

Privileges and Duties of Community Practitioners: Religiously-Sanitized Edition
[Draft v.1]

DEFINITIONS (OAR 333-XXX-XXX1)

For the purposes of OAR 333-XXX-XXX1 through 333-XXX-XX10:

- (1) “Ceremonial space” means a building, room, yurt, or other structure or part of a structure or outdoor location where a ceremony occurs.
- (2) “Ceremony” means a psilocybin administration session in which community practitioner privileges are utilized.
- (3) “Community facilitator” means a person holding a psilocybin services license who has received community practitioner privileges.
- (4) “Community manufacturer” means a psilocybin manufacturer that has received community practitioner privileges.
- (5) “Community practitioner” means the holder of a facilitator, manufacturer, or service center operator license who is utilizing community practitioner privileges granted to them by the Oregon Health Authority.
- (6) “Community practitioner privileges” means the privileges described in 333-XXX-XXX5.
- (7) “Community service center” means a psilocybin service center that has received community practitioner privileges.
- (8) “Financial interest” has the same meaning as defined in ____.
- (9) “Indigenous plant medicine community” means one or more indigenous communities who engage in the religious, ceremonial, or sacramental use of psilocybin mushrooms or other plant medicines.
- (10) “Non-directive” has the same meaning as defined in OAR ____.
- (11) “Nonprofit organization” has the same meaning as defined in ORS 65.001(33).
- (12) “Peer support assistance” means assistance provided by one client to another client during a ceremony, including harm reduction assistance.
- (13) “Reciprocal exchange program” means a program that partners with an Indigenous plant medicine community for the purpose of:
 - (a) Promoting the preservation or dissemination of Indigenous knowledge or wisdom; or
 - (b) Minimizing or reversing the impacts of colonialism, extraction, or cultural appropriation on that community.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), ____

APPLICATION FOR COMMUNITY PRACTITIONER PRIVILEGES (OAR 333-XXX-XXX2)

- (1) The Oregon Health Authority shall grant community practitioner privileges to an individual or legal entity that:

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- (a) Is a nonprofit organization;
 - (b) Agrees to exercise their community practitioner privileges in accordance with the applicable special duties described in OAR 333-XXX-XXX4; and
 - (c) Agrees to exercise their community practitioner privileges in a manner that is not dangerous to the health of clients or others who are in the proximity of the clients.
- (2) The requirement of (1)(a) does not apply to facilitator who is applying for community practitioner privileges.
- (3) Notwithstanding (1) of this section, the authority shall be entitled to deny an application for community practitioner privileges if:
- (a) The applicant has a history of conduct suggesting the applicant may not be willing or able to act in accordance with the duties described in OAR 333-XXX-XXX4; or
 - (b) The authority has previously suspended or revoked the applicant's community practitioner privileges.
- (4) Eligibility for community practitioner privileges is limited only to:
- (a) Individuals who hold a psilocybin services facilitator's license;
 - (b) Nonprofit organizations who hold one or more psilocybin service center operator's license; and
 - (c) Nonprofit organizations who hold a psilocybin manufacturer's license.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

**CLIENTS SEEKING PSILOCYBIN SERVICES OR PRODUCTS INVOLVING
COMMUNITY PRACTITIONER PRIVILEGES (OAR 333-XXX-XXX3)**

In order for a client to receive psilocybin services or products that utilize community practitioner privileges, the client must:

- (1) Complete a Confidential Information Form and screening procedures and protocols in accordance with established best practices, provided that such intake and screening does not ask a client to disclose particular details of their trauma history;
- (2) Provide informed consent to accept the particular risks associated with the particular community practitioner privileges being asserted, including if applicable the utilization of peer support assistance and consuming psilocybin products that were produced by a community manufacturer;
- (3) Agree to conduct themselves in a manner that is not dangerous to the health of the client or others who are in the proximity of the client;
- (4) Receive information about the available procedures for filing a complaint with both the community service center and the Oregon Health Authority; and
- (5) Participate in or donate to a reciprocal exchange program.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

