- 310 Property Line Adjustments
- 311 Construction Financing/Mortgage Tax Lots
- 312 Non-Conforming Uses
- 313 Prohibited Uses

Section 300 PRIMARY AGRICULTURE USE ZONE - 80 PA-80

301 Purpose: The Primary Agriculture Zone or Exclusive Farm Use (EFU) This district is intended to preserve, enhance, and stabilize those prime agricultural lands and farm use areas within the County which are being used, and offer the greatest potential, for food and fiber production. This district also provides for open space, watershed protection, maintenance of clean air and water, and fish and wildlife habitat, including the creation, restoration and enhancement of wetlands.

302 Definitions. For purposes of the PA-80 Zone, the definitions in ORS 215.203, the Statewide Planning Goals, OAR Chapter 660 and the following definitions apply:

- .7 “Farm use” as defined in ORS 215.203, including marijuana growing or producing subject to standards in Section 1803 **and psilocybin-producing fungi growing or production subject to standards in Section 1804;**



303 Table of Authorized Uses and Development. The following uses, activities and development are authorized in the Primary Agriculture Zone, subject to review and approval under applicable regulatory standards:

Key

- HV High-Value Farm Land
- NHV Other lands, not defined as High-Value Farm Land
- P Permitted
- AR Subject to administrative review and approval process described in Section 1601
- CUP/PC Subject to Planning Commission review and approval for Conditional Use described in Section 1503
- NP Use not permitted

Note: The CCZO Section Column below lists only subsections of authorization and specific criteria of this PA Zone. Other criteria of this ordinance may apply to a proposed use, including but not limited to site design review, conditional use permit review, special use standards, and overlay zoning.

TABLE OF AUTHORIZED USES & DEVELOPMENT			
RESOURCE USES	*HV	*NHV	PA-80 SECTION
Farm Use as defined in ORS 215.203 subject to standards in Section 1803 and 1804.	P	P	304.1
Use and Management of Forest Lands	P	P	304.2
Farm and Forest Accessory Structures	P	P	304.3
Forest Product Primary Processing Facility	AR	AR	305.19, 307, 308
Wetland Creation/Restoration/Enhancement; Fish & Wildlife Habitat Projects	P	P	304.4
Aquaculture and Insect Cultivation	AR	AR	305.20 307
RESIDENTIAL	HV	NHV	PA - 80 SECTION
New Dwelling in conjunction with a marijuana crop	NP	NP	
<u>New Dwelling in conjunction with a psilocybin-producing fungi crop</u>	<u>NP</u>	<u>NP</u>	
Farm Dwelling	AR	AR	305.1, .2, .3, .4, 307, 308
Family Farm Help Dwelling	AR	AR	305.8, 307, 308
Lot of Record Dwelling – High Value Farmland – Not High Value Farmland	AR NA	NA AR	305.5, 307, 308 305.6, 307, 308
Nonfarm Dwelling	NP	AR	305.7, 307, 308
Replacement Dwelling	AR	AR	305.9, 307, 308
Replacement of Historic Dwelling	AR	AR	305.10, 307, 308
Temporary Medical Hardship Manufactured Home	AR	AR	305.12, 307, 308
Accessory Farm Dwelling(s)	AR	AR	305.11, 307, 308

Residential Care/Training/Foster Home or Facility	AR	AR	305.13, 307, 308
Dwellings provided for in ORS 215.799 for wildlife habitat land	AR	AR	305.14, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT			
COMMERCIAL	HV	NHV	PA - 80 SECTION
Farm Stands except when used in conjunction with a marijuana or psilocybin-producing fungi crop	AR	AR	305.18, 307, 308
Facilities for the processing of farm crops or for the production of biofuel as defined in ORS 315.141 that are not permitted under ORS 215.203(2)(b)(L) or ORS 215.283 (1)(u)	AR	AR	305.22, 307, 308
Home Occupations Type I - Type II -	AR CUP/PC	AR CUP/PC	305.21, 307, 308, 306.1, 307, 308,
Kennels	NP	CUP/PC	306.2, 308
Training and Stabling Horses for Profit	P	P	304.1
Destination Resort	NP	CUP/PC	306.3, 307, 308
Commercial activities that are in conjunction with a farm use and not otherwise permitted under Section 305.22, except commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop.	CUP	CUP/PC	306.4
Winery	AR	AR	305.24, 307
Landscaping Business in conjunction with a Nursery	AR	AR	305.23, 307, 308
INDUSTRIAL	HV	NHV	PA - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	CUP/PC	306.18, 307, 308
MINERAL AND AGGREGATE	HV	NHV	PA - 80 SECTION
Mineral Exploration defined in ORS 517	P	P	304.5
Exploring, Mining and Processing of Geothermal Resources defined in ORS 520 & 522	CUP/PC	CUP/PC	306.4, 307, 308
Mining and Processing of Mineral and Aggregate Materials defined in ORS 517	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Aggregate into Asphalt or Portland Cement	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Other Mineral Resources	CUP/PC	CUP/PC	306.4, 307, 308
TRANSPORTATION	HV	NHV	PA - 80 SECTION
Personal Use Airports and Helipads	CUP/PC	CUP/PC	306.5, 307, 308
Climbing and Passing Lanes within right-of-way existing on July 1, 1987	P	P	304.6

Construction of additional passing and travel lanes, requiring acquisition of right-of-way	CUP/PC	CUP/PC	306.6, 307, 308
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TABLE OF AUTHORIZED USES & DEVELOPMENT

Reconstruction or modification of public roads, not including addition of travel lanes, removal or displacement of buildings or creation of new parcels	P	P	304.7
Reconstruction or modification of public roads involving the removal or displacement of buildings, but no new parcels	CUP/PC	CUP/PC	306.7, 307, 308
Temporary public road detours that will be abandoned and restored to original condition or use at such time as no longer needed	P	P	304.8
Minor improvements to existing road and highway-related facilities within right-of-way	P	P	304.9
Improvement to public highway related facilities, new weigh stations, rest areas etc	CUP/PC	CUP/PC	306.8, 307, 308
Roads, highways and other transportation facilities, requiring an exception	CUP/PC	CUP/PC	306.9, 307, 308
UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	HV	NHV	PA - 80 SECTION
Utility facilities necessary for public service, excepting commercial power generating facilities and transmission towers	CUP/PC	CUP/PC	306.10, 307, 308
Transmission Towers / Communication Facilities	CUP/PC	CUP/PC	306.11, 307, 308
Utility facilities service lines	P	P	304.10
Rural fire protection facilities	AR	AR	305.15
Solid Waste Disposal Sites granted under ORS 459.245 by the Department of Environmental Quality	NP	CUP/PC	306.12, 307, 308
Composting Facilities exempt from DEQ permits under OAR 340-093-0050(3)	AR	AR	305.16, 307, 308
Commercial Power Generating Facilities	CUP/PC	CUP/PC	306.13.1, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.14 ¹ , 307

TABLE OF AUTHORIZED USES & DEVELOPMENT			
Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement or Water control Districts defined in ORS 540.505	PC	PC	305.17, 307, 308
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	HV	NHV	PA - 80 SECTION
Schools, public or private, & all essential buildings	NP	CUP/PC	306.16, 307, 308
Churches and Associated Cemeteries	NP	PC	305.26, 307, 308
Parks, private, including playgrounds, hunting/fishing preserves and campgrounds	NP	CUP/PC	306.14, 307, 308
Parks, public or nonprofit, including playgrounds or community centers	CUP/PC	CUP/PC	306.15, 307, 308
Community Centers owned by a governmental agency or a nonprofit organization	AR	AR	305.25, 307
Living History Museum	AR	AR	305.27, 307
On-site Filming and associated facilities - 45 days or less - More than 45 days	P AR	P AR	304.12 305.28, 307
Model Aircraft takeoff and landing facilities	P	P	304.13,
Extraction and Bottling of Water	AR	AR	305.29, 307
Any outdoor gathering subject to land use review	CUP/PC	CUP/PC	306.18
Land application of reclaimed water or biosolids	P	P	304.14
Golf Courses	NP	CUP/PC	306.17, 307, 308

[Amd. Ordinance 2015-4, eff. 11-25-15]

***Note: For the purposes of approving a land use application under this zone, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if:**

- (1) The property owner submits a statement of agreement from the Natural Resources Conservation Service (NRCS) that the soil class, soil rating or other soil designation should be adjusted based on new information; or
- (2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
- (3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the Director's designee has reviewed the resulting report and finds its analysis to be soundly and scientifically based.

304 Permitted Uses. The following specific development and uses are permitted in the PA-80 Zone and are subject to compliance with the procedures and criteria under Section 308 Development Standards, the prescriptive standards specified herein, and other applicable state, federal, and local regulations.

- .1 Farm use as defined by ORS 215.203(2) including marijuana growing and producing subject to standards in section 1803 and the growing and production of psilocybin-producing fungi subject to standards in section 1804;
- .2 Propagation or harvesting of a forest products;
- .3 Accessory buildings and structures related to the use and management of farm uses, including roadside stands selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located, except when used in conjunction with a marijuana or psilocybin-producing fungi crop;

SINGLE FAMILY RESIDENCES – 305 AR

The following single family residences may be allowed, except for new dwellings used in conjunction with a marijuana or psilocybin-producing fungi crop:

COMMERCIAL RESOURCE RELATED USES – 305 AR

- .18 Farm Stand. Structures that are designed and used for the sale of farm crops, except when used in conjunction with a marijuana or psilocybin-producing fungi crop, and livestock grown on farms in the local agricultural area may be allowed, including the retail sale of incidental items and fee based activity to promote the sale of farm crops or livestock sold at the stand. Together, these accessory items may account for no more than 25% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops and livestock, nor do they include processing of farm crops, or structures for banquets, public gatherings or entertainment. Farm crops or livestock includes both fresh and processed farm crops and livestock grown on the farm operation or grown on other farm operations in the local agricultural area. Processed crops and livestock includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items. Local agricultural area includes adjacent counties bordering the property on which the farm stand is located and include adjacent counties in the State of Washington that border the farm stand(s).
- .21 Type I Home Occupations, as defined by and subject to the applicable provisions in Sections 307, 308 and 1507. Home Occupations do not include commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop, or in association with a psilocybin service center.

306 Conditional Uses. The following uses may be approved, subject to compliance with the procedures and criteria under Sections 307, 308, and 1503 Conditional Use Permit Hearing, the prescriptive standards specified herein, and other applicable state, federal and local regulations and permits:

COMMERCIAL ACTIVITIES – 306 CUP

- .1 Type II Home Occupations, as defined by and subject to Section 1507, may be allowed pursuant to Sections 307, 308 and 1503 with an associated public hearing. Home Occupations do not include commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop, or in association with a psilocybin service center.
- .2 Kennel, except on high value farmland as defined herein, subject to standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*
- .3 Destination Resorts may be approved on land not classified as High Value Farmland and shall be consistent with the requirements of Goal 8 Recreational Needs, as well as the review criteria of Sections 307, 308, 1503, and 1550.
- .4 Commercial activities that are in conjunction with farm use, except commercial activities carried on in conjunction with a marijuana crop or psilocybin-producing fungi, and not otherwise permitted under Section 305.22 require a conditional use permit pursuant to Section 1803 or Section 1804.

[Amd. Ordinance 2015-4, eff. 11-25-15]

**FOREST / AGRICULTURE USE ZONE
(FA-80)**

[Amd. Ordinance 2010-11, eff. 1.05.11].

- 401 Purpose
- 402 Predominant Use Test
- 403 Definitions
- 404 Permitted Uses
- 405 Land Division Requirements
- 406 Property Line Adjustments
- 407 Construction Financing/Mortgage Tax Lo
- 408 Non-Conforming Uses
- 409 Prohibited Uses
- 410 Rezoning Land to a Forest/Agriculture Zone
- 411 Notification of State and Local Agencies

Section 400 FOREST/AGRICULTURE - 80 FA - 80

- 401 Purpose: The purpose of this zone is to protect and promote forest and farm uses on lands which have resource value, but which are not suited for either Primary Forest (PF-80) Zone or the Primary Agriculture (PA-80) Zone because of smaller parcel sizes, conflicting adjacent uses, adverse physical features, a predominate mixture of forest and farm uses, or other limiting factors. The Forest/Agriculture (FA-80) Zone is designed to provide for the full range of forest and agricultural uses for such lands, while providing for the maximum property tax benefits available (e.g. farm use assessment, timber tax treatment, open space deferral etc.) and conformity with the Columbia County Comprehensive Plan’s Goals and Policies for Forest and Agriculture Lands.
- 402 Predominant Use Test [(OAR 660-06-0050 (2))]. The uses, activities and development in the Forest/Agriculture Zone, except provisions identified in Section 404 for land divisions, are based on a determination of the predominant use of a tract as of January 1, 1993 as either Farm or Forest land. These uses, activities, and development are authorized subject to review and approval under applicable regulatory standards for either the Primary Agriculture (PA-80) Zone or the Primary Forest (PF-80) Zone property. A "tract" is defined as one (1) or more contiguous lots or parcel(s) under the same ownership.
- 403 Definitions. Pursuant to Section 402, for a tract where the predominant use as of January 1, 1993 is determined to be in farm or forest use, the terms related to these uses are defined in Sections 300 and 500 of the Columbia County Zoning Ordinance, the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660 Divisions 6 and 33.
- 404 Permitted and Conditional Uses: Permitted and Conditional Uses, partitioning, and development standards will be determined by the Predominant Use Test described in Section 402 above. Notwithstanding the Predominant Use Test, the following Permitted and Conditional Uses shall be reviewed, as follows:

- .1 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601:
 - A. Marijuana Growing or Producing subject to standards in Section 1803.
 - B. Psilocybin-producing fungi growing or production subject to standards in Section 1804.
- .2 Conditional Uses: The following uses shall be reviewed pursuant to Section 1803 and other applicable provisions of the Zoning Ordinance:
 - A. The rezoning and conversion of abandoned or diminished mill sites on farm or forest land to industrial uses pursuant to ORS 197.719.

[Amd. Ordinance 2015-4, eff. 11-25-15]

PRIMARY FOREST ZONE (PF-80)

[Amd. Ordinance 2010-11, eff. 1.05.11].

- 501 Purpose & Definitions**
- 502 Table of Authorized Uses & Development**
- 503 Permitted Uses**
- 504 Uses Subject to Administrative Review**
- 505 Conditional Uses**
- 506 Standards for Dwellings**
- 507 Siting of Dwellings and Structures**
- 508 General Review Standards**
- 509 Standards of Development**
- 510 Fire Siting Standards for Dwellings, Structures and Roads**
- 511 Land Division Requirements**
- 512 Property Line Adjustments**
- 513 Construction Financing/Mortgage Tax Lots**
- 514 Non-Conforming Uses**
- 515 Prohibited Uses**
- 516 Notification of State Agencies**
- 517 Reestablishment of Non-Forest Use**

Section 500	PRIMARY FOREST ZONE - 80	PF-80
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501 .1 Purpose. The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. Uses in this zone will also provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

502 Table of Authorized Uses & Development. The following uses, activities, and development are authorized in the Primary Forest Zone, subject to review and approval under applicable regulatory standards:

Key

- P Permitted outright.
- AR Subject to administrative review pursuant to Section 1601.
- CUP/PC Subject to Planning Commission review and approval as a conditional use pursuant to Section 1503.

Note: The CCZO Section Column lists only subsections of authorization and specific criteria of this PF-80 zone. Other criteria may apply to a proposed use such as site design review, overlay zoning, special use standards, or conditional use permits.

<u>TABLE OF AUTHORIZED USES & DEVELOPMENT</u>		
RESOURCE USES	AUTHORIZATION	PF - 80 SECTION
Forest Operations and Practices	P	503.1
Physical Alterations of the Land Auxiliary to Forest Practices	P	503.4
Farm Use as defined in ORS 215.203 except Marijuana and Psilocybin-producing Fungi Growing and Producing	P	503.2
Marijuana Growing and Producing subject to standards in Section 1803	AR	504.16
<u>Psilocybin-producing Fungi Growing and Production subject to standards in Section 1804</u>	<u>AR</u>	<u>504.17</u>
Soil, Air and Water Conservation Activities	P	503.5
RESOURCE-RELATED USES AND DEVELOPMENT	AUTHORIZATION	PF - 80 SECTION
Temp. Structures Auxiliary to Forest Practices	P	503.3
Utility Distribution Lines in Existing Rights-of-Way	P	503.6
Portable Facilities for Primary Processing of Forest Products	P	503.7
Exploration for Mineral and Aggregate as defined in ORS Chap. 517	P	503.8
Wild Fire Towers and Stations	P	503.9
Irrigation Water intake facilities, canals and distribution lines for farm irrigation and ponds	P	503.10

TABLE OF AUTHORIZED USES & DEVELOPMENT		
Temporary Labor Camps - No Permanent Structures	P	503.12
Exploring, Mining and Processing of Subsurface resources as defined in ORS Chap. 520; and the mining and processing of aggregate and mineral resources as defined in ORS Chap. 517	CUP/PC	505.2, 508 - 510
Permanent Facility for Primary Processing of Forest Products	AR	504.6, 508 - 510
Permanent Logging Equipment Repair and Storage Facility	AR	504.7, 508 - 510
Log Scaling and Weigh Stations	AR	504.3, ,508- 510
Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations	AR	504.8, 508- 510
SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
"Lot-of-Record" Forest Land Dwelling	AR	504.1 & 506.1, 507- 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510
"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2,507- 510
Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
Family Forestry Accessory Dwellings	AR	504.1, 506.6, 507- 510
INDUSTRIAL	AUTHORIZATION	PF - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	505.13, 508- 510
COMMERCIAL	AUTHORIZATION	PF - 80 SECTION
Home Occupation as defined in ORS 215.448 per CCZO Section 1507	AR (Type1) CUP/PC Type 2)	504.4, 505.1, 507 - 510
Kennel as a Home Occupation	CUP/PC	505.17, 507, 508, 510
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	AUTHORIZATION	PF - 80 SECTION
Private Parks, Campgrounds, and Youth Camps	CUP/PC	505.4, 505.11, 508 - 510
Public Parks	CUP/PC	505.14, 508 - 510

TABLE OF AUTHORIZED USES & DEVELOPMENT		
Destination Resorts approved per ORS 197.435 through ORS 197.465 and Statewide Planning Goal 8	CUP/PC	505.15, 508 - 510
An outdoor gathering of less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	P	503.18
A mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period	CUP/PC	505.12, 508
Communication Towers and Facilities	CUP/PC	505.5, 508 - 510
Rural Fire Protection District Stations	AR	504.5, 508 - 510
Power Generating Facilities	CUP/PC	505.6, 508- 510
Solid Waste Disposal Site under ORS 459.245.	CUP/PC	505.3, 508 - 510
Aids to Navigation and Aviation	AR	504.11 508 - 510
Domestic Water intake facilities and related treatment facilities, pumping stations, & distribution lines	AR	504.12, 508 - 510
Reservoirs and Water Impoundments	AR	504.13, 508 - 510
Firearms Training Facility	CUP/PC	505.16, 508 - 510
Cemeteries	AR	504.9, 508 - 510
Hunting/Fishing Operations w/o Accommodations	P	503.15, 508 - 510
Temporary Private Seasonal Hunting/Fishing Operations with Accommodations	AR	504.10,504.14, 508 - 510
New electric transmission lines w/ROW up to 100 ft. wide as specified in ORS 772.210	CUP/PC	505.7, 508
Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.	P	503.17, 508 -510
Temporary Asphalt and Concrete Batch Plants	CUP/PC	505.8, 508 - 510
Expansion of Existing Airport	CUP/PC	505.9, 508 - 510
Public Road and Highway Projects	AR	504.16, 508- 510
Structures Accessory to Fish and Wildlife Enhancement	P	503.5, 508 -510
Widening of Roads within Existing Right-of-Way for public roads and highway projects as described in ORS 215.283(1)(k) through (n)	P	503.16

TABLE OF AUTHORIZED USES & DEVELOPMENT		
Public road and highway projects as described in ORS 215.283(2)(q through (s)	AR	504.16

[Amd. Ordinance 2015-4, eff. 11-25-15]

503 Permitted Uses. The following uses are permitted in the Primary Forest Zone:

- .1 Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.
- .2 Farm Uses as defined by ORS 215.203, except marijuana **and psilocybin-producing fungi** growing and producing.

504 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.

- .4 Type 1 Home Occupations as determined by Section 1507. Home Occupations do not include commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop, or in association with a psilocybin service center.
- .16 Marijuana growing and producing subject to standards in Section 1803.

.17 Psilocybin-producing fungi growing and production subject to standards in Section 1804.

[Amd. Ordinance 2015-4, eff. 11-25-15]

505 Conditional Uses. The following conditional uses may be allowed subject to the general review standards and process in Sections 1503 and 1603 of the Zoning Ordinance. All authorized uses and permanent structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.

- .1 Type 2 Home occupations, as defined by Section 1507, and subject to the general review standards under Sections 507 and 508 and compliance with the standards of Section 1507. Home Occupations do not include commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop, or in association with a psilocybin service center.

ARTICLE IV – RURAL DEVELOPMENT DISTRICTS

Section 600 RURAL RESIDENTIAL - 5 RR-5

[Amended by Ordinance 99-2, eff. 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].

601 Purpose: This district is designed for rural areas where parcels at the time of initial zoning designation are committed to non-resource uses consistent with County acknowledged exception areas. Uses in this zoning district are anticipated to be predominantly residential with a rural level of public services; i.e., domestic water from private wells, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and road access consistent with the County Transportation Plan and County Road Standards. Other uses shall be those customary to such areas, including farm and forest uses, churches, and home occupations of a rural character.

