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# MEMORANDUM

*Community Development*

To: Mayor Jackola and City Council  
From: Kelly Hart, Community Development Director  
Subject: Psilocybin Follow-up Discussion

Date: November 28, 2023

## I. INTRODUCTION

In October 2023, a work session was held with the City Council to review the Oregon Health Authority regulatory framework for the permitting and operation of psilocybin facilities. Throughout the work session, a number of questions were posed requiring follow-up, as well as a request to see a map of “exclusion areas” per State regulations. At the conclusion of the work session, Council directed staff to prepare the necessary materials to forward an opt-out/prohibition ballot measure to the voters, and develop a time, place, and manner ordinance in the circumstance the voters choose to authorize psilocybin facilities.

The purpose of this agenda report is to provide additional information based on the outstanding questions, provide the requested maps, and identify a general framework for the time, place, and manner (TPM) ordinance.

## II. CURRENT REPORT

Additional research has been conducted to address the outstanding questions posed by the City Council at the work session. Below includes the documented questions, and responses:

### 1. What does 200 grams of psilocybin analyte look like?

Based on research, one gram of dried mushroom contains approximately 10 milligrams (mg) of psilocybin. There are 200,000 mg in 200 grams of dried mushrooms, which is the equivalent of 1,600 cups of dried mushrooms. As a visual representation this would be approximately a 10 x 10 grid of one gallon milk jugs, or a 5ft x 5ft x 1ft cube.

### 2. What is a standard dose of psilocybin?

Per Oregon Administrative Rules (OARs), a maximum allowed dose per session (including initial and secondary if requested as part of the same session) is 50 mgs. The minimum duration of administration sessions is determined based on the dosing:

- Clients consuming less than 2.5 mg of analyte – minimum duration of 1 hour
- 2.5-5 mg – 1 hour
- 5-10 mg – 2 hours
- 10-25 mg – 4 hours
- 25-35 mg – 5 hours
- 35-50 mg – 6 hours

### 3. What is the cost for psilocybin and administration sessions?

The cost of the psilocybin product is set by the manufacturers, plus a 15% State tax. The cost for administration services is set by each individual service center or facilitator (if an independent contractor). Below is an example of pricing structures from four service centers:

- Inner Trek – Portland
  - \$850 for group administration session
  - \$1,500 for individual administration session
  - Scholarships/Financial Assistance available on a limited basis
  - <https://www.instagram.com/reel/C0K28ybN2p8/?igshid=MzRIODBiNWFIZA%3D%3D> (Instagram video from the Oregonian to show the interior of a facility)
- Omnia Group – Ashland
  - \$900 room rental + \$5.50/mg of psilocybin + 15% tax, plus facilitator fee (\$1,000 - \$2,500)
    - Starting price – approximately \$2,000 per session
- EPIC Healing – Eugene
  - Facilitator cost ranges from \$1,600 – \$2,800
  - Psilocybin product cost (all in, including manufacturer cost, facility cost, and tax) – 10mg-\$172.50, 15mg-\$258.75, 20mg-\$345.00, 25mg-\$431.25, 30mg-\$517.50, 35mg-\$603.75
- Inner Guidance Services – Albany
  - Facilitation sessions range from \$999 - \$2,200 based on dose administered and duration of scheduled session
  - Psilocybin product cost – 10mg-\$57.86, 25mg-\$179.69
  - Scholarships/Financial Assistance available on a limited basis

### 4. How is the 15% tax on psilocybin allocated?

The entirety of the 15% tax is remitted to the State. Per the ORS, the “15% tax is administered to “further the purposes of (a) providing the [Oregon Health] authority with moneys sufficient to administer and enforce the psilocybin program, (b) not providing the authority with moneys that exceed, together with fees collected under ORS 475A.210-722, the cost of administering and enforcing.”

5. What are the restrictions for people eligible to use psilocybin?

Psilocybin may only be administered to persons 21 years or older and does not require a prescription or medical referral. As part of the required preparation session, prior to the administration of the psilocybin, the facilitator will ask a number of screening questions to help determine whether the client should move forward with the administration session.

6. Is there anything in the State regulations that restricts a client's future use of the service center facilities if they fail to follow the support or transportation plans?

No. The OARs do not restrict client patronage. Individual service centers have the ability to set their own standards and may choose to refuse service if protocols are not followed. It is in the Service Center's best interest to ensure the clients follow the support and transportation plan to maintain their license in good standing.