SPECIAL DUTIES OF COMMUNITY PRACTITIONERS (OAR 333-XXX-XXX4)

(1) The duties of a community practitioner include:

(a) For a community facilitator:

- (A) To remain alert and attentive to client needs when participating in a ceremony;
- (B) *[deleted]*
- (C) To not consume psilocybin products during a ceremony in which the facilitator participates;
- (D) To intervene in a ceremony to the extent necessary to enhance, preserve, or restore client safety;
- (E) To have candid conversations during a preparation session about the possible risks associated with consuming high doses of psilocybin, if the client intends to consume a high dose;
- (F) To provide clients with written information on how to submit complaints to both the community service center and to OHA;
- (G) To conduct themselves and to supervise community administration sessions in a manner that is not dangerous to the health of the client or others who are in the proximity of the client;
- (H) To fulfill all other duties ordinarily required of a psilocybin services facilitator except as provided in OAR 333-XXX-XXX5.

(b) For a community manufacturer:

- (A) To provide safe psilocybin products;
- (B) To store psilocybin products in a reasonable manner;
- (C) To prevent the diversion of psilocybin products to anywhere other than community service centers or accredited testing laboratories;
- (D) To provide the purchaser of its psilocybin products with a written explanation of the information required on standard product labels in accordance with OAR _____, to the extent such information is known by the community manufacturer;
- (E) To keep the premises of the community manufacturer sanitary and free from nuisances as defined by state and local law;
- (F) To conduct manufacturing and all other activities in a manner that is not dangerous to the health of clients or people who are on or in the proximity of the community manufacturer premises;
- (G) The duty to preserve records of manufacturing activities and sales, and provide those to OHA in accordance with OAR _____;
- (H) To participate in or donate to a reciprocal exchange program; and
- (I) To provide to OHA an annual report describing the community manufacturer's participation in or donations to a reciprocal exchange program.

- (c) For a community service center operator:
 - (A) To take reasonable steps to ensure that the activities occurring at the community service center, including ceremonies, are conducted in a manner that is not dangerous to the health of clients or people who are on or in the proximity of the community service center;
 - (B) To develop and implement policies and procedures for addressing complaints, and to disclose these policies and procedures upon request;
 - (C) To exercise reasonable judgment in the provision of community facilitation and peer support assistance.
 - (D) To be reasonably involved with the activities of the community service center;
 - (E) To provide the purchaser of psilocybin products manufactured by a community manufacturer with a written explanation of the information required on standard product labels in accordance with OAR _____;
 - (F) To provide written notice to all facilitators who provide psilocybin services in affiliation with the community service center that the service center has been granted community practitioner privileges;
 - (G) To provide periodic reports, no less than once each year, describing the community service center's participation in or donations to a reciprocal exchange program;
 - (H) To collect information and submit periodic reports, no less than once each year, describing clients' participation in or donations to a reciprocal exchange program, to the extent that the community service center is involved with such participation or donations;
 - (I) To complete and submit to OHA an incident report upon the occurrence of any of the criteria described in OAR _____. Such report shall include:
 - a. The date and time and a description of the incident;
 - b. The names of any clients who were leading ceremony;
 - c. The names of any clients who were providing peer support assistance in the ceremony;
 - d. The names of the facilitators who were supervising the ceremony; and
 - (J) To fulfill all other duties ordinarily required of a psilocybin services center except as provided in OAR 333-XXX-XXX5.
- (2) In addition to the duties described in subsection (1) of this section, community manufacturers and community service centers who operate with co-located licensing in a non-segregated manner are subject to the following duties:
 - (a) To keep all public portions of the premises clean, safe, and sanitary;
 - (b) To provide only psilocybin products that are safe and sanitary;
 - (c) To prevent diversion of psilocybin products into the black market;
 - (d) To maintain records of all psilocybin products that are manufactured and sold.