602 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203(2) except marijuana **and psilocybin-producing fungi** growing and producing.
- .3 The propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with the following:
 - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
 - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 30 feet from the front lot or parcel line.
 - C. Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot or parcel line.

[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 620 RURAL RESIDENTIAL - 2 RR-2

[Amended by Ordinance 98-02, effective 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].

621 Purpose: This district is designed for rural areas where lot sizes at the time of initial zoning are predominantly two acres or less. The intent is to recognize existing areas, not to create substantially new two acre parcel areas. Uses in this zoning district will be predominantly residential with a rural level of public services; i.e., domestic water from water districts, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and rural road standards per County plans and regulations. Other uses will be those customary to such areas, including farm and forest uses, churches and home occupations of a rural character.

622 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203 (2) except marijuana **and psilocybin-producing fungi** growing and producing.
- .3 Propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with the following:
 - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
 - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 30 feet from the front lot line.
 - C. Detached accessory structures shall have a minimum setback of 5 feet from the rear and/or side lot line.

[Amd. Ordinance 2015-4, eff. 11-25-15]

624 Prohibited Uses: The following uses are not allowed in the RR-2 zoning district:

- .1 Kennel.

[Amd. Ordinance No. 2010-3, eff. 01.04.11].

Section 650 RURAL COMMUNITY**RC**

[Amended by Ordinance 98-02, effective 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].

651 Purpose: The Rural Community zone is intended to sustain existing unincorporated rural communities in the County without changing their essential rural character, by permitting, under certain circumstances, residential development at greater densities than on Rural Residential zoned lands surrounding the communities, plus small low- impact commercial uses intended to serve the community or surrounding areas, small low-impact industrial uses dependent on local resources, and institutional, utility and recreation facilities.

652 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined by ORS 215.203(2) except marijuana **and psilocybin-producing fungi** growing and producing.
- .3 The propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with Section 653.2.

[Amd. Ordinance 2015-4, eff. 11-25-15]

652(B) Prohibited Uses: The following uses are not allowed in the RC zoning district:

- .1 Kennel?

653 Conditional Uses: The following uses may be approved in accordance with the conditions noted for each use:

- .1 Home occupations consistent with ORS 215.448, as provided in Section 1507. Home Occupations do not include commercial activities carried on in conjunction with a marijuana **or psilocybin-producing fungi** crop, **or in association with a psilocybin service center**.
- .6 The following small-scale, low-impact commercial and industrial uses may be approved if the proposed use has been determined to be necessary for the continuation of the Rural Community and its surrounding environs, and if approved by the Planning Commission according to Section 1550, Design Review Standards. See Sections 654.8 and 654.9 for area limitations of commercial and industrial uses permitted in the RC zone.
 - A. Professional services, including financial, medical and dental, social services, real estate, legal, artistic, **psilocybin service centers subject to standards in Section 1804** and similar uses.
 - B. General retail trades, including groceries, bakeries, hardware stores, seed and feed stores, marijuana retailing subject to standards in Section 1803 and similar uses.
 - C. Personal and business services, including private day care centers, preschools, kindergartens, self-service laundries, barber and hair

- styling shops, and similar uses.
 - D. Automotive service stations and repair shops.
 - E. Small equipment repair and service
 - F. Restaurants, taverns, lounges, and similar uses.
 - G. Institutional uses, as permitted in Section 1000
 - H. Public utility uses, as permitted in Section 1010
 - I. Recreational facilities and parks, as permitted in Section 1020.
 - J. Industrial uses necessary for the primary processing or manufacture of locally available natural resources, such as timber, minerals and agricultural produce, as per OAR 660-04-022(3)(a), except marijuana **and psilocybin-producing fungi** processing and wholesaling.
- .7 Mobile home parks, when sited in accordance with Section 730.
- .8 Churches when sited in accordance with the provisions of Section 1550, Site Design Review, and other provisions of this ordinance.
- .9 Marijuana growing and producing within an enclosed structure subject to standards in Section 1803.
- .10 Psilocybin-producing fungi growing and production within an enclosed structure subject to standards in Section 1804.**

[Amd. Ordinance 2015-4, eff. 11-25-15]

[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 680 RESOURCE INDUSTRIAL - PLANNED DEVELOPMENT RIPD

681 Purpose: The purpose of this district is to implement the policies of the Comprehensive Plan for Rural Industrial Areas. These provisions are intended to accommodate rural and natural resource related industries which:

- .1 Are not generally labor intensive;
- .2 Are land extensive;
- .3 Require a rural location in order to take advantage of adequate rail and/or vehicle and/or deep water port and/or airstrip access;
- .4 Complement the character and development of the surrounding rural area;
- .5 Are consistent with the rural facilities and services existing and/or planned for the area; and,
- .6 Will not require facility and/or service improvements at significant public expense.

The uses contemplated for this district are not appropriate for location within Urban Growth Boundaries due to their relationship with the site specific resources noted in the Plan and/or due to their hazardous nature.

682 Permitted Uses:

- .1 Farm use as defined by Subsection 2 of ORS 215.203 except marijuana **and psilocybin-producing fungi** growing and production.
- .2 Management, production, and harvesting of forest products, including wood processing and related operations.

[Amd. Ordinance 2015-4, eff. 11-25-15]

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

- .5 Home occupations consistent with ORS 215.448. Home occupations do not include commercial activities carried on in conjunction with a marijuana **or psilocybin-producing fungi** crop.

684 Prohibited Uses:

- .1 Marijuana growing and producing.
- .2 Psilocybin-producing fungi growing and producing.

[Amd. Ordinance 2015-4, eff. 11-25-15]

685 Standards:

- .1 The minimum lot or parcel size for uses allowed under Section 682 shall be 38 acres.
- .2 The minimum lot or parcel size, average lot or parcel width and depth, and setbacks for uses allowed under Section 683, shall be established by the Planning Commission, and will be sufficient to support the requested rural industrial use considering, at a minimum, the following factors:
 - A. Overall scope of the project. Should the project be proposed to be developed in phases, all phases shall be considered when establishing the minimum lot size.
 - B. Space required for off street parking and loading and open space, as required.
 - C. Setbacks necessary to adequately protect adjacent properties.
- .3 Access shall be provided to a public right-of-way of sufficient construction to support the intended use, as determined by the County Roadmaster.

[Amd. Ordinance 2015-4, eff. 11-25-15]

686 Review Procedures: The Planning Commission shall review, in accordance with Section 1600, all requests made pursuant to Section 683 to assure that:

- .1 The use conforms to the criteria outlined in Section 681.
- .2 The conditions outlined in Section 683 can be met.
- .3 The Design Review Board or Planning Commission reviewed the request and found it to comply with the standards set out in Section 1550 and the minimum lot or parcel size provisions set out in Section 684.

ARTICLE V – SUBURBAN DISTRICTS

Section 700 SINGLE-FAMILY RESIDENTIAL R-10

[Amended by Ordinance 99-02, effective 1/11/00].

701 Purpose: The Single-Family Residential (R-10) District is intended to provide minimum development standards for low density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

702 Permitted Uses:

- .1 A single family detached dwelling.
- .2 Structures accessory to permitted uses when sited in accordance with Section 705.7.

703 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448, **except marijuana and psilocybin uses.**
- .2 Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance.

Section 720 MULTIPLE-FAMILY RESIDENTIAL

MFR

721 Purpose: The Multiple-Family Residential District is intended to provide minimum development standards for low, medium, and high density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

722 Permitted Uses:

- .1 Single-family residences.
- .2 Two-family residences (duplexes).
- .3 Apartment and multiple-family dwellings.
- .4 Structures accessory to permitted uses when sited in accordance with Section 725.7.

723 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448, except marijuana and psilocybin uses.
- .2 Boarding houses.

Section 730 MOBILE HOME RESIDENTIAL MHR

731 Purpose: The Mobile Home Residential District is intended to provide minimum development standards for single-family dwellings and medium density mobile home park development in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

732 Permitted Uses:

- .1 Single-family dwellings.
- .2 Mobile Home Parks.
- .3 Structures accessory to permitted uses when sited in accordance with Section 735.7.

733 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448 **except marijuana and psilocybin uses.**

Section 800 HIGHWAY COMMERCIAL C - 5

801 Purpose: The purpose of this district is to provide for the orderly development of retail and personal service establishments along major arterials and thoroughfares in suburban areas. In general, such districts shall be planned to maintain high standards of traffic safety for the continued protection and welfare of the general public. Highway Commercial Districts shall be permitted for such properties abutting only those sections of major arterials or thoroughfares which have an existing dedicated right-of-way of not less than 60 feet.

802 Permitted Uses:

- .1 Any permitted or conditional use in a C-4 District.
- .10 Retail trade establishment such as a food store, drug store, or gift shop except marijuana retailing.
- .11 Eating and drinking establishment.

803 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.

.3 Marijuana retailing subject to standards in Section 1803.

.4 Psilocybin service centers subject to standards in Section 1804.

[Amd. Ordinance 2015-4, eff. 11-25-15]

804 Conditional Uses:

.1 Greenhouses except for the growing or producing of marijuana **and psilocybin-producing fungi;**

.2 Kennels, provided the use complies with standards contained in Section 1802.

[Amd. Ordinance No. 2010-3, eff. 01.04.11]. [Amd. Ordinance 2015-4, eff. 11-25-15]

Section 810 NEIGHBORHOOD COMMERCIAL

C - 4

811 Purpose: The commercial uses permitted in this District are intended to serve those residential uses within the suburban areas.

812 Permitted Uses:

.1 Bakery.

.2 Barber Shop or Beauty Parlor.

.3 Book or Stationary Store.

.4 Candy Store.

.5 Tailor Shop.

.6 Drug Store except marijuana retailing.

.7 Film Exchange.

.8 Grocery, Fruit, or Vegetable Store.

.9 Meat Market or Delicatessen.

.10 Photographer.

.11 Self-Service Laundry.

.12 Shoe Store or Shoe Repair Shop.

.13 Accessory Buildings when located on the same lot or parcel.

.14 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

[Note: The Planning Commission has found the following to be similar to the above uses:
“Greenhouse, retail nursery, florist and gift shop.” DR 7-92
“Auto sales, repair, detailing.” DSU 1-93]

[Amd. Ordinance 2015-4, eff. 11-25-15]

813 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Psilocybin service centers subject to standards in Section 1804.**

814 Conditional Uses:

- .1 Dwelling in conjunction with a business or attached to a commercial use.
- .2 Apartments above a commercial use.
- .3 Kennels, provided there is no overnight boarding, the dogs are kept in an enclosed building, and the use complies with standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

815 Criteria for Approval of all Permitted and Conditional Uses:

- .1 The use shall be served by public sewer and public water.
- .2 The use shall be on an arterial or collector street.
- .3 Signs shall be in accordance with Section 1300.
- .4 Off-Street parking shall be in accordance with Section 1400.
- .5 The use shall be reviewed by the Design Review Board or Planning Commission and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses.

816 Prohibited Uses:

- .1 Marijuana retailing

[Amd. Ordinance 2015-4, eff. 11-25-15]

817 Standards:

.1 Lot or Parcel Size and Coverage:

- A. The maximum lot or parcel size shall be 40,000 square feet.
- B. The maximum floor space for a single use shall be 5,000 square feet.

.2 Setbacks:

- A. Front yard setbacks shall be a minimum of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- B. Side yard setback: None, except property abutting a residential or apartment district, in which case the side yard on the abutting side shall be the same as the abutting property. On a corner lot or parcel, the side abutting the street shall have a minimum setback of 10 feet.
- C. Rear yard setback: None, except property abutting a residential or apartment district, in which case the rear yard shall be the same as the abutting property.
- D. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The

Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- .3 Height Limitation: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less.
- .4 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .5 Landscaping: Landscaping and screening will be provided on each site and shall satisfy the following requirements:
 - A. All areas of the site not occupied by paved roadways, walkways, patios, or buildings shall be landscaped with ground covers, shrubs, and decorative or ornamental trees.
 - B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
 - C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- .6 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.

[Amd. Ordinance 2015-4, eff. 11-25-15]

818 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or a sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.

819 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

Section 820 GENERAL COMMERCIAL

C - 3

821 Purpose: The General Commercial District is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of Commercial Centers serving broad suburban areas. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district and that are normally required to sustain a community.

822 Permitted Uses:

- .1 Any use permitted in a C-5 and C-4 District.

- .16 Retail trade establishment such as food store, drug store, gift shop, hardware store, and furniture store except marijuana retailing.
- .17 Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishments provided such service is performed wholly within an enclosed building.

823 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.
- .3 Marijuana retailing subject to standards in Section 1803.
- .4 Psilocybin service centers subject to standards in Section 1804.**

[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 910 INDUSTRIAL PARK

M - 3

911 Purpose: The Comprehensive Plan Light Industrial designation is intended to encourage the development of industrial uses which have minimal impact upon adjoining properties. Two districts are used in implementing these designations. These are: Industrial Park (M-3) and Light Industrial (M-2). The purpose of the M-3 District is to allow the development of uses which may have some impact on adjoining properties, but ones which do not generate large amounts of dust, odor, or noise.-

912 Permitted Uses:

- .1 Professional, executive, and administrative offices.
- .2 Research, experimental, or testing laboratories.

913 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.
- .2 Marijuana processing and wholesaling subject to standards in Section 1803.
- .3 Psilocybin-producing fungi growing and producing within an enclosed building subject to the standards in Section 1804.**
- .4 Psilocybin-producing fungi processing and wholesaling subject to the standards in Section 1804.**

[Amd. Ordinance 2015-4, eff. 11-25-15]

914 Conditional Uses:

- .1 Marijuana retailing subject to standards in Section 1803.

[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 920 LIGHT INDUSTRIAL

M - 2

921 Purpose: The Light Industrial District is intended to provide for those manufacturing, warehousing, and sales operations which do not create objectionable amounts of noise, odor, dust, glare, vibration, or truck or rail traffic.

922 Permitted Uses:

- .1 Any use permitted in an M-3 Industrial Park District.
- .2 The manufacture, compounding, processing or packaging of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food and beverage products except sauerkraut, vinegar or pickles.

923 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.
- .2 Marijuana processing and wholesaling subject to standards in Section 1803.
- .3 Psilocybin-producing fungi growing and producing within an enclosed building subject to the standards in Section 1804.**
- .4 Psilocybin-producing fungi processing and wholesaling subject to the standards in Section 1804.**

[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 930 HEAVY INDUSTRIAL

M - 1

931 Purpose: The Heavy Industrial District is intended to provide for those industrial operations which generate noise, odor, dust, glare, vibration, or truck and rail traffic in such amounts as to be objectionable to adjacent land uses.

932 Permitted Uses:

.1 Any use permitted in the M-2, Light Industrial District.

933 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

.1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.

.2 Marijuana processing and wholesaling subject to standards in Section 1803.

.3 Psilocybin-producing fungi growing and producing within an enclosed building subject to the standards in Section 1804.

.4 Psilocybin-producing fungi processing and wholesaling subject to the standards in Section 1804.

[Amd. Ordinance 2015-4, eff. 11-25-15]

934 Conditional Uses:

.1 Kennels, subject to standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

.2 Marijuana retailing subject to standards in Section 1803.
[Amd. Ordinance 2015-4, eff. 11-25-15]

Section 940 AIRPORT INDUSTRIAL**AI**

941 Purpose: The Airport Industrial District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and dependent upon air transportation.

942 Uses Permitted Outright:

- .10 Farm uses except marijuana and psilocybin-producing fungi growing and producing.

Section 1000 COMMUNITY SERVICE - INSTITUTIONAL**CS - I**

1001 Purpose: The purpose of this section is to provide for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, and unusual character or effect on the neighborhood, may not be suitable for listing with the other sections of this Ordinance. The CS- I district is intended to provide a mechanism for the establishment of public and private facilities necessary to meet the demand for the various types of public assemblies and public and private institutional facilities. This district is intended to function as a regular district within the Community Service designation.

1002 Permitted Uses:

- .1 Schools, public or private, and their accompanying sports facilities.
- .2 Government office buildings for local, state, or federal, such as a City Hall, Courthouse, or other similar type building.
- .3 Public or private cemetery, crematory, or mausoleum.
- .4 Hospital, clinic, or sanitarium.
- .5 Psilocybin Service Center
- ~~.5.6~~ Extended care facility

1003 Restrictions and Conditions: These public facilities have a direct impact upon adjoining properties. The Commission shall study each request to establish a new CS-I use and shall attach adequate conditions to the approval of a CS-I use to insure the adverse impact of the institutional use upon the adjoining land uses have been mitigated.

Conditions shall include:

.11 Psilocybin service centers shall conform to the standards in Section 1804.

1004 Before a new Community Service - Institutional use is approved outside an Urban Growth Boundary, the Commission must find that the CS-I use:

- .1 Is consistent with the character of the area.
- .2 Will not adversely affect natural resources in the area.
- .3 Will not conflict with farm or forest use in the area.
- .4 Will not create any traffic hazards.

1005 Standards:

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. The site plan shall be reviewed and determined if the site meets all the provisions of this Ordinance, including the off-street parking requirements listed in Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing the letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

1006 Signs: Signs shall meet the requirements of Section 1300.

ARTICLE VII – DISCRETIONARY PERMITS

Section 1500 DISCRETIONARY PERMITS

1501 GENERAL PROVISIONS: All applications for zone changes, conditional uses, temporary permits, variances, and restoration, replacement or alteration of nonconforming uses shall be evaluated under the specific criteria listed within this ordinance. Unless otherwise specified in the district, all applications shall be subject to the procedures under Section 1600.

- .1 The granting of a discretionary permit may be subject to such conditions as are reasonably necessary to protect the public health, safety, or general welfare from potentially deleterious effects resultant from approval of the permit, or to fulfill the public need for public service demands created by approval of the request.
- .2 Findings justifying decisions made with regard to a discretionary permit shall be made in writing and shall be provided to the applicant. The Commission may make a tentative decision and instruct the Director to draft findings to support the decision. In such an action, the final decision and the adoption of written findings shall occur at the next regularly scheduled Commission meeting.

1507 HOME OCCUPATIONS *[Amended by Ordinance 99-4, eff. 3/07/00].*

Land Development Services or the County Planning Commission (or the County) may allow the establishment of a Type 1 or Type 2 home occupation in any zone that allows residential uses. Home Occupations do not include commercial activities carried on in conjunction with a marijuana or psilocybin-producing fungi crop, or in association with a psilocybin service center. The following provisions shall apply:

- .1 Type 1: A Type 1 home occupation is reviewed administratively by Land Development Services and presents no indication of a business to the neighboring property owners. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 1 home occupation:
 - A. It shall be operated by a resident of the property on which the business is located.
 - B. No non-residents shall be employed on the property.
 - C. The business generates not more than 20 customer vehicle trips to the property per week.
 - D. Signs are not permitted.
- .2 Type 2: A Type 2 home occupation is reviewed as a Conditional Use by the Planning Commission and may be visible to the neighborhood in which it is located. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 2 home occupation:

- A. It shall be operated by a resident or employee of a resident of the property on which the business is located.
- B. It shall employ on the site no more than five full-time or part-time persons.
- C. Signs are permitted as per Section 1300 of the CCZO.

ARTICLE IX – SPECIAL USE STANDARDS

Section 1800 SPECIAL USE STANDARDS

1801 GENERAL PROVISIONS

Special uses are those included in Section 1800. Due to their public convenience and necessity and their effect upon the surrounding area, these uses are subject to conditions and standards that differ from those required of other uses. Special uses shall be subject to the provisions of the section that regulates the specific use and the provisions of the zoning district in which the special use will be located. Special uses are permitted only when specified as a primary, accessory, or conditional use in the subject zoning district. Where a dimensional or development standard for a special use differs from that of the subject zoning district, the standard for the special use shall apply.

1803 MARIJUANA LAND USES

- .1 Compliance with State Marijuana License and Registration Requirements. All marijuana land uses except for those not required to be licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA), such as home grown or home made marijuana, shall provide to the Land Development Services Department written documentation from OLCC or OHA, as follows:
 - A. At the time of building permit application for buildings accommodating marijuana land uses, the applicant shall provide written documentation from OLCC or OHA that the proposed marijuana land use complies with applicable State application requirements.
 - B. Prior to occupancy of buildings accommodating marijuana land uses, the applicant shall provide a copy of the OLCC license or OHA registration for the marijuana land use.
 - C. A land use compatibility statement shall not be signed by the Land Development Services Department until all applicable County land use review procedures have been completed and a final land use decision has been made by the County.
- .2 Marijuana Growing or Producing Uses. The following standards shall apply to marijuana growing or producing uses:
 - A. Additional Standards for all zones in which marijuana growing and

producing is allowed:

1. Co-location with a Dispensary. Medical grows may not be on the same site as a dispensary.
 2. Glare. No artificial light originating from within a grow building shall be visible from outside of the building.
 3. Separation from Certain Sensitive Uses. Marijuana growing and producing shall not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the grow parcel and the property line of the sensitive use parcel.
- B. Additional Standards in the RC, M-3, M-2 and M-1 Zones:
1. Growing and producing must be within an enclosed building. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.
 2. Grow buildings shall be equipped with an air filtration system designed and approved by an Oregon registered mechanical engineer to minimize odors perceptible outside of the building.
- C. Additional Setbacks for Indoor Grows in Certain Zones. In the FA-80, and PF-80 zoning districts, minimum front, side and rear yard setbacks for buildings accommodating marijuana growing and producing shall be increased by 50 feet.
- D. Prohibited in Residential Zoning Districts. Marijuana growing and producing uses are prohibited in residential zoning districts.
- .3 Marijuana Processing and Wholesaling Uses. The following standards shall apply to marijuana processing and wholesaling uses:
- A. Within an Enclosed Building. Marijuana processing and wholesaling uses in the M-3, M-2, and M-1 zones shall be within an enclosed building. For the purposes of processing and wholesaling, a greenhouse does not qualify as an enclosed building.
 - B. Wholesaling and Extract Processing in Residential Zones: Marijuana wholesaling and extract processing is prohibited in residential zoning districts.
- .4 Marijuana Dispensary and Retailing Uses: The following standards shall apply to marijuana dispensary and retailing uses:
- A. Separation from Certain Sensitive Uses: Marijuana dispensary and retailing uses may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. For the purposes of this section, separation distance shall be measured as the minimum

distance between the property line of the dispensary or retail use parcel and the property line of the sensitive use parcel.