7. Would the City Council sign off on psilocybin licenses in a similar system to OLCC liquor licenses?

Chapter 5.10 of the LMC establishes the City procedures for liquor license recommendations. An application is submitted, the City investigates, and applications receiving a favorable recommendation from the reporting departments associated with the city investigation will be scheduled as a consent calendar item on the city council agenda. As part of a TPM ordinance, the City can choose to set up a similar process for psilocybin applications.

8. Is there a measurement of intoxication while under the influence of psilocybin?

According to the Police Department, there is no way to quantify psilocybin impairment since it is essentially a food that you digest. Psilocybin impairment should be quite noticeable in a person but not as easy to classify like when you see a drunk person. It is assumed that nobody with an untrained eye could look at someone and say, "they look like they're on psilocybin." Strange/odd behavior will be prevalent because the person will likely be confused and struggle with memory issues. Synesthesia (see sounds/hear colors) is common which will make communication difficult and may lead to paranoia. A dazed and confused appearance will be the most common, but again not to the point someone will classify it.

Per ORS 813.010, a person is defined under the influence of intoxicant for the purposes of a DUI as:

- Has 0.08 percent or more by weight of alcohol in the blood;
- Is under the influence of intoxicating liquor, cannabis, psilocybin, a controlled substance or inhalant;

- Is under the influence of any combination of intoxicating liquor, cannabis, psilocybin, a controlled substance or inhalant; or
- Within two hours after driving a vehicle and without consuming alcohol in the intervening time period, 0.08 percent or more by weight of alcohol in the blood system.

Time, Place and Manner Ordinance Framework – At the work session, a question was posed regarding what such an ordinance would address. Staff is still in the initial research phase for the development of a TPM Ordinance. Below is a brief overview of the initial proposed framework, based on initial Council input, and analysis of adopted Ordinances from other cities.

Time:

- Establish operation time limits in consultation with the police department and applicant through a conditional use permit.
- Consider stipulating that there shall be no overnight stays at the service center, restricting the “resort style” operation.

Place:

- State restrictions:
  - 1,000 feet from public/private schools that provide K-12 education
- Additional Buffer restrictions:
  - 1,000 feet from commercial childcare facilities (Kinder Care, Boys and Girls Club, etc.)
  - 1,000 feet between psilocybin service centers or production facilities
- Zoning Restrictions:
  - Only authorize in the Highway Commercial and the Industrial Zones
    - Prohibited in all residential zones, Mixed Use, Neighborhood Commercial, and Central Business (downtown) zones.

Manner:

- Establish defined criteria for “safe release of clients”
  - “Psilocybin Service Centers shall not release individuals after an administration session unless they are released into the care of a Sober Adult. “Sober Adult” means an individual at least 21 years of age who has not undergone any psilocybin treatment for at least 24 hours and does not appear to be under the influence of any other intoxicant (intoxicating liquor, cannabis, psilocybin, a controlled substance, or an inhalant.)”
- Restrict Weapons/Firearms
  - “Weapons and Firearms Prohibited. Psilocybin business owners shall enact and enforce rules prohibiting clients from bringing or possessing any weapons or firearms on the premises during the client’s treatment session. “Weapon” is defined as follows: any firearm; any knife having a blade that

projects or swings into position by force of a spring or by centrifugal force and commonly known as a switchblade knife, any dirk, any dagger, or any ice pick; sling shot, metal knuckles, or nunchaku sticks; or any similar instrument by the use of which injury could and is designed to be inflicted upon the person or property of any other person.”

- This would not restrict psilocybin facilities from maintaining weapons/firearms on-site but would prohibit clients from bringing them to the facility.
- Liability Insurance Requirements
  - “Liability Insurance Required. Psilocybin Service Centers shall secure and maintain commercial general and professional liability insurance with limits of not less than \$2 million per incident and \$3 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City. The insurance may not include an exclusion for psilocybin-related claims.”
- Require a Conditional Use Permit and a Psilocybin License

Included as attachments are two maps: (1) a map identifying all the exclusion areas based on the State regulations, and (2) a map identifying all the exclusion areas based on current proposed TPM ordinance language.

Staff will continue to research and evaluate the appropriate TPM restrictions and present a draft Ordinance to the Planning Commission by mid spring 2024, with the goal of presenting the Ordinance for Council consideration by early summer to provide an extended review period prior to the adoption time frame of October 2024.

### III. RECOMMENDED ACTION

Receive and file the report. Provide staff with any additional direction.