- (3) The system described in subsections (1)(c)(B) of this section may include restorative justice models of conflict resolution, provided that the community service center makes clear to any complainant or other participant in that system that their participation is voluntary.
- (4) The special duties in this section apply:
 - (a) With respect to community facilitators, any time the facilitator is providing psilocybin services in affiliation with a psilocybin service center that has community practitioner privileges; and
 - (b) With respect to a community service center operator or community manufacturers, at all times.
- (5) If a psilocybin service center operator is granted community practitioner privileges at a particular service center and has a financial interest in or affiliation with a psilocybin service center that does not have community practitioner privileges:
 - (a) The duties described in this section do not apply to service centers that do not have community practitioner privileges; and
 - (b) The service center operator must take reasonable steps to ensure clients and potential clients are not confused about whether a service center has community practitioner privileges.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

PRIVILEGES OF COMMUNITY PRACTITIONERS (OAR 333-XXX-XXX5)

Community practitioners may enjoy the following privileges:

- (1) For facilitators:
 - (a) To supervise outdoor group ceremonies;
 - (b) To supervise ceremonies that meet their facilitator requirements through the application of OAR 333-XXX-XXX6;
 - (c) To supervise or assist in the sale and consumption of psilocybin products produced by a community manufacturer;
 - (d) To supervise or assist in the sale of psilocybin products on a flat-fee basis;
 - (e) To not be restricted to any particular limit in the amount of psilocybin that a client may use in an individual ceremony;
 - (f) To facilitate any number of administration sessions for a client after completing one preparation session;
 - (g) To facilitate any number of psilocybin administration sessions for a client who has submitted one completed Client Information Form within the last 12 months;
 - (h) To not be limited in the number of preparation or integration sessions to a client who takes psilocybin pursuant to OAR 333-XXX-XXX3(3);
 - (i) To actively participate in ceremonies in which the community facilitator is providing psilocybin services, provided that the community facilitator does not consume psilocybin products during the ceremony; and

(2) For manufacturers:

- (a) To be located at a service center;¹
- (b) To offer fresh mushrooms for retail sale;
- (c) To provide psilocybin products to clients free of charge, provided that such giving does not violate M109 Section 114(6)(a);
- (d) To sell or give products on a flat-fee basis; and
- (e) To not have its psilocybin products tested except upon written request by the Authority or upon its own initiative.

(3) For service centers:

- (a) To host outdoor group ceremonies;
- (b) To host ceremonies in which community facilitators participate, provided that the facilitator does not consume psilocybin products during the ceremony;
- (c) To sell or assist in the sale of any amount of psilocybin to a client for use in a particular psilocybin administration session;
- (d) To host ceremonies that meet their facilitator requirements through the application of OAR 333-XXX-XXX6;
- (e) To host any number of psilocybin administration sessions for a client who has completed one preparation session;
- (f) To host psilocybin administration sessions for clients who have submitted only one completed Client Information Form within the prior 12 months;
- (g) To sell or assist in the sale of psilocybin products produced by a community manufacturer; and
- (h) To sell or assist in the sale of psilocybin products on a flat-fee basis.

- (6) Community practitioner privileges are conditional upon the community practitioner's reasonable and diligent performance of the duties described in this section. Failure to exercise community practitioner privileges reasonably or diligently shall be grounds for discipline as described in OAR 333-XXX-XXX9.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

PEER SUPPORT ASSISTANCE (OAR 333-XXX-XXX6)

(1) Before a client may provide peer support assistance:

- (a) The community service center must:
 - (A) Provide synchronous instruction to the client on how to provide peer-support assistance in accordance with the Facilitator's Code of Conduct, the duties described OAR 333-XXX-XXX4, and other generally-accepted best practices;

¹ This means allowing "non-segregated" co-located licensing of manufacturing and service centers.