- B. Separation from Each Other: Marijuana dispensary and retailing uses may not be located within 1,000 feet of another marijuana dispensary or retailing use, or a psilocybin service center. For the purposes of this section, separation distance shall be measured as the minimum distance between the property lines of the dispensary parcels and/or retail use parcels.
- C. Prohibited in Residential Zoning Districts: Marijuana dispensaries and retailing uses are prohibited in residential zoning districts.

[Amd. Ordinance 2015-4, eff. 11.25.15] [Amd. Ordinance 2018-2, eff 6.12.18]

1804 PSILOCYBIN LAND USES

.1 Compliance with Oregon Health Authority (OHA) License and Registration Requirements. A person seeking to establish a psilocybin-related land use must provide to the Land Development Services Department (LDS) written documentation from OHA, as follows:

- A. **At the time of building or other development permit application for a structure to be used in conjunction with a Psilocybin Service Center, or for indoor growing, production, processing or wholesaling of psilocybin-producing fungi, the applicant must provide written documentation from OHA that the proposed operation complies with all applicable OHA regulations.**
- B. **Prior to occupancy of buildings accommodating psilocybin-related uses the applicant must provide to the County a copy of the OHA registration for the use.**
- C. **The Land Development Services Department (LDS) may sign a Land Use Compatibility Statement (LUCS) authorizing a psilocybin-related land use only when all applicable County land use review procedures have been completed and the County has issued a final land use decision authorizing the use.**

.2 Psilocybin-producing Fungi Growing and Production. The following standards apply to psilocybin-producing fungi growing and production:

- A. **Psilocybin-producing fungi growing and production is prohibited in all residential zoning districts.**
- B. **Standards for all zones in which psilocybin-producing fungi growing and production is allowed:**
 - 1. **Growing and production must be conducted within an enclosed building. For the purposes of growing and**

production a greenhouse does not qualify as an enclosed building.

C. Separation from Certain Sensitive Uses:

1. Psilocybin-producing fungi growing and production may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, Public Park, or child care center.
2. For purposes of this section, separation distance is the minimum distance between the property lines of the parcel engaged in growing and production of psilocybin-producing fungi and the property line of the sensitive use parcel.

.3 Psilocybin Processing and Wholesaling. The following standards apply to psilocybin processing and wholesaling:

- A. Psilocybin processing and wholesaling is prohibited in all residential zoning districts.
- B. Within an Enclosed Building. Psilocybin processing and wholesaling uses must be within an enclosed building. For purposes of processing and wholesaling, a greenhouse does not qualify as an enclosed building.

.4 Psilocybin Service Centers: The following standards shall apply to Psilocybin Service Centers:

- A. Psilocybin Service Centers are prohibited in all residential zoning districts.
- B. Separation from Certain Sensitive Uses: Psilocybin Service Centers may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, Public Park, or child care center. For purposes of this section, separation distance is measured as the minimum distance between the property line of the parcel containing the Psilocybin Service Center and the property line of the sensitive use parcel.
- C. Separation from Each Other: A Psilocybin Service Center may not be located within 1,000 feet of another Psilocybin Service Center or a marijuana dispensing or retailing use. For purposes of this section, separation distance is measured as the minimum distance between the property lines of the parcels.
- D. Hours of Operation:
 1. Operation of a Psilocybin Service Center shall not start before 7:00 am, nor continue after 6:00 pm daily.

2. A Psilocybin Service Center may not operate over night.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

Please publish the following legal notice in the September 14th or 16th editions

**NOTICE OF PUBLIC HEARING
Monday October 3, 2022**

NOTICE IS HEREBY GIVEN that OHM Equity Partners LLC, has submitted an application for a Site Design Review (DR 22-04) for a Private Golf Course and RV Park. The park will consist of 103 spaces for a private recreational vehicle campground/RV's and the re-design of the existing golf course, club house and banquet facility in the Community Service Recreational (CS-R) zone.

NOTICE IS HEREBY GIVEN that Columbia County is proposing to amend the Columbia County Zoning Ordinance to develop land use standards in response to Measure 109 and ORS 475A related to psilocybin production, processing, and service centers. This involves amending existing sections of the Zoning Ordinance as well as developing a Special use Section 1804 for psilocybin related uses. Also, to develop standards to allow for Accessory Dwelling Units within Rural Residential zones. Local file numbers TA 23-01; TA 23-02.

This hearing is to afford interested parties an opportunity to be heard on the following matter. Any comments you wish to provide will be appreciated; however, Oregon law requires that testimony and evidence must be directed toward the decision criteria. You may present testimony at the public hearing or provide written comments to the Land Development Services (LDS) Department prior to 5:00 p.m. on the hearing date. The Commission will make a recommendation on this application to the Columbia County Board of Commissioners, which is the decision-maker for all County Plan and Ordinance amendments.

Applicable decision criteria are contained in *ORS 475A*; *ORS 215.495*; CCZO 1606; CCZO 1607; CCZO 1611; the Oregon Statewide Planning Goals; the Comprehensive Plan; and any other statute or ordinance determined to apply. The application is available for viewing in the LDS Department office, 445 Port Avenue, St. Helens, during normal business hours. Copies will be provided for a reasonable cost. This hearing will be held in accordance with the provisions of the Zoning Ordinance. For more information contact Hayden.Richardson@columbiacountyor.gov; or phone 503-397-1501.

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **Monday, October 3rd, 2022**, starting at **6:30 p.m.**

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

October 3, 2022 Planning Commission Meeting

Mon, Oct 3, 2022 6:30 PM - 9:30 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/202650557>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 202-650-557

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

If you have any questions or concerns regarding access to the meeting or need accommodation, please call the Land Development Services office at (503) 397-1501.

The criteria to be used in deciding the request will be found in some or all of the following documents and laws, as revised from time to time: Oregon Revised Statutes ORS 197.763; Oregon Administrative Rules; Columbia County Comprehensive Plan; Columbia County Zoning Ordinance. The specific criteria applicable to this request is listed and evaluated in the staff report.

A copy of the application, all documents and evidence relied upon by the applicant, and the staff report are available for inspection at no cost and will be provided at reasonable cost, at the Land Development Services office, at least 7 days prior to the Planning Commission hearing. Written comments on the issue can be submitted via email to Planning@columbiacountyor.gov or you can send comments via U.S. Mail to Columbia County, Department of Land Development Services, 230 Strand Street, St. Helens, OR 97051.

If additional documents or evidence are provided in support of the application, prior to or during the hearing, any party shall be entitled to a continuance of the hearing to allow review of the new evidence. If a participant requests a continuance before the conclusion of the evidentiary hearing, the record shall remain open for at least seven days after the hearing.

The “hearing will be held in accordance with the provision of the Zoning Ordinance” At each hearing, the applicant has the burden of presenting substantial evidence showing that the application meets all of the applicable criteria. Following presentation of the staff report, the applicant and other persons in favor of the application will be allowed to address the commission, explaining how the evidence submitted meets the applicable criteria. Following the applicant's presentation, any person in opposition to the application may present evidence and argument against the application. The applicant will then have the opportunity to rebut any evidence or arguments presented in opposition. After the presentation of evidence and arguments, the public hearing record will be either left open or closed by the Planning Commission.

The Commission will then make a tentative decision to be followed by approval of a written order and a statement of findings and conclusions supporting the decision, which will be mailed to all parties at a later date. The Commission may, at its discretion, continue the hearing from time to time at the request of the parties or on its own motion as necessary to afford substantial justice and comply with the law.

Additional information about this application may be obtained from the Planning Division of the Land Development Services Department, at (503) 397-1501 or you can go to the County website www.columbiacountyor.gov/departments/LandDevelopment/Planning.

September 14, 2022

THE PLANNING COMMISSION
Shawn Stewart, Chairman



Attachment 3. DLCD Notice of Proposed Change
NOTICE OF A PROPOSED CHANGE
TO A COMPREHENSIVE PLAN OR
LAND USE REGULATION
FORM 1

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: Columbia County

Local file no.: TA 23-01

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
UGB amendment over 100 acres by a metropolitan service district
Urban reserve designation, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
Periodic review task - Task no.:
Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Hayden Richardson, Planning Manager

Phone: (503) 397-7216 E-mail: hayden.richardson@columbiacountyor.gov

Street address: 230 Strand Street City: St. Helens, OR Zip: 97051

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

To develop time, place, and manner standards in response to Measure 109 and ORS 475A related to Psilocybin production, processing, and service centers. This involves amending existing sections of the Zoning Ordinance as well as developing a Special Use Section 1804 for Psilocybin related uses.

Date of first evidentiary hearing: 10/03/22

Date of final hearing: TBD

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
Comprehensive Plan map amendment(s) - Change from to
Change from to
New or amended land use regulation
Zoning map amendment(s) - Change from to
Change from to
An exception to a statewide planning goal is proposed - goal(s) subject to exception:
Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts:

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD’s Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

4. **Electronic submittals** may be sent via e-mail. Address e-mails to plan.amendments@dlcd.oregon.gov with the subject line “Notice of Proposed Amendment.”

FTP may be needed for large file submittals. Contact DLCD for FTP information.

DLCD encourages all users to submit a PAPA via PAPA Online at:

<https://www.oregon.gov/LCD/CPU/Pages/Plan-Amendments.aspx>

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or.xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-373-0050 or plan.amendments@dlcd.oregon.gov.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. “Text” means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½” x 11” paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-373-0050 or e-mail plan.amendments@dlcd.oregon.gov.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

Zoning Ordinance Text Amendment Application

Application Purpose: Proposed amendments to the Zoning Ordinance related to Measure 109,
known as the Psilocybin Services Act

APPLICANT: Name: Columbia County Land Development Services

Mailing address: 230 Strand Street, St. Helens, OR 97051

Phone No.: Office (503) 397-1501

Email: Planning@columbiacountyor.gov

Are you the _____property owner? owner's agent?

BREIF DESCRIPTION OF PROPOSAL:

To develop time, place, and manner standards in response to Measure 109 and ORS 475A related to Psilocybin production, processing, and service centers. This involves amending existing sections of the Zoning Ordinance as well as developing a Special Use Section 1804 for Psilocybin related uses.

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: _____ Signature: _____

+++++
Planning Department Use Only

Date Rec'd. _____ Hearing Date: _____

Or: Administrative _____

Receipt No. _____

Zoning: _____ Staff Member: _____

Measure 109 Explanatory Statement

Ballot Measure 109 directs the Oregon Health Authority to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure also directs the OHA to issue, renew, and revoke licenses in compliance with the measure. The measure establishes the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education and training.

Currently psilocybin is a Schedule I drug, a substance having no currently acceptable medical use within the US. However, the FDA has granted psilocybin a breakthrough therapy designation for treatment resistant depression and major depressive disorder under the direction of physicians and scientists.

The measure provides for an initial two-year development period during which the OHA will not issue any licenses. During the two-year development period, the Advisory Board also will submit findings and recommendations to the OHA regarding the safety and efficacy of using psilocybin to treat mental health conditions, which findings the OHA will examine, publish, and distribute publicly. During the two-year development period, existing law regarding the manufacture, delivery and possession of psilocybin will not be affected by the measure.

After the two-year development period, the measure allows a client who is at least 21 years of age to purchase, possess, consume, and experience the effects of psilocybin at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure does not legalize the purchase, possession, and consumption of psilocybin outside of a licensed premises. The measure establishes licensure eligibility criteria and directs the OHA to establish education and training standards for psilocybin service facilitators, provided that a facilitator need not be a currently licensed physician. The measure requires that psilocybin products be tested in a licensed laboratory and packaged and labeled in compliance with specified requirements. The measure allows the OHA to discipline licensees for noncompliance with the provisions of the measure, and to take any action to prevent the diversion of psilocybin to an unlicensed person or entity.

The measure requires the OHA to track the sale and transfer of psilocybin products through a state tracking system. The measure imposes a sales tax on the retail sale of psilocybin products at a rate of 15 percent of the retail sales price.

The measure prohibits a local authority from establishing its own psilocybin licensing system or imposing additional psilocybin taxes or fees. Cities and counties may adopt ordinances to impose reasonable regulations on the operation of licensed establishments and may refer an ordinance to electors to prohibit or allow the establishment of licensed psilocybin facilities in the city or county.

Definitions (333-333-1010)

- (1) “Adulterant” means chemicals, drugs, plants or substances that alter the potency, intoxicating effect, duration of effect, toxicity or potential for excessive use when added to psilocybin products. Adulterant does not include naturally occurring substances contained in food items such as, but not limited to chocolate
- (2) “Adverse behavioral reaction” means client behavior that a facilitator reasonably believes may endanger the safety of the client, facilitator, or others.
- (3) “Adverse medical reaction” means a client’s physiological reaction occurring during an administration session that a facilitator reasonably believes may lead to medical harm. For example, a cardiac event or other health emergency.
- (4) “Advertising” means publicizing the trade name of a licensee together with words or symbols referring to psilocybin or publicizing the brand name of a psilocybin product.
- (5) “Applicant” means an individual or legal entity who:
- (a) Holds or controls an interest of more than 10 percent in the business proposed to be licensed;
 - (b) Is entitled to receive 10 percent or more of revenue, profits or proceeds from the business proposed to be licensed; or
 - (c) Is entitled to exercise control over the business which can be indicated by, but is not limited to, authority to bind the business to contracts, obligations or debt.
- (6) “Attractive to minors” means:
- (a) Cartoons;
 - (b) A design, brand or name that resembles a non-psilocybin consumer product of the type that is typically marketed to minors;
 - (c) Symbols or celebrities that are commonly used to market products to minors;
 - (d) Images of minors; or
 - (e) Words that refer to products that are commonly associated with minors or marketed by minors.
- (7) “Authority” means the Oregon Health Authority.
- (8) “Authorized Authority representative” means an employee of the Authority who is authorized to conduct inspections or investigations and otherwise enforce ORS chapter 475A and any rules adopted thereunder.
- (9) “Batch” means a quantity of whole fungi from a harvest lot, or a quantity of psilocybin product from a process lot.
- (10) “Billboard” means a large outdoor advertising structure.
- (11) “Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit any of the following:
- (a) The use of comically exaggerated features;
 - (b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
 - (c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

~~(4)~~ **(12)** “Capsule” means a small soluble pill, tablet or container that contains liquid or powdered psilocybin product and is intended for human consumption.

~~(5)~~**(13)** “Chemical synthesis” means the production of psilocybin using precursor ingredients rather than cultivation of fruiting bodies and mycelium.

(14) “Client administration area” means any area within the licensed premises of a service center where:

(a) Psilocybin products are transferred to a client;

(b) Psilocybin products are consumed by a client; and

(c) Administration sessions take place.

(15) “Client information form” means the form required by ORS 475A.350.

(16) “Client support person” means a person who will be present during a client’s administration session for any purposes described in OAR 333-333-5050(5)(d), (f), (g) or (j).

(17) “Cultural equity” means values, policies, and practices that ensure all people, especially those who have been historically marginalized based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities, or other socially determined circumstances are considered in the development of social pathways to health equity.

(18) “Cultivation batch” means a quantity of unharvested fruiting body or mycelium that is grown together under the same conditions.

(19) “Curriculum” means the topics, subjects, and activities that make up courses taught by a training program.

(20) “De-identified data” means client information from which the Authority or other entity has deleted, redacted, or blocked identifiers so the remaining information cannot reasonably be used to identify an individual.

~~(6)~~**(21)** “Edible psilocybin product” means psilocybin extract or homogenized fungi that has been incorporated into a food item or potable beverage.

(22) “Elementary school”:

(a) Means a learning institution containing any combination of grades kindergarten through 8.

(b) Does not mean a learning institution that includes only pre-kindergarten, kindergarten, or a combination of pre-kindergarten and kindergarten.

~~(7)~~ **(23)** “Extraction” means:

(a) The process of separating psilocybin from fungi by using a solvent; and

(b) Manufacturing psilocybin extracts.

(24) “Financial interest”:

(a) Means a membership interest, partnership interest or other ownership interest in a business that is proposed to be licensed.

(b) Does not include an investment that the investor does not control in nature, amount or timing.

(25) “Facilitation” means the provision of services to a client by a licensed facilitator during a preparation, administration, or integration session.

~~(8)~~ **(26)** “Fruiting bodies” means the spore producing organs of the fungi *Psilocybe cubensis*.

- ~~(9)~~ (27) “Fungi” means the fruiting bodies or mycelium of the fungi *Psilocybe cubensis*.
- (28) “Harvest” means the act of removing mycelium or fruiting bodies from a production environment for drying or processing.
- ~~(10)~~ (29) “Harvest lot” means a specifically identified quantity of fungi that is cultivated and dried under the same conditions and harvested within a 24-hour period at the same location within the licensed premises.
- (30) “Health equity” means the opportunity for all people to reach their full health potential and well-being without being disadvantaged by their race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities or other socially determined circumstances.**
- ~~(11)~~ (31) “Homogenized fungi” means dried fruiting bodies or mycelium that have been mixed by powdering or other techniques which uniformly distribute psilocybin throughout the product. Homogenized products may contain inactive ingredients such as binders, dilutants and carrying agents.
- (32) “Intervention” means taking proactive steps to respond to the client’s behavior, experience, or condition during an administration session.**
- (33) “Intoxicant” means any substance that has intoxicating effects, and includes alcohol, prescription drugs, non-prescription drugs and any other controlled substances.**
- ~~(12)~~ (34) “Laboratory” means a laboratory licensed under ORS 475A.594.
- (35) “Lead educator” means a person affiliated with a training program who is responsible for tracking the progress of students throughout the program.**
- (36) “License representative” means an owner, director, officer, manager, employee, agent or other representative of a manufacturer, service center, or laboratory licensee, to the extent that the person acts in a representative capacity.**
- (37) “Licensee” means any person who holds a license issued under ORS chapter 475A and includes each individual and legal entity identified as an applicant on an application that the Authority has approved and each individual or legal entity who is added to the license as described in OAR 333-333-4200.**
- (38) “Limited access area” means any area of a license premises where psilocybin products or waste are stored or produced.**
- (39) “Location” means a building, suite or designated outdoor area with its own postal address where a service center, manufacturer, or laboratory is located.**
- ~~(13)~~ (40) “Manufacturer” means a manufacturer licensed under ORS 475A.290.
- ~~(14)~~ (41) “Manure” means animal excreta, alone or in combinations with litter, such as straw and feathers used for animal bedding, for use as a soil amendment or substrate. Manure does not include stabilized compost produced through a controlled composting process.
- (42) “Marijuana” has the meaning given that term in ORS 475C.009.**
- ~~(15)~~ (43) “Mycelium” means the fungal threads or hyphae of *Psilocybe cubensis*.
- (44) “Nondirective facilitation” means an approach to facilitation in which the facilitator maintains a consistent disposition with a client, while avoiding giving the client direct advice or directly interpreting a client’s statements or behaviors.**

(45) “Non-profit entity” means a nonprofit corporation organized under ORS chapter 65, registered with the Secretary of State as a nonprofit organization, and registered with the Oregon Department of Justice as a charitable organization, if applicable.

(46) “Oregon Psilocybin Services Act” means ORS 475A.210 to ORS 475A.722.

~~(46)~~ **(47) “Pesticide” means any substance or mixture of substances included in ORS 634.006(8).**

(48) “Practicum site” means a designated service center that provides practicum training.

(49) “Practicum site supervisor” means an onsite practicum supervisor of assigned trainees, affiliated with a practicum site.

(50) “Premises”:

(a) Means all areas of a location that are licensed under ORS chapter 475A, including:

(A) All public and private enclosed areas at the location that are used in the licensed business operated at the location, including offices, kitchens, rest rooms and storerooms;

(B) All areas outside a building that are used in the licensed business operated at a location for which the Authority has issued a license for a manufacturer or service center;

(C) For a location that the Authority has specifically issued a license for the operation of a psilocybin service center, any outdoor area of the location used to operate the psilocybin service center and provide psilocybin services to clients.

(b) Cannot include a residence.

(51) “Pre-production process” means cultivation environments that are used to facilitate growth of mycelial tissue prior to that tissue being transferred to production growth medium. Examples include but are not limited to agar dishes and grain spawn.

~~(47)~~ **(52) “Process lot” means homogenized fungi, psilocybin extract or edible psilocybin product of the same type that was processed at the same time using the same processing method, ingredients, and standard operating procedures.**

(53) “Production process” means cultivation environments from which fruiting bodies or usable mycelium are harvested, including but not limited to substrates used in the production of fruiting bodies.

~~(48)~~ **(54) “Psilocybin” means psilocybin or psilocin.**

~~(49)~~ **(55) “Psilocybin extract” means:**

(a) A substance consisting entirely of solid or liquid psilocybin and may include other compounds which were simultaneously extracted from fruiting bodies or mycelium of *Psilocybe cubensis*; and

(b) A substance consisting of solid or liquid psilocybin and may include other compounds which were simultaneously extracted from fruiting bodies or mycelium of *Psilocybe cubensis* and inactive ingredients that are used to form capsules, tinctures and other oral preparations.

