

MEASURE 109: Oregon Psilocybin Services Act.

OFFICIAL TITLE: Allows manufacture, delivery, administration of psilocybin at supervised, licensed facilities; imposes 2-year development period.

INITIATIVE: This measure is a statutory amendment placed on the ballot by initiative petition with an estimated 132,465 valid signatures.

FINANCIAL IMPACT: State revenue and expenditures will be impacted by passage of this measure. Local government expenditures will be impacted. The measure requires the Oregon Health Authority (OHA) to develop, over a two-year period, beginning January 1, 2021, a regulation, licensure, and enforcement program, including fees and fines. According to the Oregon Secretary of State, during the two-year development period, the cost to the General Fund would be an estimated \$7 million.

Once the program is established, ongoing costs are estimated at \$3.1 million annually. Fees and tax assessed under the law are expected to cover these costs. The cost to local governments for conducting required land use compatibility assessments for licensee applicants and adoption of any pertinent ordinances is indeterminate.

PROBABLE RESULTS OF A “YES” VOTE: If this measure passes, it would allow the manufacture, delivery, and administration of psilocybin at supervised, licensed facilities, and would impose a 2-year period for developing the policies, procedures, and infrastructure needed for the program to succeed.

PROBABLE RESULTS OF A “NO” VOTE: If this measure fails, it would retain current law, which prohibits the manufacture, delivery, and possession of psilocybin and imposes misdemeanor or felony criminal penalties.

BACKGROUND: Psilocybin mushrooms include a mixed variety of mushrooms with psychoactive properties. They are considered sacred medicine among indigenous tribes, with a long history of use in religious and spiritual ceremonies in both Europe and Mesoamerica. They must be carefully identified and are generally illegal in the U.S. because of potential adverse effects, including hallucinations, nausea, vomiting, drowsiness, or renal failure.

The Federal government classifies psilocybin mushrooms as a Schedule 1 Controlled Substance with no accepted medical use and high potential for abuse. However, studies conducted nationally and internationally have indicated beneficial outcomes from psilocybin treatment in mental health conditions, including but not limited to addiction, depression, anxiety disorders, and end-of-life psychological distress. In 2019 the cities of Denver, Colorado, and Oakland, California, voted to decriminalize these substances, making them a low priority for law enforcement but not setting up structured systems for assuring any beneficial use.

PROPOSAL: This measure legalizes, regulates, and taxes the manufacture, sale, and administration of psilocybin for mental health purposes. The proposed act, which draws on the 1998 Oregon Medical Marijuana Act (OR475B), contains 134 sections that establish an advisory board answerable to the Oregon Health Authority; sets prerequisites and standards for issuing licenses and establishing service centers (such as no criminal record and specified distance from school facilities); and defines treatment protocols. The Oregon Health Authority is given a number of new responsibilities, including the licensing role, testing psilocybin substances for contamination, and disseminating research relating to the safety and efficacy of these substances. In contrast to Oregon’s marijuana program, the psilocybin act would not allow any retail sales or personal crops of psilocybin mushrooms. Section 128 would allow counties and local municipalities to prohibit the siting of psilocybin facilities based on a local vote, although the measure does not provide any financial resources to these entities.

The most prominent and distinguishing feature of Measure 109 is that the administration and consumption of psilocybin will be permitted: (i) only at a licensed “psilocybin service center;” and (ii) only under the supervision of a licensed “psilocybin service facilitator.”

The measure establishes a fifteen percent point of sales tax based on the retail sales of psilocybin as a source of funding for administering the program by the Oregon Health Authority, tax collection and enforcement by the Oregon Department of Revenue, and administration of a psilocybin tracking system by the Oregon Liquor Control Commission

ARGUMENTS PRO AND CON:

Yes - For the Measure

- Oregonians with certain mental health issues, including opioid addictions, may find relief if psilocybin substances are more readily available.
- The program has been designed to protect patients and assure beneficial outcomes by making the substances available under tightly controlled conditions.
- The consumption of psilocybin will take place only in a controlled environment and only under the supervision of licensed and trained personnel.

No - Against the Measure

- Oregon would be in conflict with Federal drug policy, putting the Oregon program at legal risk.
- The U.S. is still learning about the impact of legalizing marijuana and it might be premature to embark on another biochemical experiment.
- The proposal does not go far enough; the use of a natural medicine should be decriminalized.