- (B) Certify upon knowledge that the client is qualified and capable of providing such assistance; and
 - (C) Submit to OHA a copy of a document certifying that the client has completed the instructional requirements of this section and, in the community service center's judgment, is qualified and capable of providing peer-support assistance; and
 - (b) The client must sign a declaration agreeing to abide by the Facilitator's Code of Conduct, the duties described OAR 333-XXX-XXX4, and the duties described in subsection (3) of this section.
- (2) Before a client begins receiving the instruction described in subsection (1)(a)(A) of this section, the client must participate in no fewer than [8?] ceremonies at the community service center from which the client is to receive instruction on peer-support assistance. [Nix this subsection and trust the community practitioners to self-regulate on this issue?]
- (3) A client who provides peer support assistance during a ceremony is obligated to fulfill the following duties:
- (a) To provide peer-support assistance in accordance with generally-accepted best practices;
 - (b) When disagreement arises with a facilitator as to the best manner of promoting client safety or wellbeing, to defer to the facilitator concerning the course of action to be taken; and
 - (c) To remain capable of performing peer-support assistance at all times during the ceremony.
- (4) A client's authority to provide peer-support assistance is limited to community service centers whose operators have certified upon knowledge that the client is qualified and capable of providing that assistance.
- (5) Community service centers and community facilitators that utilize peer-support assistance pursuant to this section shall have discretion to deviate from the generally applicable facilitator-client ratios found at OAR 333-XXX-XXXX. In exercising their discretion pursuant to this subsection, a community service center or community facilitators shall consider all relevant factors, including:
- (a) The operator's and facilitator's familiarity with the clients participating in a ceremony;
 - (b) The types of ceremonial activities the group intends to engage in;
 - (c) The group and its members' prior experience with psilocybin or other community plants or psychedelics;
 - (d) The amount of cohesion or discord present in the group, if known to the operator or facilitator;
 - (e) The relevant experience of the clients who are providing peer-support assistance;
 - (f) The relevant experience, skill, and number of community facilitators who are providing supervision; and
 - (g) Any other risk factors that the operator or facilitator knows or should know about.

- (6) Community service centers that utilize peer-support assistance shall ensure that the ratio of clients who provide peer support assistance to clients who do not provide such assistance is no less than 1:5 in any ceremony. [Nix this subsection and trust the community practitioners to self-regulate on this issue?]
- (7) Clients who provide peer-support assistance may not receive compensation for the services. However, clients who provide peer support assistance may receive gifts of nominal monetary value. [Nix?]

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

LIMITATIONS ON COMMUNITY PRACTITIONER PRIVILEGES (OAR 333-XXX-XXX7)

- (1) Community practitioner privileges may be used or asserted only:
 - (a) At a psilocybin service center or manufacturing premises that has been granted community practitioner privileges; and
 - (b) In connection with the activity of a spiritual or religious organization with which the community practitioner is affiliated.
- (2) Psilocybin products produced utilizing community practitioner privileges may not be sold, transferred, or consumed to or at a service center that does not have community practitioner privileges.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

RECIPROCAL EXCHANGE PROGRAM DATA (OAR 333-XXX-XXX8)

The Oregon Health Authority shall publish and maintain the reports obtained from community practitioners concerning their participation in or donations to reciprocal exchange programs.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

DISCIPLINARY PROCEEDINGS (OAR 333-XXX-XXX9)

- (1) The Oregon Health Authority may discipline an individual or organization if it finds by a preponderance of the evidence that the community practitioner failed to exercise community practitioner privileges in a reasonable manner or failed to fulfill the duties under OAR 333-XXX-XXX4 in a reasonable and diligent manner;
- (2) The disciplinary authority of the Oregon Health Authority includes the authority to suspend or revoke community practitioner privileges in part or in full.

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- (3) If the authority revokes or suspends only the community practitioner privileges of a license holder, but not the whole license, the license holder may continue to work or operate or produce without the use of community practitioner privileges.
- (4) Nothing in this section shall limit the authority of OHA to discipline a license holder.
- (5) The authority may discipline a facilitator, manufacturer, or service center that utilizes community practitioner privileges without authorization.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____

MISCELLANEOUS (OAR 333-XXX-XXX10)

- (1) When assessing the fees required by Ballot Measure 109 (2020), Section 23 (4)(b) and 26(3)(b), the Oregon Health Authority shall enact a progressive fee structure in which nonprofit organizations are assessed a lesser fee amount than other organizations.

Statutory Authority: Ballot Measure 109 (2020), Section 8(2)(c)

Statutes Implemented: Section 8(2)(c), _____