~~(20)~~ **(56) “Psilocybin Tracking System” or “PTS” means the system for tracking psilocybin products required by ORS 475A.400.**

~~(21)~~ **(57) “Psilocybin product” means psilocybin-producing fungi, mycelium and mixtures or substances containing a detectable amount of psilocybin, including whole fungi, homogenized fungi, psilocybin extract and edible psilocybin products.**

(58) “Radio” means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite, or internet programming. Radio includes any audio programming downloaded or streamed via the internet.

(59) “Responsible referral and support” means supporting the personal needs, growth, and wellbeing of others, particularly those going through temporal crises such as houselessness, illness or marginalization.

(60) “Residence” means real property inhabited by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.

(61) “Safe” means a fireproof metal cabinet with a mechanical or electronic combination lock that is capable of storing psilocybin products and weighs at least 375 pounds.

(62) “Scope of practice” means practice boundaries related to psilocybin facilitation and avoiding the unlicensed practice of other disciplines including but not limited to medicine or psychotherapy.

(63) “Secondary school” means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.

(64) “Service center” means a premises licensed under ORS 475A.305.

(65) “Sublet” means to sublease or otherwise allow a person who is not a licensed representative to exercise license privileges on the premises of a service center, manufacturer or laboratory license.

(66) “Synchronous learning” means that students learn from their instructor at the same time as their fellow students.

(67) “Television” means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

~~(22)~~ **(68) “Tincture” means a liquid containing psilocybin that consists of either:**

(a) A non-potable solution of at least 25 percent non-denatured alcohol, that is exempt from the Liquor Control Act under ORS 471.035; or

(b) A non-potable solution comprised of glycerin, plant-based oil, syrup and other ingredients.

(69) “Training, Licensing and Compliance System (TLC)” means the online training, license and compliance portal maintained by the Authority to receive applications, communicate with applicants, licensees, permittees and training programs, and track compliance actions.

(70) “Training program applicant” means a program that has applied to offer training to psilocybin facilitators as described in ORS 475A.380.

(71) “Training program” means a program that has been approved to offer training to psilocybin facilitators as described in ORS 475A.380.

(72) “Unique identification number” means a unique number generated by the Authority’s designated vendor for the psilocybin tracking system for the purpose of tracking psilocybin products within the psilocybin tracking system.

(73) “Unique identification tag” means a tag that contains a unique identification number that was ordered and received from the Authority’s designated vendor for the psilocybin tracking system for the purpose of tracking psilocybin products in the psilocybin tracking system.

~~(23)~~ **(74) “Whole fungi” means dried fruiting bodies of *Psilocybe cubensis*, or portions thereof, that have not been homogenized.**

~~(24)~~ **(75)** “Wood chips” mean substrates consisting primarily of wood products that have not been composted.

(76) “Worker permit” means a permit required by ORS 475A.480.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Psilocybin Training Definitions (333-333-3005)

~~(1) “Adverse Behavioral Reaction” means client behavior that a facilitator reasonably believes may endanger the safety of the client, facilitator, or others.~~

~~(2) “Adverse Medical Reaction” means a client’s physiological reaction occurring during an administration session that a facilitator reasonably believes may lead to medical harm. For example, a cardiac event or other health emergency.~~

~~(3) “Client Information Form” means the form required by ORS 475A.350.~~

~~(4) “Cultural Equity” means values, policies, and practices that ensure all people, especially those who have been historically marginalized based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities, or other socially determined circumstances are considered in the development of social pathways to health equity.~~

~~(5) “Curriculum” means the topics, subjects, and activities that make up courses taught by a training program.~~

~~(6) “Facilitation” means the provision of services to clients by a licensed facilitator during preparation, administration, and integration sessions.~~

~~(7) “Health Equity” means opportunity for all people to reach their full health potential and well-being without being disadvantaged by their race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, social class, intersections among these communities or identities or other socially determined circumstances.~~

~~(8) “Intervention” means taking proactive steps to respond to the client’s behavior, experience, or condition during an administration session.~~

~~(9) “Lead Educator” means a person affiliated with a training program who is responsible for tracking the progress of students throughout the program.~~

~~(10) “Nondirective Facilitation” means an approach to facilitation in which the facilitator maintains a consistent disposition with a client, while avoiding giving the client direct advice or directly interpreting a client’s statements or behaviors.~~

~~(11) “Oregon Psilocybin Services Act” means ORS 475A.210 to ORS 475A.722~~

~~(12) “Practicum Site” means a designated service center that provides practicum training.~~

~~(13) “Practicum Site Supervisor” means an onsite practicum supervisor of assigned trainees, affiliated with a practicum site.~~

~~(14) “Responsible Referral and Support” means supporting the personal needs, growth, and wellbeing of others, particularly those going through temporal crises such as houselessness, illness or marginalization.~~

~~(15) “Service Center” means a premises licensed under ORS 475A.305~~

~~(16) “Scope of Practice” means practice boundaries related to psilocybin facilitation and avoiding the unlicensed practice of other disciplines including but not limited to medicine or psychotherapy.~~

~~(17) “Synchronous Learning” means that students learn from their instructor at the same time as their fellow students.~~

~~(18) “Training Program Applicant” means a program that has applied to offer training to psilocybin facilitators as described in ORS 475A.380.~~

~~(19) “Training Program” means a program that has been approved to offer training to psilocybin facilitators as described in ORS 475A.380.~~

~~Statutory Authority: ORS 475A.235(2)(c)~~

~~Statutes Implemented: ORS 475A.235(2)(c) and ORS 475A.380~~

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Allowable Species (333-333-2015)

- (1) A Manufacturer may only cultivate or possess fruiting bodies of the fungi species *Psilocybe cubensis* on the licensed premises.
- (2) A manufacturer may not possess mycelium or spores of any species other than *Psilocybe cubensis* that contain or are capable of producing psilocybin.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Psilocybin Product Quantity Limits (333-333-2200)

- (1) Quantities of psilocybin products shall be measured in total grams of psilocybin contained in a product that has been tested for potency as required by OAR 333-333-3070.
- (2) A manufacturer must ensure that potency tests required by OAR 333-333-3070 are completed within 180 days of recording a harvest lot or production lot in the psilocybin tracking system.
- (3) A manufacturer may possess a total of no more than 200 grams of psilocybin, as described in section (1) of this rule, at any given time.
- (4) A service center may possess a total of no more than 100 grams of psilocybin, as described in section (1) of this rule, at any given time.
- (5) A manufacturer or service center may request authorization in writing to exceed the limits described in sections (3) and (4) of this rule in a form and manner prescribed by the Authority.
- (6) Psilocybin products that have been designated as waste will not be considered when calculating the limits described in sections (3) and (4) of this rule.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.300

Statutes Implemented: ORS 475A.300

Packaging for Sale to Client (333-333-2300)

- (1) Containers or packaging for psilocybin products must protect the packaged item from contamination and excessive moisture and must not impart any toxic or harmful substance to the packaged item.
- (2) All psilocybin products must be transferred to a service center in a sealed package for ultimate sale to a client.
- (3) Psilocybin products for ultimate sale to a client must:
 - (a) Not be packaged or labeled in a manner that is attractive to minors.
 - (b) Comply with serving size requirements identified in OAR 333-333-2310.
 - (c) Be labeled in accordance with OAR 333-333-2400.
- (4) Psilocybin product packaging may not contain any untruthful or misleading content.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.634

Statutes Implemented: ORS 475A.634

Packaging and Serving Size (333-333-2310)

- (1) A serving of a psilocybin product may not contain more than 25 mg of psilocybin.
- (2) A package of a psilocybin product may not contain more than one serving.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.642

Statutes Implemented: ORS 475A.642

Labeling for Sale to Client (333-333-2400)

- (1) A label required by these rules must:
 - (a) Be printed on or affixed to the container holding the psilocybin product and printed on or affixed to any outer package or container that is used to display psilocybin product for sale or transfer to a client.
 - (b) Contain all required information in a legible font at least eight points large.
 - (c) Be in English, though it may also be in other languages.
 - (d) Be unobstructed and clearly visible.
- (2) A label may not:
 - (a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or
 - (b) Be attractive to minors, as that is defined in OAR 333-333-1010.
- (3) Required Information. Every container that holds a psilocybin product for sale to a client must display:
 - (a) The manufacturer's business or trade name and license number.
 - (b) Business or trade name of the manufacturer that packaged the product, if different from the original manufacturer.
 - (c) One of the following product type names: whole fungi, homogenized fungi, psilocybin extract, or edible psilocybin product.
 - (d) Net quantity of contents using the metric system of measurement and expressed in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.
 - (e) Quantity of psilocybin contained in the product, expressed in milligrams, and calculated using laboratory test results for tests required by OAR 333-333-7040.
 - (f) Species of fungi.
 - (g) Harvest date for whole fungi.
 - (h) Date of manufacture for all products other than whole fungi.
 - (i) Unique identification number as defined in OAR 333-333-1010.
 - (j) List of all ingredients in descending order of predominance by weight or volume.
 - (k) List of potential major food allergens by:

- (A) Listing the name of the food source of any major food allergen at the end of or immediately adjacent to the ingredient list; or
- (B) Placing the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen.
- (l) Estimated activation time, expressed in minutes.
- (m) “Best by” date indicating the time that the manufacturer has determined that their product will retain its original quality.
- (n) If the psilocybin product is perishable, a statement that the product must be refrigerated or kept frozen.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.626

Statutes Implemented: ORS 475A.626

Product Information Document (333-333-2410)

- (1) All of the information required by OAR 333-333-2400 must also be listed in English on a printed or electronic product information document in 12-point font or larger.
- (2) The product information document for any psilocybin products to be consumed during an administration session must be provided to a client during their preparation session.
- (3) A service center must make reasonable efforts to translate the product information document to languages other than English and otherwise provide the product information document in an accessible format upon the client’s request.

Statutory Authority: ORS 475A.235(2)(c)

Statutes Implemented: ORS 475A.235(2)(c)

Facilitator Exam (333-333-3200)

- (1) Every applicant for a facilitator license must take the exam required by ORS 475A.330 and receive a passing score prior to being issued a facilitator license.
- (2) A passing score on the exam is 75 percent correct. After the applicant takes the exam, the Authority will provide the applicant with the exam results.
- (3) An applicant who does not pass the exam may retake the exam.
- (4) The Authority will offer the exam via online interface. Applicants may take the exam at any location of their choosing. An applicant who fails the exam must wait 48 hours before retaking.
- (5) Applicants may request to take the exam in alternative format or in a language other than English. The Authority will make reasonable efforts to accommodate requests for accommodation. Requests for accommodation must be made in advance of taking the exam.

Statutory Authority: ORS 475A.235(2)(c), ORS 475A.330

Statutes Implemented: ORS 475A.330

Application Process (333-333-4000)

- (1) Applications must be submitted to the Authority in the form and manner prescribed by the Authority.
- (2) The application fee specified in OAR 333-333-4060(1) must be submitted at the time of application in the form and manner prescribed by the Authority.
- (3) An application must include the following:
 - (a) The names and required information for all individuals and legal entities who are applicants as required by OAR 333-333-4030.
 - (b) Any forms and information required by the Authority to evaluate the license application;
 - (c) A social equity plan as required by OAR 333-333-4020.
 - (d) Proof of residency if required by OAR 333-333-4050.
 - (e) For manufacturer, service center and laboratory license applicants, a map or sketch of the premises proposed to be licensed, including the boundaries of the licensed premises relative to its location, identification of any residence or other structures located on the same tax lot as the premises proposed to be licensed that will not be included in the licensed premises, a scaled floor plan identifying all limited access areas and client administration areas.
 - (f) If the applicant for a manufacturer license is not the owner of the real property proposed to be licensed, a written statement signed by the property owner that shows that the owner consents to manufacturing of psilocybin products on the property. This requirement may be satisfied by lease documents or in a form and manner specified by the Authority.
 - (g) For service center applicants, a service center safety plan as described in OAR 845-025-4460.
- (4) In addition to submitting an application form and the items described in section (3) of this rule, the Authority may require the following:
 - (a) The names and other required information for all individuals and legal entities with a financial interest in the business.
 - (b) Information or fingerprints required to perform a criminal background check in accordance with OAR 333-333-4100;
 - (c) Any additional information that is reasonably required to determine the merits of the license application.
- (5) The Authority must review an application to determine if it is complete. An application may be considered incomplete if the form is not complete, the application fee has not been paid, or additional information required under this rule has not been submitted.
- (6) An applicant may submit a written request for reconsideration of an application that is deactivated as incomplete. Such a request must be received by the Authority within 10 days of the date the deactivation notice was mailed to the applicant. The Authority shall give an applicant the opportunity to be heard if an application is deactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.255

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.255

Communication with the Authority (333-333-4010)

(1) If an applicant or licensee is required to or elects to submit anything in writing to the Authority, unless otherwise prescribed by the Authority, the applicant or licensee may submit the writing to the Authority via:

- (a) Mail; or
- (b) Electronic mail.

(2) If a written notification must be submitted by a particular deadline it must be received, regardless of the method used to submit the writing, by 5:00 p.m. Pacific Time.

(3) Applicants must designate an applicant who will serve as the primary point of contact for communication with the Authority.

(4) The primary point of contact required by section (3) of this rule is responsible for ensuring all persons identified as licensees or applicants are aware of relevant communications from the Authority, including but not limited to notices issued under ORS chapter 183.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

Social Equity Plans (333-333-4020)

(1) In addition to the requirements of OAR 333-333-4000 applicants for a manufacturer, service center, facilitator or laboratory license must submit a social equity plan for their initial application to be considered complete.

(2) Social equity plans required by section (1) of this rule must include a description of the following:

- (a) Application of diversity, equity, justice and inclusion principles to the licensee's internal practices and policies.
- (b) Objective performance measures that the licensee will use to evaluate their social equity plan.

(3) In addition to the requirements of OAR 333-333-4250 an applicant for renewal of manufacturer or service center license must provide documentation that evaluates implementation of their social equity plan based on the objective performance measures required by this rule.

(4) Licensees must provide written notice, in a form and manner prescribed by the Authority, of any material changes to their social equity plan within 60 days of making the change.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

True Name on Application (333-333-4030)

(1) An application for a service center, manufacturing or laboratory license must specify the legal names of all individuals and legal entities who qualify as applicants.

(2) An application for a facilitator license must identify the legal name of the individual who will hold the license.

(3) License privileges are only available to licensees and license representatives. For service centers, manufacturers and laboratories, license privileges are only available for the premises designated on the license.

(4) If a legal entity is an applicant, the following individuals within the legal entity are also applicants:

(a) If an applicant is a limited partnership, each general partner in the limited partnership.

(b) If an applicant is a limited liability company, each manager and voting member of the limited liability company.

(c) If the applicant is a corporation, each principal officer and board member of the corporation.

(d) Any individual within the legal entity who meets the definition of applicant in OAR 333-333-1010.

(5) The Authority may deny an application if a person identified as applicant for the business proposed to be licensed does not meet the definition of applicant in OAR 333-333-1010 or a person who meets the definition of applicant in OAR 333-333-1010 has not been disclosed on the application.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245

Financial Interests (333-333-4040)

(1) An application must specify the legal names of all individuals and legal entities who hold a financial interest in the business proposed to be licensed.

(2) If a legal entity holds a financial interest, the following individuals within the legal entity also hold a financial interest:

(a) For limited partnerships, each general partner in the limited partnership.

(b) For limited liability companies, each manager and voting member of the limited liability company.

(c) For corporations, each principal officer and board member of the corporation.

(3) The Authority may refuse to issue a license if the application does not accurately identify individuals and legal entities who hold a financial interest in the businesses proposed to be licensed.

(4) The Authority shall deny an application for a manufacturer license if an individual or legal entity identified as having a financial interest in the business proposed to be licensed holds a financial interest in another manufacturer license.

(5) The Authority shall deny an application for a service center license if an individual or legal entity identified as having a financial interest in the business proposed to be licensed holds a financial interest in five or more service center licenses.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.245

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.245, ORS 475A.280

Residency (333-333-4050)

(1) Until January 1, 2025, in order to qualify for a manufacturing or service center license:

- (a) If the business proposed to be operated under the license is a legal entity, an applicant must provide proof that more than 50 percent of the shares, membership interests, partnership interests, or other ownership interests of the legal entity are held, directly or indirectly, by one or more individuals who have been residents of this state for two or more years.
- (b) If the business proposed to be operated under the license is a partnership that is not a legal entity, an applicant must provide proof that more than 50 percent of the partnership interests of the partnership are held, directly or indirectly, by one or more individuals who have been residents of this state for two or more years.
- (c) If the business proposed to be operated under the license is an individual, an applicant must provide proof that the individual has been a resident of this state for two or more years.
- (2) Until January 1, 2025, in order to qualify for a facilitator license, an applicant must provide proof that they have been a resident of this state for two or more years.
- (3) Proof of residency as required under this rule may be documented by providing:
 - (a) A valid Oregon driver license or Oregon identification card issued at least two years prior to the date of application.
 - (b) Oregon full-year resident tax returns for the last two years.
 - (c) Proof of Oregon voter registration issued at least two years prior to the date of application;
 - (d) Utility bills, lease agreements, rental receipts, mortgage statements or similar documents that contain the name and address of the applicant dated at least two years prior to the date of application and from the most recent month.
 - (e) Letter from a homeless shelter, nonprofit entity, employer or government agency attesting that applicant has been an Oregon resident for at least two years.
 - (f) Any other documentation that the Authority determines to reliably demonstrate proof of Oregon residency for the last two years

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.290, ORS 475A.305, ORS 475A.325

License Fees (333-333-4060)

- (1) At the time of initial license application:
 - (a) An applicant for a service center, manufacturer or laboratory license must pay a \$500 non-refundable application fee:
 - (b) An applicant for a facilitator license must pay a \$150 non-refundable application fee.
- (2) If the Authority approves an initial license application or renewal and grants an annual license, the following fees must be paid:
 - (a) Manufacturer \$10,000.
 - (b) Service Center \$10,000.
 - (c) Facilitator \$2,000.
 - (d) Laboratory \$10,000.
- (3) Notwithstanding section (2) of this rule, if the applicant is a non-profit entity the following fees must be paid:
 - (a) Manufacturer \$5,000.

(b) Service Center \$5,000.

(4) Notwithstanding section (2) of this rule, if the applicant is an individual person they may qualify for the following reduced fees:

(a) Manufacturer \$5,000.

(b) Service Center \$5,000.

(c) Facilitator \$1,000.

(5) In order to qualify for the reduced fees described in section (4) of this rule, an individual applicant must qualify under one of the following circumstances:

(a) Be receiving Social Security Income benefits. To qualify for the reduced fee, the applicant must submit at the time of application a copy of a current monthly Social Security Income benefit statement showing dates of coverage.

(b) Be enrolled in Oregon Health Plan. To qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.

(c) Be receiving food stamp benefits through the Oregon Supplemental Nutrition Assistance Program. To qualify for the reduced fee the applicant must submit at the time of application current proof of their food stamp benefits.

(d) Has served in the Armed Forces of the United States. To qualify for the reduced fee, the applicant must provide proof of having served in the Armed Forces, such as but not limited to, submitting a Veteran's Administration form DD-214.

(6) The Authority will charge a change fee of \$250 per applicant for any change to a previously approved license that results in addition of an applicant. This change fee applies regardless of whether the licensee requests the change at renewal or during the term of their license.

(7) The Authority will charge a change fee of \$250 per inspection for any change to a previously approved license that requires a premises inspection. This change fee applies regardless of whether the licensee requests the change at renewal or during the term of their license.

Statutory/Other Authority: ORS 475A.235(2)(c) and (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594

Statutes/Other Implemented: ORS 475A.235(2)(c) and (2)(d)(G), ORS 475A.290, ORS 475A.305, ORS 475A.325, ORS 475A.594

Worker Permit Term and Fees (333-333-4070)

(1) If the Authority approves an initial or renewal application and grants a worker permit, the permit shall have a term of five years.

