



Measure 109 Overview for Local Governments

The Measure

In 2020, voters overwhelmingly passed Measure 109, a ballot measure that licensed and regulated psilocybin assisted-therapy to address the state's mounting need for mental health services. With 1 in 3 Oregonians reporting to experience mental health challenges, psilocybin will add a much-needed tool to Oregon's offerings for those experiencing severe anxiety and depression, including veterans and patients with terminal diagnoses.

Measure 109 authorizes the Oregon Health Authority to permit psilocybin product manufacturers and psilocybin service centers to administer psilocybin to individuals 21 years of age or older in licensed, supervised, and controlled settings.

Measure 109 does not allow retail sales, off-site consumption, possession, or advertising of psilocybin products, nor does it allow unregulated or untracked psilocybin production, delivery, or inventory. Finally, Measure 109 does not allow psilocybin service centers near schools.

Over the last two years, the Oregon Health Authority has developed rules and regulations for the implementation of Measure 109. In January of 2023, OHA will begin providing business licenses for psilocybin service centers.

Local Authority Under Measure 109

A City or County must follow Oregon statutes and administrative rules, according to the psilocybin program. Additionally, all current local ordinances that conflict with psilocybin-related activities allowed by state law, are repealed under the measure, however, each City and County, within their own respective geographical limits, may set requirements for the zoning and operation of businesses that manufacture psilocybin and provide psilocybin services.

Measure 109 set basic rules and regulations under the psilocybin program for all Cities and Counties.

Measure 109 also gave local governments the authority to create additional time, place and manner restrictions on Service Centers and Manufacturers. The base program exists throughout the state unless voters choose to opt-out by local ordinance on a general election ballot.

State Authority Under Measure 109

The operation of a psilocybin-related business without proper authority from the Oregon Health Authority is prohibited within the City or County. In addition, under state law:

- No person shall establish, conduct, maintain or operate a psilocybin business in the City without a valid license issued by the Oregon Health Authority.
- The authority to license for the manufacture or sale of psilocybin is preempted, and is vested solely with the State.
- The authority to tax for the manufacturing or sale of psilocybin is preempted, vested solely with the State.

Restrictions on Service Centers & Psilocybin Manufacturers

- Psilocybin service centers can not locate:
 - Within an area zoned exclusively for residential use in Cities.
 - Within 1,000 feet of a school
- Psilocybin manufacturers can not locate:
 - Within a residence or mixed-use property that includes a residence.
 - Within an area zoned for residential use.

Public Health and Safety Requirements

- Secure Storage
 - All psilocybin products shall be secured within a licensed facility in locked storage accessible only to employees of the licensed facility.
- Sales
 - Sales or any other transfers of psilocybin must occur inside the licensed premises
- On-Site Use
 - Psilocybin and psilocybin products can only be ingested at licensed service centers.
 - Off premise use and or possession is prohibited.
- Safety Protocols
 - Per the Oregon Health Authority rules, every psilocybin session is required to be facilitated by a licensed and trained professional.
 - No retail sales, off-site consumption or possession of psilocybin is permitted.
 - Each participant will be led through a safety process before, during, and after the psilocybin session. This includes:
 - Screening- An assessment will be conducted by the facilitator to determine the needs, level of care, and support for each participant's unique needs.
 - Preparation- The facilitator will meet with the participant to lay out the process, incorporate individualized goals, and develop a safety plan.

- Administration- Psilocybin is administered at the licensed service center, by a trained facilitator, who oversees the entire session, and signs off on completion.
- Integration- Participant meets with facilitator after session to review lessons from the session and how to incorporate insights into daily life.

The Healing Advocacy Fund is a 501C3 nonprofit organization dedicated to supporting the thoughtful and effective development, implementation, and education of the nation's first regulated psilocybin therapy program.

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