(2) Once the Authority has made a determination to grant an application as described in section (1), the individual must pay a \$25 fee to receive the permit.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.483

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.483

Background Checks (333-333-4100)

- (1) Any person identified as an applicant on a worker permit or license application must undergo a criminal background check.
- (2) The Authority will require a licensee or worker permit holder to undergo a criminal background check if the Authority learns that the individual has been convicted of a crime after their license or permit has been issued.
- (3) When the Authority requires an individual to undergo a criminal background check, background checks must be submitted to the Authority for a fitness determination in accordance with OAR chapter 407-007-0200 to 407-007-0250 and 943-007-0001 to 943-007-0501. Individuals are not subject to a check for potentially disqualifying abuse, as described by OAR 407-007-0250(5).
- (4) When the Authority requires an individual to undergo a criminal background check, the individual must provide:
 - (a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:
 - (A) First, middle and last name;
 - (B) Any aliases;
 - (C) Date of birth;
 - (D) Driver license information; and
 - (E) Address and recent residency information.
 - (b) Fingerprints in accordance with the instructions on the Authority's webpage.
- (4) The Authority may request an applicant to disclose their Social Security Number if notice is provided that:
 - (a) Indicates the disclosure of the Social Security Number is voluntary.
 - (b) The Authority requests the Social Security Number for the purpose of positively identifying the applicant during the criminal records check process.
- (5) Pursuant to ORS 475A.250, the Authority may not consider the prior conviction of a subject individual for:
 - (a) The manufacture of psilocybin or the manufacture of a marijuana item, as defined in ORS 475C.009, if:
 - (A) The date of the conviction is two or more years before the date of the application; and
 - (B) The person has not been convicted more than once for the manufacture of psilocybin or a marijuana item; or
 - (b) The possession of a controlled substance, as defined in ORS 475.005, or a marijuana item, as defined in ORS 475C.009, if:
 - (A) The date of the conviction is two or more years before the date of the application; or
 - (B) The person has not been convicted more than once for the possession of a controlled substance or a marijuana item.
- (6) The fitness determination described in section (1) of this rule will determine whether the applicant is ineligible to be licensed.
- (7) Refusal to participate in a background check required by section (2) of this rule is a violation.
- (8) If an applicant is determined to be ineligible to be licensed due to the fitness determination, the applicant has hearings rights to challenge the fitness determination under OAR 943-007-0501.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.255, ORS 475A.486, ORS 475A.598

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.255, ORS 475A.486, ORS 475A.598

Application Review (333-333-4110)

- (1) Once the Authority has determined that an application is complete, it must review the application to determine compliance with ORS chapter 475A and these rules.
- (2) The Authority must receive a land use compatibility statement from the city or county that authorizes land use in the city or county where the proposed premises is located prior to acting on an application for a new manufacturer or service center license.
- (3) The Authority may verify any information submitted by the applicant, including but not limited to contacting any individual or legal entity identified in the application to request additional documents or information.
- (4) The Authority may require an inspection of the proposed premises prior to issuing a license.
- (5) If the Authority determines that the applicant is not in compliance with these rules following an inspection described in section (4) of this rule, the Authority will provide a notice of the failed inspection identifying the requirements that have not been met.
- (6) An applicant that fails an inspection described in section (4) of this rule will have 30 calendar days from the date the notice was sent to submit a written response that demonstrates the noted deficiencies have been corrected.
- (7) If the applicant's response under section (6) of this rule appears to correct the noted deficiencies, the Authority may schedule another inspection.
- (8) If the applicant fails a second inspection, the Authority will deny the application unless the applicant shows good cause for the Authority to perform additional inspections.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290

Approval and Issuance (333-333-4120)

- (1) If the Authority approves an application, the Authority will notify the applicant in writing that the application has been approved, pending payment. The approval is effective upon receipt of the license fee. After payment of the license fee, the Authority will provide the applicant proof of licensure, that includes a unique license number, the effective date of the license, date of application and description of the licensed premises. If the applicant has paid the license fee by check, the Authority will not issue a license until it has confirmed that the check has cleared.
- (2) A licensee may not operate until the effective date of licensure.
- (3) Manufacturer, service center and laboratory licensees must display a proof of licensure in a prominent place on the licensed premises.
- (4) Facilitator licensees must be able to provide proof of licensure when performing preparation, administration or integration sessions.

- (5) Manufacturer, service center and laboratory licenses are only valid for the premises indicated on the license and are only issued to the individuals or entities listed on the application or subsequently approved by the Authority.
- (6) Facilitator licenses are only issued to the individual listed on the application.
- (7) A license may not be transferred except as provided in OAR 333-333-4270.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

Application Denial (333-333-4130)

- (1) The Authority shall deny an application if:
 - (a) An applicant is under the age of 21.
 - (b) The applicant for a facilitator license is not an individual person.
 - (c) The applicant for a facilitator license has not completed training required by ORS 475A.325.
 - (d) The applicant for a facilitator license has not passed the exam required by ORS 475A.325.
 - (e) The applicant's land use compatibility statement shows that the proposed land use is prohibited if a land use compatibility statement is required by these rules.
 - (f) The proposed licensed premises is located on public land.
 - (g) The proposed premises for a service center applicant is located:
 - (A) Except as provided in ORS 475A.310 within 1,000 feet of:
 - (i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - (B) For purposes of determining the distance between a service center and a school, "within 1,000 feet" means a straight -line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a service center. If any portion of the licensed premises is within 1,000 feet of a school an applicant will not be licensed.
 - (h) The proposed premises is located at the same location as a health care facility licensed under ORS chapter 441.
 - (i) The applicant does not have an approved fitness determination in accordance with OAR 333-333-4100.
- (2) The Authority shall deny an application for a service center or manufacturer license if:
 - (a) An individual applicant who does not qualify as an Oregon resident owns or controls greater than 50 percent of the business proposed to be licensed; or
 - (b) At least 50 percent of individuals who hold a financial interest in the business proposed to be licensed do not qualify as Oregon residents.
- (3) The Authority shall deny an application for a facilitator license if the applicant is not an Oregon resident.
- (4) The Authority may deny an application when a person with a financial interest meets any license denial criteria that apply to applicants.
- (5) The Authority may revoke a license for any reason it may deny an application.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250, ORS 475A.290, ORS 475A.305, ORS 475A.325

Application Withdrawal (333-333-4140)

An applicant for a license or worker permit may withdraw an initial or renewal application at any time prior to the Authority acting on the application unless the Authority reasonably believes that the applicant submitted false or misleading information in which case the Authority may refuse to accept the withdrawal and may issue a proposed denial in accordance with OAR 333-333-4130.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.250

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.250

Notification of Changes (333-333-4200)

(1) An applicant or licensee must notify the Authority in writing within 10 calendar days of any of the following:

- (a) A change in contact information for any person listed as an applicant or licensee.
- (b) The addition or removal of any person or entity that holds a financial interest in the licensed business.
- (c) Any closure of the business lasting more than 30 days.
- (d) Any conviction for any misdemeanor or felony committed by an individual listed as an applicant or licensee.
- (e) Any arrest for conduct that occurred on the licensed premises.
- (f) Any theft of psilocybin products or cash from the licensed premises.

(2) Prior to adding or removing an individual or legal entity who qualifies as an applicant, a licensee must provide notice to the Authority in the form and manner proscribed by the Authority.

(3) A licensee may not add or remove an individual or legal entity who qualifies as an applicant without prior written approval from the Authority.

(4) If applicable, the licensee must pay the change fee specified in OAR 333-333-4060 prior to making changes to their premises or approved licensees that require inspections or additional applicants.

(5) A licensee who wishes to change the location of the licensed premises must submit a new application including all required forms and documents and the fee specified in OAR 333-333-4060.

(6) The Authority may require a licensee to submit a new application including all required forms and documents and the fee specified in OAR 333-333-4060 for a change in ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

Modifying Licensed Premises (333-333-4210)

- (1) A licensee may not make any changes that materially or substantially alter the licensed premises or the usage of the licensed premises without the Authority's prior written approval.
- (2) A licensee who wishes to make any material or substantial changes to the licensed premises must submit a form prescribed by the Authority, and submit any information identified in the form.
- (3) For the purposes of this rule a material or substantial change includes, but is not limited to:
 - (a) Any change to the footprint of the licensed premises.
 - (b) Any change to ingress and egress of the licensed premises.
 - (c) Any change that would require installation of additional video surveillance cameras or a change to the security system.
 - (d) Any changes to limited access areas or client administration areas on the licensed premises;
 - (e) Any addition or change to a residence or other unlicensed structure located on the same tax lot as the licensed premises.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c)

License Renewal (333-333-4250)

- (1) Renewal Applications:
 - (a) A renewal application must include the application fee, licensee fee, documents, and information required by the Authority to be complete.
 - (b) A renewal application will be considered timely if a complete renewal application is received by the Authority at least 60 calendar days before the date the license expires. Applications received less than 60 days before the date the license expires will be considered untimely.
 - (c) A licensee who submits a complete timely renewal application may continue to operate after the stated license expiration date, pending a decision by the Authority on the renewal application.
 - (d) A licensee who submits an untimely or incomplete renewal application or who does not submit a renewal application must cease engaging in the licensed activity when the license expires.
 - (e) A person who, while not actively licensed, engages in any activity that would require a license may be subject to administrative and criminal sanctions regardless of their prior licensure status.
- (2) The Authority may require a licensee with a pending renewal application to submit forms, documents and information described in OAR 333-333-4000 in order to complete an investigation of a renewal application. Failure to submit fees, forms, documents or information requested by the Authority under this section within a time period prescribed by the Authority may result in denial of the renewal application.

Statutory/Other Authority: ORS 475A.235(2)(c), ORS 475A.483

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.483

Standards for Authority to Operate a Licensed Business as a Trustee, a Receiver, a Personal Representative or a Secured Party (333-333-4260)

(1) The Authority may issue a temporary certificate of authority to operate a licensed business to a trustee, the receiver of an insolvent or bankrupt licensed business, the personal representative of a deceased licensee, or a person holding a security interest in the business for a reasonable period of time to allow orderly disposition of the business.

(a) The trustee, receiver or personal representative must provide the Authority with the following information:

(A) Proof that the person is the legal trustee, receiver or personal representative for the business; and

(B) A written request for a certificate of authority to operate as a trustee, receiver or personal representative, listing the address and telephone number of the trustee, receiver or personal representative.

(b) The secured party must provide the Authority with the following information:

(A) Proof of a security interest in the licensed business;

(B) Proof of the licensee's default on the secured debt;

(C) Proof of legal access to the real property; and

(D) A written request for authority to operate as a secured party listing the secured party's address and telephone number.

(2) The Authority may revoke or refuse to issue or extend a certificate of authority for the trustee, receiver, personal representative, or secured party to operate:

(a) If the trustee, receiver, personal representative or secured party does not propose to operate the business immediately or does not begin to operate the business immediately upon receiving the temporary authority;

(b) For any of the reasons that the Authority may revoke or refuse to issue or renew a license;

(c) If the trustee, receiver, personal representative or secured party operates the business in violation of ORS 475A, or these rules; or

(d) If a reasonable time for disposition of the business has elapsed.

(3) No person or entity described in section (1) of this rule may operate the business until a certificate of authority has been issued under this rule, except that the personal representative of a deceased licensee may operate the business for up to 10 days after the death provided that the personal representative submits the information required in subsection (1)(a) of this rule and obtains a certificate of authority within that time period.

(4) A certificate of authority under this rule is initially issued for a 60-day period and may be extended as reasonably necessary to allow for the disposition of the business.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.243

Closure of Business (333-333-4270)

- (1) License privileges cease upon death of a licensee unless the Authority issues an order as described in section (2) of this rule.
- (2) The Authority may issue an order providing for the manner and condition under which:
 - (a) Psilocybin products left by a deceased, insolvent or bankrupt person or licensee, or subject to a security interest, may be transferred or destroyed.
 - (b) The business of a deceased, insolvent or bankrupt licensee may be operated for a reasonable period, as specified in the order, following the death, insolvency or bankruptcy.
- (3) If a license is revoked, the Authority may address in its order the manner and condition under which psilocybin products held by the licensee may be transferred or sold to other licensees or must be otherwise disposed.
- (4) If a license is surrendered or expires the Authority may address by order the manner and condition under which psilocybin products held by the licensee may be transferred or sold to other licensees or must be otherwise disposed of.

Statutory/Other Authority: ORS 475A.235(2)(c)
Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.243

License Surrender (333-333-4280)

A licensee may request the Authority to accept the surrender of a license. The license remains in effect until the Authority accepts the surrender. If the Authority accepts the surrender, the Authority will notify the licensee in writing of the date of acceptance. The licensee must cease all license privileges on this date through the remainder of the licensing period. The licensee must receive a new license before engaging in any licensed activities.

Statutory/Other Authority: ORS 475A.235(2)(c)
Statutes/Other Implemented: ORS 475A.235(2)(c)

Licensed Premises Location Requirements (333-333-4300)

- (1) A licensed premises may not be located:
 - (a) On publicly owned land; or
 - (b) At the same location as:
 - (A) A location with an adult-use cannabis license issued under ORS chapter 475C.
 - (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) A location with a liquor license issued under ORS chapter 471 or a retail liquor agent appointed by the Oregon Liquor and Cannabis Commission.
 - (F) A health care facility licensed under ORS chapter 441.
 - (G) A location 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.
- (2) The licensed premises of a service center may not be located:

- (a) Except as provided in ORS 475A.310, 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.
- (3) A manufacturer with an edible psilocybin production endorsement may not:
 - (a) Engage in processing at a location 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 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.
- (4) A manufacturer, service center or laboratory license is prohibited from subletting any portion of the licensed premises.

Statutory/Other Authority: ORS 475A.235(2)(c)

Statutes/Other Implemented: ORS 475A.235(2)(c), ORS 475A.305, ORS 475A.310

Licensed Premises Operating Requirements (333-333-4400)

- (1) A licensee may not permit:
 - (a) A person under 21 years of age to work or be on a licensed premises except as described in this rule.
 - (b) On-site sale or consumption of a psilocybin product except for clients consuming psilocybin products during an administration session.
 - (c) On-site consumption of any intoxicants by any individual, except for clients consuming psilocybin products during an administration session.
- (2) A licensee may permit a person under 21 years of age to be on the licensed premises if the person under 21 years of age has a legitimate business purpose for being on the licensed premises. For example, a plumber who is under 21 years of age may be on the premises to make a repair.
- (3) A licensee must clearly identify all limited access areas in accordance with OAR 333-333-4000(3)(e).
- (4) Log. A licensee must keep a daily log of all employees and permitted visitors who perform work on the licensed premises, except for Authority employees and other state or local government officials acting in an official capacity who have jurisdiction over some aspect of the licensed premises or operation.
 - (a) A licensee must record the following information for each current employee and license representative in the training, licensing and compliance system:

- (A) For an employee or license representative required to have a worker permit, the permit number and name of the individual as they appear on the worker permit.
- (B) For an employee or license representative not required to have a worker permit, the legal name and date of birth of the individual.
- (b) All employees and permitted visitors present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee or permitted visitor.
- (c) All permitted visitors must be accompanied by a license representative at all times.
- (d) On the daily log, a licensee must record the name and date of birth as this information is displayed on valid government-issued ID for every contractor who performs work on the licensed premises.
- (e) A licensee must maintain a copy of the daily log required by this rule for a period of at least two years.
- (5) Permitted Visitors. The general public is not permitted in limited access areas on a licensed premises. In addition to license representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements of this rule and other pertinent rules:
 - (a) Laboratory personnel if the laboratory is licensed by the Authority.
 - (b) A contractor, vendor or service provider authorized by a license representative to be on the licensed premises.
 - (c) Another licensee or that licensee's representative.
- (6) Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.
- (7) A licensee may not sublet any portion of a licensed premises.
- (8) A licensed premises may receive psilocybin products only from a licensed manufacturer.
- (9) A licensee who sells or handles food, as that term is defined in ORS 616.695, or edible psilocybin products must also be licensed by the Oregon Department of Agriculture under ORS 616.706.
- (10) A licensee may not allow animals to be present on the licensed premises, except for assistance animals as allowed under ORS 659A.143.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Administration Areas (333-333-4450)

- (1) Client administration areas must be designed to create an appropriate and comfortable setting for experiencing the effects of consuming psilocybin products. Client administration areas must offer clients comfortable options for sitting or reclining during administration session. Indoor administration areas must be temperature controlled and adequately lit.
- (2) Client administration areas must be free of conditions that could pose a risk to clients experiencing the effects of consuming psilocybin products. If an administration area is located

outdoors, it must be free of falling hazards, drowning hazards and any other conditions that could pose a safety risk to clients.

(3) During an administration session, only clients and facilitators may access a client administration area unless each client receiving services in that area has given prior written consent for other individuals to be present during their administration session. Licensees must take reasonable steps to prevent access to client administration areas by unauthorized individuals while administration sessions are taking place. The requirements of this section do not apply to service center representatives who are present to deliver psilocybin products to clients to be consumed during an administration session.

(4) A client may leave an administration area briefly during an administration session for reasons including accessing a restroom, moving to a separate administration area or retrieving personal belongings. A client who leaves an administration area under this section, must be accompanied by a facilitator and the service center must make reasonable efforts to ensure that the client does not interact with vendors, contractors, other clients, or any persons who may be present at the service center. A client who leaves an administration area under this section is not required to be accompanied inside a restroom.

(5) Psilocybin products may only be consumed in a client administration area.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Service Center Safety Plan (333-333-4460)

(1) Every service center shall create and maintain a service center safety plan that documents procedures for evacuating and relocating clients when the client administration areas become unsafe due to unforeseen circumstances such as fire or a power outage.

(2) The safety plan described in section (1) of this rule must be included in the licensee's initial application and licensee must provide written notice of any changes to the Authority in a form and manner prescribed by the Authority.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Client Restrooms (333-333-4465)

In addition to providing adequate restroom facilities for employees, service centers must make an accessible single occupancy restroom available for clients' use during an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Practicum Site (333-333-4470)

(1) Any service center may function as a practicum site under OAR 333-333-3070.

(2) A service center that functions as practicum site must notify the Authority that practicum will be offered at their location and training program affiliated with the practicum prior to practicum taking place at their location.

(3) A service center that functions as a practicum site must comply with all applicable requirements of these rules, including but not limited to OAR 333-333-5200.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Service Center Privileges and Prohibitions (333-333-4480)

(1) A service center may:

(a) 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.

(b) Purchase, possess or receive psilocybin products from a manufacturer or service center.

(c) Transfer psilocybin products to a manufacturer or service center.

(d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in OAR 333-333-7100.

(2) A service center must begin every administration session at a time that allows the minimum duration of that session described in OAR 333-333-5250 to elapse prior to 11:59 PM local time.

(3) A service center must collect tax on all psilocybin products sold to clients and document the sale of all products and services in the manner required by OAR 333-333-5180.

(4) A service center may not:

(a) Discount a psilocybin product or offer a psilocybin product for free if the retail sale of the psilocybin product is made in conjunction with the retail sale of any other item or service.

(b) Permit a client to bring psilocybin products onto the licensed premises or take any psilocybin product from the licensed premises.

(c) Sell or offer for sale any psilocybin product that does not comply with the requirements of ORS chapter 475A or these rules.

(5) A license representative of a service center may not:

(a) Assist a client with taking medication.

(b) Assist a client with a medical device.

(c) Assist a client with an alternative communication device or assistive listening device.

(d) Assist a client with consuming psilocybin products.

(e) Provide psilocybin services to a client unless the representative is also a licensed facilitator and services are provided in compliance with these rules.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Verification of Age (333-333-4490)

Prior to completing the sale of a psilocybin product or providing psilocybin services to a client, a licensee must verify that the client has a valid, unexpired government-issued photo identification and must verify that the client is 21 years of age or older by viewing the client's:

- (1) Passport;
- (2) Driver license, whether issued by the State of Oregon or by another state of the United States;
- (3) Identification card issued under ORS 807.400;
- (4) United States military identification card;
- (5) An identification card issued by a federally recognized Indian tribe with photo, name and date of birth; or
- (6) Any other identification card issued by a state or territory that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.445

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.445

Licensee Prohibitions (333-333-4500)

- (1) A licensee may not:
 - (a) Import into this state or export from this state any psilocybin products.
 - (b) Give psilocybin products as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind.
 - (c) Sell, give, or otherwise make available any psilocybin products to any person who is visibly intoxicated.
 - (d) Make false representations or statements to the Authority in order to induce or prevent action by the Authority.
 - (e) Misrepresent any psilocybin product to a client or to the public.
 - (f) Deliver or transfer psilocybin products to any person off the licensed premises or to any unlicensed location.
 - (g) Allow any client to leave the licensed premises with psilocybin products.
 - (h) Sell or offer to sell a psilocybin product that does not comply with the minimum standards prescribed by the statutory laws of this state.
- (2) No licensee or license representative may be under the influence of intoxicants while present on a licensed premises. The requirements of this section do not apply to licensees and license representatives who are off duty and consume psilocybin products while receiving psilocybin services as a client.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Storage (333-333-4510)

- (1) All psilocybin products must be stored on a licensed premises.
- (2) All psilocybin products stored on a licensed premises must be kept within:
 - (a) A locked, enclosed area within a limited access area of the licensed premises that is secured with at a minimum, a properly installed steel door with a steel frame, and a commercial grade, non-residential lock; or
 - (b) A locked safe located within a limited access area of the licensed premises.
- (3) The requirements of section (2) of this rule do not apply to fungi and mycelium stored at manufacturer that has not been harvested or is undergoing a drying process.

(4) Psilocybin products that require refrigeration must be stored in appropriate, temperature-controlled environments.

(5) Psilocybin products offered for sale by a service center must be stored in such a manner that the items are only accessible to license representatives until such time as the sale to the client is completed. Clients who wish to examine psilocybin products prior to purchase may do so only under the direct supervision of a license representative.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Bill of Rights (333-333-4520)

(1) A service center must post the following “Client Bill of Rights” in a prominent location within the licensed premises and must provide every client with a copy during their preparation session:

“Clients receiving psilocybin services in Oregon have the following rights:

To be treated with dignity and respect while receiving psilocybin services.

To receive culturally competent care.

To be free from physical, sexual, psychological, and financial abuse before, during, and after receiving psilocybin services.

To be fully informed of, and helped to understand, the risks associated with psilocybin services.

To make decisions without coercion or undue influence.

To be fully informed of the known benefits and risks associated with psilocybin services.

To refuse psilocybin services once they have begun.

To privacy and confidentiality.

To refuse to release personal information to third parties, except as required by law.

To full disclosure of any facilitator conflicts of interest.

To a full accounting and explanation of the costs associated with receiving psilocybin services before receiving those services.

To store personal belongings securely while receiving psilocybin services.

To access their client records after providing reasonable notice to a facilitator or service center and to correct information that is inaccurate.

To request a private space in which to receive psilocybin services.

To be monitored and supported by a licensed facilitator for the duration of psilocybin services until it is safe for the client to leave the service center

To receive psilocybin services from the same licensed facilitator for the duration of those services, except in cases of emergency.

To access service centers, therapy rooms, and psilocybin services that are welcoming and accessible to people with disabilities.

To have access to a clean, single occupancy restroom for the duration of psilocybin services.

To discuss this Bill of Rights with licensed facilitators and service center operators without facing discrimination or retaliation.

To report violations of this Bill of Rights to the Oregon Health Authority, or other appropriate governing body, without facing discrimination or retaliation.”

- (2) The text of the Client Bill of Rights may not be altered and must be printed in an easily legible font.
- (3) A facilitator or service center must provide the Client Bill of Rights in other languages or accessible formats upon a client’s request.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Security Requirements (333-333-4550)

- (1) A service center, manufacturer or laboratory licensee is responsible for the security of all psilocybin products on the licensed premises or in transit, including providing adequate safeguards against theft or diversion of psilocybin products.
- (2) During hours when the licensee is not operating, the licensee must ensure that all points of ingress and egress to and from the licensed premises are securely locked.
- (3) Licensees must ensure that all limited access areas of a licensed premises are accessible only to licensed representatives and other personnel authorized to be present under these rules.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Alarm System (333-333-4600)

- (1) A service center, manufacturer or laboratory must have a fully operational security alarm system on the licensed premises, activated at all times when the licensed premises is closed for business.
- (2) The security alarm system for the licensed premises must:
 - (a) Be able to detect unauthorized entry onto the licensed premises and unauthorized activity within the licensed premises.
 - (b) Notify the licensee, license representative or authorized personnel in the event of an unauthorized entry.
 - (c) Have at least two operational “panic buttons” located inside the licensed premises linked with the alarm system that immediately notifies a security company or law enforcement.
- (3) Upon request, licensees shall make all information related to security alarm systems, monitoring and alarm activity available to the Authority.

Statutory/Other Authority: ORS 475A.235(c)
Statutes/Other Implemented: ORS 475A.235(c)

Video Surveillance Equipment (333-333-4620)

- (1) A licensed premises must have a fully operational video surveillance recording system.
- (2) Video surveillance equipment must, at a minimum:
 - (a) Consist of:
 - (A) Digital or network video recorders.
 - (B) Cameras capable of meeting the requirements of OAR 333-333-4630 and this rule.
 - (C) Video monitors.
 - (D) Digital archiving devices.
 - (E) A minimum of one monitor on premises capable of viewing video.
 - (F) Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard.
 - (b) Have the capability of producing and printing a still photograph from any camera image.
 - (c) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
- (3) Except for mounted cameras and monitors, all video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to authorized personnel, Authority employees and contractors, and other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Required Camera Coverage and Camera Placement (333-333-4630)

- (1) A licensed premises must have camera coverage, if applicable, for:
 - (a) All points of ingress and egress to and from the licensed premises, unless those points are located within a client administration area.
 - (b) All areas where psilocybin products are stored or produced.
 - (c) All areas where psilocybin waste is required to be stored, destroyed or rendered unusable as required by OAR 333-333-8000.
- (2) A licensee must ensure that cameras are placed so that they capture clear and certain images of any individual and activity occurring:
 - (a) Within 15 feet both inside and outside of all points of ingress and egress to and from the licensed premises.
 - (b) In all locations on the licensed premises where psilocybin products are produced or stored.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Video Recordings of Administration Sessions (333-333-4640)

- (1) A service center licensee may not install video surveillance equipment in client administration areas. Licensees may record administration sessions using portable video equipment with the client's prior written consent.
- (2) Recordings made under this rule must be provided to clients upon request.

- (3) Recordings made under this rule must be stored securely and may not be published, shared or otherwise distributed without the client's prior written consent.
- (4) All copies of recordings made under this rule must be destroyed upon the client's request.
- (5) Clients may withdraw their written consent described in sections (1), (2) and (3) of this rule at any time.
- (6) Recordings made under this rule are not subject to OAR 333-333-4620 and OAR 333-333-4630, except that any video recordings of administration sessions in the licensee's possession must be provided to the Authority upon request.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.305

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.305

Video Recording Requirements for Licensed Facilities (333-333-4650)

- (1) A service center, manufacturer or laboratory licensee must have cameras that continuously record, 24 hours a day:
 - (a) In all areas where psilocybin products are produced or stored on the licensed premises.
 - (b) In all areas where psilocybin waste may be present on the licensed premises.
 - (c) All points of ingress and egress to and from:
 - (A) The licensed premises.
 - (B) Areas where psilocybin products are produced or stored.
 - (C) Areas where psilocybin waste may be present.
- (2) A service center, manufacturer or laboratory licensee must:
 - (a) In all areas where camera coverage is required, use cameras that record at a minimum resolution of 1280 x 720 px and record at 10 fps (frames per second).
 - (b) Use cameras that are capable of recording in all lighting conditions.
 - (c) Retain surveillance recordings for a minimum of 30 calendar days.
 - (d) Maintain surveillance recordings in a format approved by the Authority that can be easily accessed for viewing and easily reproduced.
 - (e) Upon request of the Authority, keep surveillance recordings for periods exceeding the retention period specified in subsection (2)(c) of this rule.
 - (f) Have the date and time embedded on all surveillance recordings without significantly obscuring the picture.
 - (g) Archive video recordings in a format that ensures authentication of the recording and guarantees that no alteration of the recorded image has taken place.
 - (h) Make video surveillance records and recordings available immediately upon request to the Authority in a format specified by the Authority for the purpose of ensuring compliance with ORS chapter 475A and these rules.
- (3) Notwithstanding the requirements in section (1) of this rule a service center, manufacturer or laboratory licensee may stop recording in areas where psilocybin products are not present due to seasonal closures or prolonged periods of inactivity.
 - (a) At least 24 hours before stopping recording, a licensee must submit written notice to the Authority by electronic mail using a designated form as published by the Authority on its website and the notice must include:

- (A) A description of the total number and location of cameras that will be deactivated.
- (B) The date and time recording will stop.
- (C) An explanation for why recording will be stopped.
- (D) The date and time recording will resume.
- (b) A licensee must resume all required recording no later than the date and time specified in the notice submitted under subsection (a) of this section.
- (c) A licensee may not engage in any licensed privileges in any areas where recording was stopped under this section.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Location and Maintenance of Surveillance Equipment (333-333-4660)

- (1) A service center, manufacturer or laboratory licensee must house the surveillance recording equipment in a designated, locked, and secured room or other enclosure with access limited to:
 - (a) The licensee, license representatives, and authorized personnel;
 - (b) Employees of the Authority;
 - (c) State or local law enforcement agencies for a purpose authorized under ORS chapter 475C, these rules, or for any other state or local law enforcement purpose; and
 - (d) Service personnel or contractors.
- (2) A service center, manufacturer or laboratory licensee must keep a current list of all authorized employees and service personnel who have access to the surveillance system and room on the licensed premises.
- (3) Service center, manufacturer or laboratory licensees must keep a surveillance equipment maintenance activity log on the licensed premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.
- (4) Service center, manufacturer or laboratory licensees must keep a surveillance equipment outage log on the licensed premises to record all camera outages lasting more than 30 minutes. The log must identify the cameras affected and record time and duration of the outage.
- (5) Off-site monitoring of the licensed premises by a licensee or an independent third-party is authorized if standards exercised at the remote location meet or exceed all standards for on-site monitoring.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Duty to Contact Emergency Services (333-333-4700)

- (1) Licensees must immediately contact law enforcement when unlawful activity takes place on the licensed premises that could endanger the safety of any person present on the premises. If licensee is unable to contact law enforcement while the activity is taking place, they must contact law enforcement as soon as it is possible to do so.

(2) Licensees must contact emergency services when any person on the licensed premises requires immediate medical attention and when conditions are present on the licensed premises that pose an immediate threat to persons on the premises.

(3) Licensees must immediately contact law enforcement if a client's failure to follow their transportation plan presents a danger to the client's safety or the safety of others,

(4) In addition to the requirements of sections (1), (2) and (3) of this rule, licensees must notify the Authority in writing in a form and manner prescribed by the authority within 48 hours of contacting law enforcement or emergency services.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Client Confidentiality (333-333-4810)

(1) A service center or facilitator may not disclose any information that may be used to identify a client, or any communication made by a client during the course of providing psilocybin services or selling psilocybin products to the client, except with client's consent or otherwise as allowed by ORS 475A.450.

(2) A service center or facilitator must have a completed client written consent form to disclose identifiable client information that contains the following:

(a) A specific description of the client's identifiable information to be used or disclosed.

(b) The name or specific identification of the person(s) or class of person(s) the client's information will be disclosed to.

(c) The specific purpose for which the information will be used or disclosed.

(d) The date and signature of the patient.

(e) An expiration date when the consent to use or disclose is withdrawn.

(3) A service center or facilitator must use the client written consent form provided by Oregon Psilocybin Services to meet the requirements of this rule. The consent form is available at oregon.gov/psilocybin.

(4) A service center or facilitator may not condition the provision of psilocybin services on whether a client consents to the use or disclosure of their identifiable information.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.450

Record Retention (333-333-4820)

(1) Licensees shall store, maintain and destroy records in a manner that prevents unauthorized access and protects client confidentiality.

(2) Unless otherwise specified in these rules, licensees must retain required records for a period of five years.

(3) Licensed facilitators and service centers must allow current and former clients to access and examine client records and request corrections to those records. Following the retention period

described in section (2) of this rule a facilitator or service center must destroy client records upon the client's request.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Financial and Business Records (333-333-4830)

In addition to any other recordkeeping requirements in these rules, a licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form in a manner that prevents unauthorized access and protects confidential employment records. Records required by this rule must be maintained for a five-year period and must be made available for inspection if requested by the Authority:

- (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of psilocybin products that include from whom the items were purchased and the date of purchase.
- (2) Bank statements for any accounts relating to the licensed business.
- (3) Accounting and tax records related to the licensed business.
- (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business.
- (5) All employee records, including training.
- (6) Information relating to the structure and ownership of the business, including:
 - (a) A list of all individuals and legal entities identified as applicants.
 - (b) For each legal entity identified as an applicant, complete information about the ownership structure of that legal entity.
 - (c) A list of all individuals and legal entities who are entitled to receive a portion of revenue, proceeds, or profits from the business.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Preparation Session Requirements (333-333-5000)

- (1) A facilitator must complete a preparation session with every client who will participate in an administration session at least twenty-four hours but no more than 90 days prior to the commencement of the client's first administration session with the facilitator. If different facilitators will conduct a client's preparation, administration sessions or integration session, the client must provide written consent as described in subsection (5)(g) of this rule. A client must have an opportunity to meet any facilitator who will provide psilocybin services prior to receiving services from that facilitator.
- (2) Preparation sessions required under this rule must be conducted privately with each individual client to allow clients to share personal information.
- (3) For every client who will participate in an administration session, a facilitator must complete a client information form as described in OAR 333-333-5050 and transportation plan as

described in OAR 333-333-5150 in coordination with the client during a preparation session. The plan may not approve a client to operate a motor vehicle, bicycle, or other form of self-operated transportation immediately following the administration session.

(4) A facilitator must provide a client with the following during a preparation session and review each document with the client:

(a) Informed consent document as described in OAR 333-333-5040.

(b) Client Bill of Rights as described in OAR 333-333-4520.

(c) Product information document as described in OAR 333-333-2410 for any products that may be consumed during an administration session.

(d) Documentation of the fees charged for provision of psilocybin services prepared in coordination with the service center. This documentation must indicate whether fees for services will be paid to the service center or directly to the facilitator. This documentation must describe any additional fees, including but not limited to cancellation fees, that could be charged to the client.

(e) Documentation of the price charged for sale of psilocybin products prepared in coordination with the service center. This documentation must list product prices separately from taxes as required by OAR 333-333-5180.

(5) In addition to the documents required by section (4) of this rule, a facilitator must obtain prior written consent from a client during a preparation session for the following activities and circumstances:

(a) Participation in a group administration session, including the opportunity to meet other clients and facilitators participating in the groups session as described in OAR 333-333-5020.

(b) Use of supportive touch during an administration session.

(c) Participation in a training practicum, including information regarding training program students and instructors who will be present during the client's administration session. The client must have an opportunity to meet any students or instructors who will be present during their administration session prior to the commencement of an administration session.

(d) Video or audio recording of an administration session pursuant to requirements of OAR 333-333-4640.

(e) Presence of an interpreter or client support person allowed by OAR 333-333-5070, in the administration area during an administration session.

(f) Sharing of client data as described in OAR 333-333-4810 and excluding de-identified data.

(g) The use of different facilitators to conduct a client's preparation, administration sessions or integration session.

(6) Preparation sessions may be completed in person or virtually using video conferencing technology.

(7) A facilitator must complete an initial preparation session with every client before conducting an administration session with that client for the first time. After completing the initial preparation session, a facilitator is not required to complete additional preparation sessions prior to conducting an administration session with that client for a period of 12 months.

(8) If a facilitator does not complete additional preparation sessions as allowed by section (7), the facilitator must confirm that the information contained in the client's previously completed client information form remains accurate prior to conducting additional administration sessions.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Group Preparation Sessions (333-333-5020)

(1) In addition to the requirements of OAR 333-333-5000 clients who will participate in a group session must be informed of additional considerations for participating in group administration sessions.

(2) Clients who will participate in a group administration session must have the opportunity to meet and interact with other clients and any interpreters or client support persons who will participate in the group administration session prior to the session commencing.

(3) Clients who will participate in a group administration session must have an opportunity to meet every facilitator who will participate in the group administration session prior to the session commencing.

(4) The requirements of sections (2) and (3) of this rule may be satisfied at any time prior to commencement of the group administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Informed Consent (333-333-5040)

(1) A facilitator must provide every client a copy of the following informed consent document during the client's preparation session:

Introduction:

In the State of Oregon, psilocybin services include a preparation session, administration session, and integration session. You should receive this informed consent form at the start of your preparation session. During the preparation session, your facilitator will review and discuss this form with you. Please make sure you read and understand every section because you must sign the form before the administration session begins. If you do not understand any part of this document, please ask your facilitator for clarification before signing.

I have been informed of and understand the following:

(Please initial each item below)

1. *I have reviewed the Psilocybin Services Client Bill of Rights, my facilitator has explained it to me, and I understand my rights as a client.*
2. *I understand that psilocybin services do not require medical diagnosis or referral and that psilocybin services are not a medical or clinical treatment.*

3. ____ *I understand that psilocybin has not been approved by the Food and Drug Administration and the federal government currently classifies psilocybin as a Schedule I controlled substance under the Controlled Substances Act.*
 - a. *Federal law prohibits the manufacture, distribution, and possession of psilocybin even in cities and states that have adopted laws to allow its possession or use.*
 - b. *Despite its federal Schedule I status, research suggests that psilocybin is very unlikely to be addictive. Additionally, research and other information suggests that psilocybin may improve symptoms of depression, anxiety, end of life distress, various forms of trauma, and problematic substance use.*
4. ____ *I understand that while existing research has shown promising results, the risks, benefits, and drug interactions of psilocybin are not fully understood, and individual results may vary.*
5. ____ *I understand that some people have found psilocybin administration sessions to be challenging or uncomfortable. Common potential side effects include nausea, mild headache, fatigue, anxiety, confusion, increased blood pressure, elevated heart rate, paranoia, perceptual changes, altered thought patterns, reduced inhibitions, recovery of repressed memories and past traumas, and altered perception of time and one's surroundings. If they occur, these side effects are usually mild and temporary. Because the potential risks and benefits of psilocybin administration are not fully understood, there may be unanticipated side effects.*
6. ____ *I understand that if I am taking prescription medications or have a medical condition or mental health condition, I should consult with a medical or clinical provider before participating in an administration session.*
7. ____ *I understand that psilocybin is derived from fungi. If I have a known mushroom allergy, I should consult with a medical professional before participating in an administration session.*
8. ____ *I understand that the effects of psilocybin during pregnancy and breastfeeding are unknown.*

9. ___ *I understand that facilitators may not use touch while providing psilocybin services without my prior written consent. My facilitator and I have discussed acceptable types of supportive touch and the requirement to provide prior written consent prior to the start of my administration session.*
10. ___ *I understand that facilitators may be mandatory reporters of abuse. If my facilitator is a mandatory reporter, they have shared this information with me and explained their legal obligations to report abuse.*
11. ___ *I understand that facilitators have a duty to report misconduct that harms or endangers a client to the Oregon Health Authority. If the misconduct presents an immediate risk to health and safety, facilitators have a duty to contact law enforcement or emergency services.*
12. ___ *I agree to follow my agreed upon transportation plan. I understand that a facilitator may contact law enforcement if failure to follow my transportation plan presents a risk to my safety or the safety of others.*
13. ___ *I understand that being administered psilocybin is completely voluntary and I may decide not to receive psilocybin at any time.*
14. ___ *I understand that I have the right to update my client information form prior to beginning an administration session and I have the right to receive a copy of my client information form upon request.*
15. ___ *I understand that de-identified data collected by my facilitator or service center may be shared with people and institutions outside of the facilitator or psilocybin service center for research and other purposes.*
16. *I understand data that may be used to identify me as a client will only be shared to the extent permitted or required by law. Specifically, ORS 475A.450 allows disclosure in the following circumstances:*
 - (1) *When the client or a person authorized to act on behalf of the client gives consent to the disclosure;*
 - (2) *When the client initiates legal action or makes a complaint against the psilocybin service center operator, the psilocybin service facilitator, or the employee;*
 - (3) *When the communication reveals the intent to commit a crime harmful to the client or others;*

(4) When the communication reveals that a minor may have been a victim of a crime or physical, sexual or emotional abuse or neglect; or

(5) When responding to an inquiry by the Oregon Health Authority made during the course of an investigation into the conduct of the psilocybin service center operator, the psilocybin service facilitator, or the employee under ORS 475A.210 to 475A.722.

17. *I understand that my facilitator may take short restroom breaks, up to 5 minutes, during my administration session.*
18. *I understand that for my own safety, leaving a psilocybin service center during an administration session once it has begun is strongly discouraged. Doing so could lead to safety and legal risks.*
19. *I understand and have been informed of the potential benefits, risks, and complications of psilocybin services with my facilitator to the extent that they are known.*
20. *I have had the opportunity to ask questions regarding anything I may not understand or that I believe should be made clear.*
21. *If participating in a group administration session, I understand that I will be experiencing the effects of psilocybin in the presence of other clients who are also experiencing the effects of psilocybin and may be reacting to the experience in a different manner.*
22. *If consuming greater than 35 mg of psilocybin during an administration session, I acknowledge that clinical trials have not typically administered doses of greater than 35 mg of psilocybin. The risks and benefits of consuming doses greater than 35 mg of psilocybin are unknown.*
23. *If consuming whole fungi during an administration session, I understand that psilocybin content can vary between individual fruiting bodies.*
24. *I understand that a facilitator has a duty to call emergency services if required and a client assumes responsibility for costs of emergency services.*
25. *I understand that I may be charged a cancellation fee if I cancel a scheduled preparation, administration or integration session with less than 24 hours' notice.*

Name (Print)

Signature

Date

- (2) A facilitator must review the contents of the informed consent form with each client and receive a signed copy of each client's informed consent document prior to beginning an administration session.
- (3) A facilitator or service center must provide the informed consent document in other languages or accessible formats upon a client's request. If a facilitator or service center is unable to provide a translated or accessible document upon a client's request, they may not conduct an administration session with the client.
- (4) Informed consent documents may be delivered electronically as long as the facilitator receives a signed informed consent document, in either paper or electronic format, prior to beginning an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Client Information Form (333-333-5050)

- (1) A client must review and complete a client information form in coordination with a facilitator prior to participating in an administration session.
- (2) A facilitator must provide a client information form in other languages or accessible formats upon a client's request. If a facilitator is unable to provide a translated or accessible client information form upon a client's request, they may not conduct an administration session with the client.
- (3) The client information form must include the following questions, and a client must answer each question by indicating "yes" or "no":
- (a) Have you taken the prescription drug Lithium in the last 30 days?
 - (b) Are you currently being treated by a medical, clinical or other healthcare provider for a medical, mental health, or behavioral health condition?
 - (c) Have you ever had an allergic reaction to consuming mushrooms or other fungi?
 - (d) Are you currently taking any medications that might need to be consumed during an administration session?
 - (e) Will you require assistance from an interpreter during an administration session?
 - (f) Will you require assistance from a client support person for catheter, ostomy, or toileting assistance, ambulation or transfer mobility support, or medical device assistance during the administration session?
 - (g) Will you require assistance from a client support person for augmentative and alternative communication (AAC) device support or assistive listening device support during the administration session?
 - (h) Do you have a recent history of causing harm, or wanting to cause harm, to self or others?
 - (i) Do you require any assistive mobility devices?
 - (j) Will you require assistance to consume psilocybin products?

(4) The client information form must include the following questions, and a client may provide a narrative answer to these questions or may choose not to answer.

(a) Would you like to share anything about your medical history, including current medications, that you feel would be helpful for an administration session?

(b) Would you like to share anything about your mental health history, including traumatic experiences or past history of causing harm, or wanting to cause harm, to self or others, that you feel would be helpful for an administration session?

(c) Would you like to share anything about your history of substance use, including current substance use, that you feel would be helpful for an administration session?

(d) Would you like to share any past experiences with psychedelics or altered states of consciousness?

(e) Would you like to share any information about your relationships, your living situation, or your educational or work environment that may be affected by your administration session or may require additional safety or support planning?

(5) A facilitator must evaluate the answers to questions listed in section (2) of this rule to determine whether the client should participate in an administration session.

(a) If a client answers yes to question (3)(a), the client may not participate in an administration session.

(b) If a client answers yes to question (3)(b), a facilitator shall encourage the client to consult a medical, clinical or other healthcare provider regarding the risk of consuming psilocybin.

(c) If a client answers yes to question (3)(c), the client should be encouraged to consume an alternative psilocybin product rather than whole fungi or homogenized fungi during the administration session.

(d) If a client answers yes to question (3)(d), a facilitator should encourage the client to schedule their administration session at a time that allows them to participate without taking medication. A facilitator should also encourage the client to consult with a pharmacist or medical, clinical or other healthcare provider regarding contraindications. If the client will take medication during an administration session, the client and facilitator must work together to identify whether the client will be able to administer the medication themselves. If the client is unable to administer the medication themselves, the client must identify a client support person who will be available to administer the medication when required.

(e) If a client answers yes to question (3)(e), the client and facilitator must work together to identify an appropriate interpreter who will be present in person or virtually during the client's administration session.

(f) If a client answers yes to question (3)(f), the client and facilitator must work together to create a written assistance or medical device plan.

(A) If the client requires a medical device, the medical device plan must describe the required medical device and indicate whether the client will be able to use the medical device without assistance. If the client is unable to use the medical device without assistance, the written medical device plan must identify a client support person who will be available to assist the client with their medical device when required.

(B) If the client requires assistance with catheter, ostomy, or toileting assistance, ambulation or transfer mobility support, the assistance plan must identify the type of assistance required and a client support person who will be available to assist the client.

- (g) If a client answers yes to question (3)(g), the client and facilitator must work together to identify an appropriate client support person who will be present in during the client's administration session to assist with the client's alternative communication (AAC) device support or assistive listening device support during the administration session.
- (h) If a client answers yes to question (3)(h), a facilitator shall encourage the client to consult with a qualified mental health care provider regarding the risk of consuming psilocybin.
- (i) If a client answers yes to question (3)(i), the client and facilitator must work together to create a written plan that describes how the client will safely exit the service center in the event that an emergency occurs during their administration session.
- (j) If a client answers yes to question (3)(j), the client and facilitator must work together to identify an appropriate client support person who will be present to assist the client with consuming psilocybin products during their administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Interpreters and Client Support Persons (333-333-5070)

- (1) If an interpreter or client support person will be present during receipt of psilocybin services, a client and facilitator must meet with the interpreter or client support person prior to beginning the administration session.
- (2) During the meeting required by section (1) of this rule a client and facilitator must work together with the interpreter or client support person to create a written support person plan that contains the following information:
 - (a) The name of the interpreter or client support person who will attend the session.
 - (b) The specific purpose for which the interpreter or client support person will be present, including but not limited to identifying any medications or medical devices that the client will utilize during administration session.
 - (c) Whether the interpreter or client support person will be present for the duration of an administration session or whether they will be available as needed.
 - (d) A signed statement that the interpreter or client support person agrees to the following conditions:
 - (A) Interpreters and client support persons will be present for the specific purposes described in their support person plan and shall not interfere or otherwise participate in the administration session.
 - (B) Interpreters and client support persons, facilitators and service centers shall not share or disclose any information regarding clients' participation in psilocybin services.
- (3) Client support persons shall perform only those activities identified in the written support person plan described in section (2) of this rule.
- (4) Client support persons are prohibited from touching clients except as required to perform activities identified in the written support person plan described in section (2) of this rule.
- (5) During the meeting required by section (1) of this rule a facilitator must provide a copy of the Client Bill of Rights and allow the interpreter or client support person an opportunity to ask questions.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Safety and Support Plans (333-333-5080)

- (1) If a client and facilitator agree that a safety and support plan is appropriate after reviewing the client information form together, the client and facilitator must collaborate to draft a safety and support plan that identifies risks and challenges specific to the client's circumstances and resources available to mitigate those risks and challenges, including the client's existing support network and appropriate external resources.
- (2) Safety and support plans are not required for every client.
- (3) If a client has a safety and support plan on file, it may not be changed during an administration session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Client Acknowledgement (333-333-5090)

- (1) Prior to beginning an administration session, a client must sign and complete a client acknowledgement document that attests to the following:
 - (a) The client has received a copy of the Client Bill of Rights and has had an opportunity to discuss that document with their facilitator.
 - (b) The client has reviewed and signed an informed consent document and has had an opportunity to discuss that document with their facilitator.
 - (c) The client has completed a client information form in coordination with a facilitator and the information contained in the document is true and accurate.
 - (d) The client has completed a transportation plan in coordination with a facilitator and agrees to follow the transportation plan at the conclusion of their administration session.
- (2) If applicable, a client must acknowledge that they have completed the following optional consent documents prior to beginning an administration session.
 - (a) If an interpreter or client support person will be present during the administration session as described in OAR 333-333-5070, consent for that person to be present during an administration session.
 - (b) Consent for any applicable circumstances in OAR 333-333-5000(5).
 - (c) Consent to receive additional psilocybin products after the administration session has begun as described in OAR 333-333-5240(3).

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Facilitator and Service Center Record Keeping and Confidentiality (333-333-5100)

(1) A facilitator shall create the following records for every client to whom they provide psilocybin services, and these records must be stored at the service center where the client received services:

- (a) Completed information form described in OAR 333-333-5050.
- (b) Completed informed consent document described in OAR 333-333-5040.
- (c) Transportation plan described in OAR 333-333-5150.
- (d) Client acknowledgement form described in OAR 333-333-5090.
- (e) The date, start time and end time, for every preparation, administration and integration session.
- (f) The psilocybin products, including unique identification number, consumed by each client, including the amount of product consumed and whether it was consumed in a single dose or multiple doses.
- (g) Any deviation from the client's transportation plan.
- (h) Any adverse reactions that required medical attention or emergency services.

(2) If applicable and as required by these rules, a facilitator shall create the following records, and these records must be stored at the service center where the client received services:

- (a) Optional client consent for any applicable circumstances described in OAR 333-333-5000(5).
- (b) Support person plans as required by OAR 333-333-5070.
- (c) Safety and support plans as described in OAR 333-333-5080.

(3) Records required by this rule must be provided to the client upon request pursuant to OAR 333-333-4820(3).

(4) Records required by this rule must identify the client receiving services.

(5) Facilitators and service centers shall not share or disclose any records required by this rule unless required to do so by ORS 475A.450 or these rules.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340, ORS 475A.450

Facilitator Conduct (333-333-5120)

(1) Facilitators have a duty to put clients' interest above their own and to use a standard of care that other reasonable facilitators would use under similar circumstances.

(2) A facilitator shall not engage in dishonest conduct, nor make any misrepresentations to clients.

(3) A facilitator shall make reasonable efforts to distinguish between typical side effects of consuming psilocybin and medical emergencies. In the event of a medical emergency, a facilitator must contact emergency responders immediately.

(4) A facilitator shall only provide psilocybin services within the limits of their professional competence. When a client demonstrates circumstances or conditions that exceed the limits of a facilitator's professional competence, a facilitator has a duty to make reasonable efforts to refer that client to another facilitator.

(5) Except when acting as a practicum site supervisor under OAR 333-333-3070, a facilitator shall not provide psilocybin services to clients over whom they have supervisory, evaluative, or other authority.

(6) Facilitators may provide supportive touch during administration sessions with prior written consent. Supportive touch is limited to the facilitator placing their hands on a client's hand or shoulder. A facilitator shall not use any other forms of touch, nor permit another person to use any other form of touch during an administration session.

(7) A facilitator shall not:

- (a) Assist a client with taking medication.
- (b) Assist a client with a medical device.
- (c) Assist a client with an alternative communication device or assistive listening device.
- (d) Assist a client with consuming psilocybin products.

(8) A facilitator shall not engage in any romantic relationships, sexual contact, or sexual intimacy with a client during the provision of psilocybin services including preparatory, administration, and integration sessions.

(9) A facilitator shall not engage in any romantic relationships, sexual contact, or sexual intimacy with clients, or clients' partners or immediate family members, for a period of one year following the last date that the facilitator provided psilocybin services to the client.

(10) Except for payments for psilocybin services, a facilitator may not engage in any financial transactions with clients or the client's partners or immediate family members until the facilitator has ceased providing psilocybin services to the client.

(11) If a facilitator is a mandatory reporter of abuse under Oregon law, the facilitator must disclose their status and obligations to a client at the beginning of the client's first preparation session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Facilitator Scope of Practice (333-333-5130)

(1) A facilitator shall not engage in any conduct that requires additional professional licensure while providing psilocybin services to clients, including but not limited to diagnosing and treating physical or mental health conditions.

(2) If a facilitator holds a professional license in another field, the facilitator shall not exercise the privileges of that license while providing psilocybin services to clients.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Duty to Report Misconduct (333-333-5140)

(1) Any licensee, license representative or permittee who witnesses or becomes aware of conduct involving a client that violates ORS chapter 475A or these rules must report that conduct to the Authority within 24 hours.

(2) Any licensee, license representative or permittee who witnesses or becomes aware of conduct that harms or potentially endangers a client must report that conduct to the Authority within 24 hours in a form and manner prescribed by the Authority.

(3) Failure to report as required by sections (1) and (2) of this rule is violation, separate from any violations that may have occurred as a result of the underlying conduct.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Transportation Plans (333-333-5150)

- (1) A facilitator must create and record a transportation plan for every client that receives psilocybin services.
- (2) Transportation plans must be signed by the client and describe how the client will access safe transportation away from the service center at the conclusion of an administration session.
- (3) Transportation plans shall advise a client not to operate a motor vehicle directly following an administration session. Facilitators shall make reasonable efforts to prevent clients from operating a motor vehicle at the conclusion of an administration session.
- (4) If a client is unable to follow their transportation plan, a facilitator must make reasonable efforts to arrange for alternative transportation.
- (5) If a client's failure to follow their transportation plan presents a danger to the client's safety or the safety of others, a facilitator must immediately contact law enforcement.
- (6) A facilitator must document in writing all instances in which a client does not follow their transportation plan.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Sale of Psilocybin Services (333-333-5160)

- (1) A facilitator must list fees separately for preparation, administration and integration sessions and must specify whether those fees will be paid directly to the facilitator or to the service center where the client receives psilocybin services.
- (2) If a client notifies a facilitator 24 hours or more prior to their scheduled preparation, administration or integration session that they will not participate in a scheduled session, a facilitator must refund or credit any fees collected for the session.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.340

Statutes/Other Implemented: ORS 475A.340

Sale and Transfer of Psilocybin Products to Clients (333-333-5170)

- (1) Psilocybin products may only be sold and transferred to clients by license representatives of a service center.
- (2) License representatives of a service center must transfer psilocybin products to clients within a designated administration area located indoors.
- (3) License representatives of a service center must transfer psilocybin products to clients in the products' sealed original packaging.

- (4) A license representative of a service center must observe a client consume any psilocybin products transferred to that client. Any portion of a product that is not consumed must be returned to a license representative and must be destroyed at the conclusion of the client's administration session. If a client is unable to open or consume a psilocybin product without assistance, they may identify a client support person to assist them subject to the requirements of OAR 333-333-5050(5)(j) and OAR 333-333-5070.
- (5) Facilitators are prohibited from transferring, preparing or otherwise handling psilocybin products, unless the facilitator is also a license representative of a service center.
- (6) Clients may mix psilocybin products with unopened packaged food or unopened beverages prior to consuming.
- (7) Licensees shall not permit clients to mix psilocybin products with any items other than packaged food and beverages, including but not limited to:
 - (a) Homemade food and beverage items.
 - (b) Dietary and nutritional supplements, including herbal supplements and products derived from cannabis.
 - (c) Prescription and non-prescription drugs.
 - (d) Any intoxicant.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.468

Collection of Taxes (333-333-5180)

- (1) A service center must collect from clients, at the point of sale, the tax imposed on psilocybin products under ORS 475A.662 and ORS 475A.666.
- (2) A service center must hold the tax described in section (1) of this rule in trust for the State of Oregon and remit the tax to the Oregon Department of Revenue in accordance with Department of Revenue rules.
- (3) A service center must separately state the cost of psilocybin products and the tax owed on any invoice or receipt provided to clients.
- (4) A service center may not collect a tax on any goods other than psilocybin products, nor on the cost for psilocybin services.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.666

Administration Session Requirements (333-333-5200)

- (1) Administration sessions must be conducted by a facilitator and may only take place within a service center's designated administration area.
- (2) The requirements of OAR 333-333-5000 must be satisfied prior to any client participating in an administration session in an administration area.
- (3) A facilitator must always be present during administration sessions and shall continuously monitor any client participating in the administration session. Continuous monitoring means that a facilitator must maintain visual and audio contact with clients and monitor clients for signs of

physical or emotional distress. Video monitoring or other equipment may not be used to satisfy the requirement to continuously monitor clients.

(4) The requirements of section (3) of this rule do not apply to client restroom breaks.

(5) A facilitator may take restroom breaks of no more than five minutes during an administration session if the facilitator remains on the licensed premises and a service center license representative is available to monitor clients.

(6) In addition to a facilitator conducting the administration session, at least one license representative of a service center license must be present on the licensed premises at all times when an administration session is taking place at a service center.

(7) Facilitators must ensure that a back-up facilitator is available to assist in case of unforeseen circumstances that prevent the primary facilitator from completing the session. Back up facilitators must be able to reach the licensed premises within 15 minutes of being contacted.

(8) Except for individuals described in OAR 333-333-5070 and service centers acting as practicum sites, only clients and facilitators may be present during an administration session.

(9) A service center may not host administrative sessions for more than 25 clients at any given time regardless of whether the clients are participating in separate individual or group administration sessions.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Outdoor Administration Sessions (333-333-5210)

(1) Facilitators may conduct outdoor administration sessions at a service center's designated outdoor administration area.

(2) A client must consume any psilocybin product in an indoor administration area described in OAR 333-333-5170(3) before moving to an outdoor administration area.

(3) Facilitators may not conduct outdoor administration sessions in adverse weather conditions, including, but not limited to extreme heat or cold, heavy precipitation, thunder and lightning storms, high winds or wildfire smoke.

(4) Service centers with designated outdoor administration areas must also provide an indoor administration area for clients who request to move indoors after their administration session has begun.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Group Administration Sessions (333-333-5230)

(1) Group administration sessions may be conducted pursuant to the requirements of OAR 333-333-5020 and this rule.

(2) Client to Facilitator Ratio. The minimum facilitator to client ratio depends on the amount of psilocybin product clients participating in the group administration session will individually consume. If the clients consume different amounts of psilocybin, the largest amount consumed will dictate the required facilitator to client ratio.

- (a) For clients consuming up to 5 mg of psilocybin, the minimum facilitator to client ratio is 1 to 16.
- (b) For clients consuming greater than 5 mg and up to 10 mg of psilocybin, the minimum facilitator to client ratio is 1 to 8.
- (c) For clients consuming greater than 10 mg and up to 15 mg of psilocybin, the minimum facilitator to client ratio is 1 to 6.
- (d) For clients consuming greater than 15 mg and up to 20 mg of psilocybin, the minimum facilitator to client ratio is 1 to 4.
- (e) For clients consuming greater than 20 mg and up to 30 mg of psilocybin, the minimum facilitator to client ratio is 1 to 3.
- (f) For clients consuming greater than 30 mg and up to 40 mg of psilocybin, the minimum facilitator to client ratio is 1 to 2.
- (g) For clients consuming greater than 40 mg and up to 50 mg of psilocybin, the minimum facilitator to client ratio is 1 to 1.
- (3) Group administration sessions may not exceed a total of 25 clients, or the service center's maximum occupancy for the administration area where the session takes place whichever is smaller, regardless of the number of facilitators present.
- (4) Client administration areas where group sessions take place, must provide an appropriate setting for the group sessions that:
 - (a) Provides sufficient space for clients to participate in the session without touching or coming into close physical contact with other clients.
 - (b) Allows a facilitator to monitor clients as required by OAR 333-333-5200(3).
- (5) Clients participating in a group administration session are prohibited from touching one another except for supportive touch as described in OAR 333-333-5120(6). If supportive touch will be used during an administrative session, each participating client must provide prior written consent as described in OAR 333-333-5000(5)(b).
- (6) Every client participating in a group session must be provided with an opportunity to leave the group and move to an individual session. Individual sessions conducted pursuant to this section must comply with OAR 333-333-5200.
- (7) If a client becomes disruptive during a group administration session, a facilitator must make reasonable efforts to move that client to an individual session. Individual sessions conducted pursuant to this section must comply with OAR 333-333-5200.
- (8) Every client participating in a group administration session must be present at the beginning of the session.
- (9) Unless explicitly stated in this rule, all requirements of OAR 333-333-5200 apply to group administration sessions.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Consumption Limits (333-333-5240)

- (1) A service center licensee or license representative may not allow a client to consume more than 50 mg of psilocybin products during an administration session.

(2) A service center licensee or license representative may permit a client to consume more than one psilocybin product during an administration session as long as the total amount of psilocybin contained in the products is 50 mg or less.

(3) Clients who want the option to consume more than one psilocybin product during their administration sessions, up to a total of 50 mg of psilocybin, must provide written consent prior to the beginning of their administration session.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Duration of Administration Session (333-333-5250)

(1) The minimum duration of an administration session shall be dependent on the total amount of psilocybin a client consumes during that session.

(a) When a client consumes a total of 5 mg or less of psilocybin, the minimum duration of the administration session shall be one hour.

(b) When a client consumes a total of greater than 5 mg and up to 10 mg of psilocybin, the minimum duration of the administration session shall be two hours.

(c) When a client consumes a total of greater than 10 mg and up to 15 mg of psilocybin, the minimum duration of the administration session shall be three hours.

(d) When a client consumes a total of greater than 15 mg and up to 25 mg of psilocybin, the minimum duration of the administration session shall be four hours.

(e) When a client consumes a total of greater than 25 mg and up to 35 mg of psilocybin, the minimum duration of the administration session shall be five hours.

(f) When a client consumes a total of greater than 35 mg and up to 50 mg of psilocybin, the minimum duration of the administration session shall be six hours.

(2) Following the conclusion of the minimum duration period described in section (1) of this rule, a facilitator, in consultation with the client, shall determine whether to extend an administration session. If the facilitator and client determine that continuing the administration session is not required to ensure the safety of the client and the public, the administration session may be concluded.

(3) A facilitator shall record and retain the time and date that each administration session began and concluded.

(4) If following the consultation described in section (2) of this rule, a facilitator determines that it is appropriate to continue the administration session beyond 11:59 PM local time, the facilitator and service center where the client received services shall notify the Authority in a form and manner prescribed by the Authority no later than 11:00 AM the next calendar day.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Integration Session (333-333-5250)

- (1) A facilitator shall offer clients the opportunity to participate in one or more integration sessions following participation in an administration session.
- (2) A facilitator must use a non-directive approach to an integration session and comply with OAR 333-333-5130 during an integration session.
- (3) A facilitator may provide a client information regarding other services, including but not limited to peer support groups and community resources, in support of a client's ongoing integration needs.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Prohibited Conduct (333-333-6000)

- (1) Sale to a person under 21 years of age. A licensee or permittee may not sell, deliver, transfer or make available any psilocybin product to a person under 21 years of age.
- (2) Services to a person under 21 years of age. A facilitator may not provide psilocybin services to a person under 21 years of age.
- (3) Identification for Products. A licensee or license representative must require a person to produce identification as required by ORS 475A.445 before selling or providing a psilocybin product to that person.
- (4) Identification for Services. A facilitator must require a person to produce identification before providing psilocybin services to that person.
- (5) Access to Premises.
 - (a) A licensee, license representative or permittee may not:
 - (A) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit an authorized Authority representative who identifies themselves and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS 475A.210 to 475A.722 or these rules;
 - (B) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit an authorized Authority representative who identifies themselves and requests entry on the basis that there is a reason to believe a violation of ORS 475A.210 to 475A.722 or these rules is occurring; or
 - (C) Ask the authorized Authority representative to leave until the authorized Authority representative has had an opportunity to conduct an inspection to ensure compliance with ORS chapter 475A or these rules.
 - (b) A licensee must retain control of, or the right of access to, all or any part of the licensed premises. If the licensee has psilocybin products in physical inventory at the licensed premises or in the psilocybin tracking system, failure to retain such control or right of access is a Category I violation and may be grounds for immediate suspension or revocation of the license.
- (6) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.
 - (a) No licensee, license representative, or permittee may consume any intoxicating substances while on duty.

- (b) No licensee, license representative, or permittee may be under the influence of intoxicating substances while present on a licensed premises.
- (c) As used in this section “intoxicants” means any substance that has intoxicating effects, and includes alcohol, prescription drugs, non-prescription drugs and any other controlled substances.
- (7) Import and Export. A licensee or permittee may not import psilocybin products into this state or export psilocybin out of this state.
- (8) Permitting, Disorderly or Unlawful Conduct. A licensee or permittee may not permit disorderly activity or activity that is unlawful under Oregon state law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.
 - (a) If the prohibited activity under this section results in death or serious physical injury, or results in a sexual offense the violation is a Category I violation and could result in license or permit cancellation.
 - (b) As used in this section:
 - (A) “Disorderly activities” means activities that harass, threaten or physically harm oneself or another person.
 - (B) “Disorderly activities” include offensive conduct towards another person based on race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, or social class.
 - (C) “Unlawful activity” means activities that violate the laws of this state, including but not limited to any activity that violates a state criminal statute.
 - (c) The Authority does not require a conviction to establish a violation of this section.
- (9) Psilocybin as a Prize, Premium or Consideration. No licensee or permittee may give or permit the giving of any psilocybin product as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises.
- (10) Visibly Intoxicated Persons. No licensee or permittee may sell, give, or otherwise make available any psilocybin products or provide psilocybin services to any person who is visibly intoxicated.
- (11) Additional Prohibitions. A licensee or permittee may not:
 - (a) Deliver psilocybin products to a person or location off the licensed premises.
 - (b) Permit psilocybin products to be present on the licensed premises, except as allowed by these rules.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.340

Laboratory Licensee Prohibited Conduct (333-333-6030)

- (1) In addition to the prohibitions set forth in OAR 333-333-6000, a laboratory licensee may not:
 - (a) Perform any required psilocybin sampling or testing using any sampling or testing methods or equipment not permitted under the laboratory’s accreditation through the Oregon Environmental Laboratory Accreditation Program.
 - (b) Perform any required psilocybin sampling or testing for any licensed psilocybin manufacturer in which the laboratory licensee has a financial interest.

(c) Engage in any activity that violates any provision of ORS chapter 475A, OAR chapter 333, division 64 as applicable, or these rules.

(2) The Authority may suspend or revoke a laboratory license for any violation of ORS chapter 475A, OAR chapter 333, division 64, or these rules. The licensee has a right to a hearing under the procedures of ORS chapter 183.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.594

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.594

Dishonest Conduct (333-333-6040)

(1) False Statements. A licensee or permittee may not make a false statement or representation to the Authority in order to induce or prevent action or investigation by the Authority or law enforcement.

(2) Psilocybin Product Misrepresentations. A licensee or permittee may not misrepresent any psilocybin item to a consumer, licensee, or the public, including:

(a) Misrepresenting the contents of a psilocybin product.

(b) Misrepresenting the testing results of a psilocybin product.

(c) Making representations or claims that the psilocybin product has curative or therapeutic effects.

(3) A licensee may not produce, possess or supply adulterated psilocybin items.

(4) Evidence. A licensee or permittee may not:

(a) Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so.

(b) Refuse to provide, or fail to promptly provide, an authorized Authority representative evidence when requested to do so.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Advertising Restrictions (333-333-6100)

(1) Psilocybin advertising may not:

(a) Contain statements that are deceptive, false, or misleading.

(b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors.

(c) Encourage activity that is illegal under state law.

(d) Assert that psilocybin products are safe because they are regulated by the Authority or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports psilocybin.

(e) Make claims that psilocybin products and services have curative or therapeutic effects or make other health claims that are not supported by the totality of publicly available scientific evidence (including evidence from studies conducted in a manner that is consistent with

generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

(2) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Advertising Media, Coupons, and Promotions (333-333-6110)

(1) A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or Internet website in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

(2) A licensee who advertises via webpage must utilize appropriate measures to ensure that individuals visiting the webpage are over 21 years of age.

(3) A licensee may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes an opt-out feature.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Removal of Objectionable and Non-Conforming Advertising (333-333-6120)

(1) A licensee must remove any sign, display, or advertisement if the Authority determines it violates these rules.

(2) The Authority will notify the licensee to identify any non-conforming advertising and provide a reasonable period for the licensee to remove any sign, display or advertisement that does not comply with these rules.

Statutory/Other Authority: ORS 475A.235(c), (e) and (f)

Statutes/Other Implemented: ORS 475A.235(c), (e) and (f)

Inspections (333-333-6150)

(1) The Authority may conduct:

(a) An inspection of a licensed premises at any time to ensure that a licensee or permittee is in compliance with ORS chapter 475A and these rules.

(b) Compliance transactions in order to determine whether a licensee or permittee is complying with ORS chapter 475A and these rules.

(2) A licensee, license representative, or permittee must cooperate with authorized Authority representative's reasonable requests during an inspection.

(3) If a licensee, license representative or permittee fails to permit the Authority to conduct an inspection the Authority may issue an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.385

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.385

Suspension, Cancellation, Civil Penalties, Sanction Schedule (333-333-6200)

(1) The Authority may suspend or revoke:

(a) A license issued under ORS chapter 475A for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(b) A permit issued under ORS 475A.480 for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(2) Civil Penalties.

(a) The Authority may impose a civil penalty under ORS 475A.513, ORS 475A.618, or ORS 475A.654 for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(b) Failure to pay a civil penalty imposed by final order of the Authority is a violation.

(3) The Authority uses the following violation categories for licensees licensed under ORS chapter 475A:

(a) Category I — Violations that pose the highest risk to public health and safety or make a licensee ineligible for a license.

(b) Category II — Violations that create a threat or substantial likelihood of a threat to public health or safety.

(c) Category III — Violations that create an increased risk to public health or safety.

(d) Category IV — Violations that are technical in nature and are inconsistent with the orderly regulation of the testing, sale or manufacture of psilocybin products and the provision of psilocybin services.

(4) Violation sanctions.

(a) The Authority may sanction a licensee or permittee in accordance with the guidelines set forth in Exhibit 1, incorporated by reference.

(b) Exhibit 1 lists the proposed sanctions for single or repeat violations that occur within a two-year period for each category described in section (3) of this rule. The Authority may allege multiple violations in a single notice and may count violations alleged in notices issued within the previous two-year period toward the total number of violations. In calculating the total number of violations, the Authority may consider a proposed violation for which the Authority has not yet issued a final order.

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Authority finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. Mitigating circumstances may decrease the sanction but will not result in dismissal of the violation. The Authority may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.

(d) Mitigating circumstances include, but are not limited to:

- (A) Making a good faith effort to prevent a violation.
- (B) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.
- (e) Aggravating circumstances include, but are not limited to:
 - (A) Receiving a prior warning about one or more compliance problems.
 - (B) Repeated failure to comply with laws.
 - (C) Efforts to conceal a violation.
 - (D) Intentionally committing a violation.
 - (E) A violation involving more than one client or employee.
 - (F) A violation involving unwanted or inappropriate touching of a client.
 - (G) A violation involving injury or death.
 - (H) A violation involving the transfer of psilocybin products to anyone other than a client during an administration session.
 - (I) A violation that resulted in a monetary benefit for the licensee or conduct that intended to create a monetary benefit for the licensee.
 - (J) Three or more violations within a two-year-period, regardless of the category, where the number of violations indicate a disregard for the law or failure to control the premises.
- (5) A licensee may not avoid the sanction for a violation or the application of the provision for successive violations by changing their corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420, ORS 475A.425
 Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420, ORS 475A.425

Exhibit 1 to OAR 333-333-6200

Licensees:

Category	1 Violation in a 2-year period	2 Violations in a 2-year period	3 Violations in a 2-year period	4 Violations in a 2-year period	5 Violations in a 2-year period
I	Revoke				
II	30-day suspension	Revoke			
III	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke	
IV	\$500 civil penalty	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke

Worker Permits:

Category	1 Violation in a 2-year period	2 Violations in a 2-year period	3 Violations in a 2-year period	4 Violations in a 2-year period	5 Violations in a 2-year period

I	Revoke				
II	30-day suspension	Revoke			
III	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke	
IV	\$250 civil penalty	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke

Licensee Responsibility (333-333-6210)

- (1) A licensee is responsible for:
 - (a) The violation of any of these rules and any provision of ORS 475A.210 to 475A.722.
 - (b) Any act or omission of a license representative in violation of any of these rules or any provision of ORS 475A.210 to 475A.722.
- (2) A service center license is responsible for any act or omission of a facilitator licensee in violation of any of these rules or any provision of ORS 475A.210 to 475A.722 that occurs on the service center’s licensed premises.
- (3) Sections (1) and (2) of this rule apply to every individual and legal entity identified as a licensee on a license issued by the Authority.
- (4) Violation of any of these rules or any provision of ORS 475A.210 to 475A.722 shall be attributed to every individual and legal entity identified as a licensee on a license issued by the Authority for the purpose of considering the individual or legal entities record of compliance under 475A.250(2)(h).

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420
 Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420

Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension (333-333-6220)

- (1) Before 6:00 AM on the date a license suspension goes into effect, and until the suspension is completed, Authority staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.
- (2) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the Authority. The sign will state that the license has been suspended by order of the Authority. If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.
- (3) During the period of license suspension, the licensee is responsible for ensuring:
 - (a) Compliance with all applicable laws and rules.
 - (b) That the suspension notice sign is not removed, altered, or covered.
- (4) A service center licensee or license representative may not allow sale, delivery to or from, or receipt of psilocybin products at the licensed premises, or provision of psilocybin services at licensed premises, during the period that the license is under suspension, except as otherwise

permitted by the Authority in the order of suspension. During the period that the license is under suspension, a licensee may operate the business only in compliance with this rule.

(5) A manufacturer licensee or license representative may not allow sale, delivery to or from, or receipt of psilocybin products at the licensed premises, harvesting or drying of fungi, processing of psilocybin product during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension. During the period that a license is suspended, a licensee may operate the business only in compliance with this rule.

(6) A facilitator licensee may not provide psilocybin services during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension.

(7) A laboratory licensee or license representative may not allow delivery to or from, or receipt of psilocybin products at the licensed premises or testing of psilocybin products during the period that the license is under suspension, except as otherwise permitted by the Authority in the order of suspension. During the period that the license is under suspension, a licensee may operate the business only in compliance with this rule.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.420

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.420

Waste Management (333-333-8000)

(1) A manufacturer, service center or laboratory licensee must:

(a) Store, manage and dispose of solid and liquid wastes generated during production and processing of psilocybin products in accordance with applicable state and local laws and regulations which may include but are not limited to:

(A) Solid waste requirements in ORS chapter 459 and OAR chapter 340, divisions 93 to 96.

(B) Hazardous waste requirements in ORS chapter 466 and OAR chapter 340, divisions 100 to 106.

(C) Wastewater requirements in ORS chapter 468B and OAR chapter 340, divisions 41 to 42, 44 to 45, 53, 55 and 73.

(b) Store psilocybin waste in a locked waste receptacle or limited access area in the possession of and under the control of the licensee.

(2) If a licensee generates the waste after a harvest or process lot has been recorded, or if the waste was previously designated as a finished psilocybin product, the licensee must document:

(a) A reason for the waste in the psilocybin tracking system.

(b) The exact time and method of destruction in the psilocybin tracking system.

(3) In addition to the requirements of sections (1) and (2) of this rule, waste items consisting of psilocybin products must be rendered unusable and disposed of on the licensed premises or transferred to another licensee for disposal. Psilocybin products may be rendered unusable by composting, mixing with inactive ingredients, or any other method which renders the product unfit for consumption but does not pose a safety risk for accidental consumption.

(4) All psilocybin waste must be disposed of in a manner that effectively prevents spontaneous growth of fruiting bodies or mycelium containing psilocybin.

(5) Material that has been designated as waste must be disposed of pursuant to this rule and may not be used in the production of psilocybin products.

Statutory/Other Authority: ORS 475A.235(c)

Statutes/Other Implemented: ORS 475A.235(c)

Product Transportation (333-333-8100)

(1) Psilocybin products transferred by licensees.

(a) Psilocybin products transferred between licensed premises may only be transported by a licensee or license representative of the originating or receiving licensee.

(b) Samples of psilocybin products obtained by a laboratory licensee pursuant to OAR 333-333-7100 may only be transported by the laboratory licensee or a laboratory license representative of the receiving laboratory.

(c) Every manufacturer, service center and laboratory licensee must maintain a list of license representatives authorized to transport product or travel in vehicles transporting product.

(2) Physical transport requirements for licensees.

(a) A license representative of a manufacturer, service center or laboratory license who transports psilocybin products on behalf of a licensee must have a valid driver license.

(b) A manufacturer, service center or laboratory licensee must:

(A) Store psilocybin products in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle.

(B) When transporting perishable psilocybin products, provide appropriate temperature control within the delivery vehicle.

(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon.

(D) Deliver psilocybin products to all destinations and return any remaining psilocybin products to the origin premises within 60 hours of original departure and notify the Authority immediately in the manner prescribed by the Authority if they are unable to satisfy this requirement due to inclement weather, mechanical failure, or other unforeseen circumstances.

(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop.

(F) Package all psilocybin products for transport in shipping receptacles and assign and affix a unique identification number to all receptacles containing psilocybin products as required by these rules.

(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest but may prepare a separate psilocybin tracking system manifest for each receiving location in order to maintain transaction confidentiality.

(H) Contact the Authority as soon as possible under the circumstances and in the form and manner prescribed by the Authority, if a vehicle transporting psilocybin products is involved in any accident or other situation involving product loss.

(I) Travel directly from the originating location to the destination location as described in the manifest route.

(J) Notify the Authority in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route.

(K) Upon the Authority's request, make the vehicle and its contents available for inspection if the delivery vehicle is stopped at an unlicensed location.

(c) A licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove psilocybin products from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer psilocybin products to, nor store psilocybin products in or at any unlicensed premises;

(C) Void or change a manifest after departing the originating premises; or

(D) Travel with any persons not listed on the manifest.

(d) Any vehicle that meets the requirements of this rule may be used as a delivery vehicle.

(3) Psilocybin tracking system manifest requirements.

(a) Prior to removing a psilocybin product from the originating licensed premises for the purposes of transport or delivery, the originating licensee must use the psilocybin tracking system to generate a printed transport manifest containing the following information:

(A) The originating location's license number and address as it appears in the psilocybin tracking system.

(B) The destination location's license number and address as it appears in the psilocybin tracking system.

(C) The unique identification number, product name, and quantity of each psilocybin product.

(D) The actual date and estimated time of departure.

(E) Location and duration of time for any overnight stop.

(F) The arrival date and estimated time of arrival or completion of delivery.

(G) The delivery vehicle make, model, and license plate number.

(H) The name, contact information, worker permit number and signature of any license representatives accompanying the transport.

(b) A physical, printed copy of the generated manifest must accompany every transport of psilocybin products.

(4) Psilocybin tracking system requirements when receiving psilocybin products. Upon receipt of a delivery of psilocybin products, the receiving licensee must:

(a) Record each applicable unique identification number as accepted and received or rejected in the psilocybin tracking system as applicable.

(b) Verify the psilocybin products received are as described on the manifest and record receipt of the psilocybin products in the psilocybin tracking system if accepted.

(c) Separately and for each unique identification number document any differences between the quantities specified on the manifest and the quantities received in the psilocybin tracking system.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — General Requirements (333-333-8200)

(1) A service center, manufacturer or laboratory licensee must:

(a) Use the psilocybin tracking system as an inventory and recording keeping system.

- (b) Have a psilocybin tracking system account activated and functional within three business days of being licensed.
- (c) Maintain an active psilocybin tracking system account while licensed.
- (2) Each service center, manufacturer and laboratory licensee must have at least one license holder who is a psilocybin tracking system administrator. A licensee may authorize additional license holders or license representatives to obtain psilocybin tracking system administrator accounts.
- (3) In order to obtain a psilocybin tracking system administrator account, a license holder must attend and successfully complete all required psilocybin tracking system training, except as provided in section (4) of this rule. The Authority may also require additional ongoing, continuing education for individual administrators to retain his or her psilocybin tracking system administrator account.
- (4) A service center, manufacturer or laboratory licensee may designate license representatives as psilocybin tracking system users. A designated user must be trained by a psilocybin tracking system administrator in the proper use of psilocybin tracking system. Notwithstanding section (3) of this rule, a licensee may designate a license representative to attend and successfully complete required psilocybin tracking system training so long as both the licensee and the designated representative obtain psilocybin tracking system administrator accounts.
- (5) Each service center, manufacturer and laboratory licensee must:
 - (a) Maintain an accurate and complete list of all psilocybin tracking system administrators and psilocybin tracking system users for each licensed premises and must update the list when a new psilocybin tracking system user is trained.
 - (b) Train and authorize any new psilocybin tracking system users before those users are permitted to access the psilocybin tracking system or input, modify, or delete any information in the psilocybin tracking system.
 - (c) Cancel any psilocybin tracking system administrator or user from an associated psilocybin tracking system account if that individual is no longer a license representative.
 - (d) Correct any data that is entered into the psilocybin tracking system in error.
- (6) Each service center, manufacturer and laboratory licensee is accountable for all actions license representatives take while logged into the psilocybin tracking system or while otherwise conducting inventory tracking activities.
- (7) Nothing in this rule prohibits a service center, manufacturer or laboratory licensee from using secondary separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems. If a licensee uses a separate software application that links to the psilocybin tracking system, it must get approval from the psilocybin tracking system vendor contracting with the Authority and the software application must:
 - (a) Accurately transfer all relevant psilocybin tracking system data to and from the psilocybin tracking system for the purposes of reconciliation with any secondary systems.
 - (b) Preserve original psilocybin tracking system data when it is transferred to and from a secondary application.

(8) If at any point a service center, manufacturer or laboratory licensee loses access to the psilocybin tracking system for any reason, the licensee must keep and maintain comprehensive records detailing all tracking inventory activities that were conducted during the loss of access.

(a) Once access is restored, all inventory tracking activities that occurred during the loss of access must be entered into the psilocybin tracking system.

(b) A licensee must document when access to the system was lost and when it was restored.

(c) A licensee may not transport any psilocybin product to another licensed premises until such time as access is restored and all information is recorded into the psilocybin tracking system unless the Authority has provided written authorization to do so.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - Reconciliation with Inventory (333-333-8210)

(1) Each service center, manufacturer and laboratory licensee must:

(a) Use the psilocybin tracking system for all inventory tracking activities, as required by these rules.

(b) By 11:59 AM local time of the next calendar day, reconcile all psilocybin product inventories and weights in the psilocybin tracking system to reflect the prior day's activity.

(c) For psilocybin products that have completed potency testing, use the psilocybin tracking system to record the total amount of psilocybin contained in psilocybin products by weight, measured in milligrams.

(2) The requirements of subsection (1)(b) of this rule do not apply to psilocybin spores or mycelium that are in a preproduction process at a manufacturer's licensed premises.

(3) Notwithstanding subsection (1)(b) of this rule, during the first 15 days following the harvest of fruiting bodies or mycelium, daily reconciliation by a manufacturer of the weight of moisture lost to evaporation is not required. The weight of moisture loss must be reconciled by a manufacturer prior to transferring, processing, selling, or packaging the fungi and no later than 15 days after the harvest, whichever comes first.

(4) The requirements in subsection (1)(b) of this rule do not apply during the first ten calendar days of licensure for a service center, manufacturer or laboratory licensee so long as the licensee, has ordered unique identification tags and unique identification tags are in transit to the receiving party.

(5) The requirements in subsection (1)(b) of this rule do not apply to psilocybin products held by a laboratory licensee that are undergoing analytical testing required by these rules so long as the psilocybin products do not leave the laboratory's licensed premises and are reconciled on the same day that the analytical testing concludes.

(6) In addition to the requirements in section (1) of this rule, service centers must record each sale or transfer of a psilocybin product to a client as a sales transaction and record the price before tax and amount of each item sold and the date of each transaction in the psilocybin tracking system for each individual transaction.

(7) Information that is not required to be recorded and reconciled daily pursuant to section (3) of this rule must be recorded and reconciled within three calendar days of the service center, manufacturer or laboratory licensee's receipt of unique identification tags.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - Unique Identification Numbers (333-333-8220)

(1) A service center, manufacturer or laboratory license must:

(a) Use unique identification tags issued by an Authority-approved vendor that is authorized to provide unique identification tags for the psilocybin tracking system. Each licensee is responsible for the cost of all unique identification tags and any associated vendor fees.

(b) Have an adequate supply of unique identification tags at all times, except during the first 10 calendar days of licensure so long as unique identification tags have been ordered and are in transit to the premises.

(c) Assign and affix a unique identification tag to each separated area containing a cultivation batch of mycelium or fruiting bodies as described in OAR 333-333-8230.

(d) After harvest, assign and affix a unique identification tag to all psilocybin products or receptacles containing psilocybin products.

(e) Assign and affix unique identification tags in a manner that:

(A) Establishes an accurate record of cultivation, harvest and drying of fungi, including documentation of harvest lots and batches as described in OAR 333-333-2020 and OAR 333-333-7090.

(B) Establishes an accurate record when one psilocybin product is converted to another product type.

(C) Uses a new unique identification tag each time a psilocybin product is added to a quantity of psilocybin products grouped together under a pre-existing unique identification tag.

(f) Place tags in a position that can be clearly read by an individual standing next to the item.

(g) Keep tags free from dirt and debris.

(2) To allow for a drying period, the requirements of subsection (1)(e) of this rule do not apply to harvested mycelium or fruiting bodies in the first 15 days after harvest.

(3) The requirements of section (1) of this rule do not apply to psilocybin spores or mycelium that are in a preproduction process at a manufacturer's licensed premises.

(4) A manufacturer licensee may not combine psilocybin products of different size, potency, or type under a single unique identification tag, except for:

(a) Mixed lots of homogenized fungi.

(b) Psilocybin extracts that will undergo further processing.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — Cultivation Batches (333-333-8230)

- (1) Within 72 hours of beginning a production process, a manufacturer must create a cultivation batch that will contain all fruiting bodies and mycelium produced by that production process.
- (2) A manufacturer must assign each cultivation batch a unique user-generated sequential batch name and record the batch name and location in the psilocybin tracking system
- (3) Batch names and unique identification tags must be physically affixed to the cultivation batch or the separated area where the cultivation batch is physically located as required by OAR 333-333-8220.
- (4) A manufacturer may have an unlimited number of cultivation batches at any one time.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking — Inventory Audits (333-333-8240)

- (1) The Authority may perform a physical audit of the inventory of any service center, manufacturer or laboratory licensee at the agency's discretion and with reasonable notice to the licensee.
- (2) A variance between the physical audit and the inventory reflected in the psilocybin tracking system at the time of the audit, which cannot be attributed to normal moisture variation psilocybin products, is a violation.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - User Requirements (333-333-8250)

- (1) A service center, manufacturer or laboratory licensee and any designated psilocybin tracking system administrator or user shall enter data into the psilocybin tracking system that fully and transparently accounts for all inventory tracking activities.
- (2) A service center, manufacturer or laboratory licensee is responsible for the accuracy of all information entered into the psilocybin tracking system.
- (3) An individual entering data into the psilocybin tracking system may only use their own individual psilocybin tracking system account.
- (4) Each psilocybin tracking system administrator and psilocybin tracking system user must have a unique log-on and password, which may not be used by any other person.
- (5) Every psilocybin tracking system user and administrator must hold a valid worker permit as required by ORS 475A.480.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

Product Tracking - System Notifications (333-333-8260)

A service center, manufacturer or laboratory licensee must monitor all compliance notifications from the psilocybin tracking system and resolve the issues detailed in the compliance notification

in a timely fashion. A licensee may not dismiss a compliance notification in the psilocybin tracking system until the licensee resolves the compliance issues detailed in the notification.

Statutory/Other Authority: ORS 475A.235(c), ORS 475A.400

Statutes/Other Implemented: ORS 475A.235(c), ORS 475A.400

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