

Demystifying the Magic of Mushrooms in Oregon

Psilocybin & the Workplace

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In 2020, Oregon voters passed Measure 109 which established a regulatory framework for the use of psilocybin (pronounced as: [SY] + [LOH]+ [SY] + [BIN], sy-lə-SY-bin). This measure is now codified as ORS 475A.200 *et seq.* and the Oregon Health Authority (OHA) is authorized to license and regulate all aspects of psilocybin services. The first licensed service center opened in May, in Eugene, providing people with the opportunity to legally access psilocybin and consume the psychedelic drug under the supervision of trained professionals.



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In Oregon, cannabis can be purchased at a dispensary and taken home for consumption. Conversely, the Oregon Psilocybin Services Act is not a dispensary model. Oregon has not legalized the retail sale of psilocybin. Thus, psilocybin cannot be purchased and then taken offsite for personal consumption. Rather, taking psilocybin as treatment for mental illness, pursuant to the Oregon Psilocybin Services Act, must be done at a licensed treatment center and under the supervision of a licensed professional. The Oregon psilocybin services model focuses on clients accessing services as a health and wellness option.

What is Psilocybin?

Psilocybin is a naturally occurring psychedelic compound found in over two hundred species of naturally growing mushrooms. For centuries, communities around the world have used psilocybin for spiritual, ceremonial, and other purposes. The research suggests that psilocybin could be helpful in addressing depression, anxiety, trauma, and addiction. Psilocybin's effects on the brain's serotonin receptors are responsible for decreased depression and suicidal behaviors, as well as increased memory and learning.

Psilocybin can cause changes in perception, thought, and mood. As a psychedelic, people who take psilocybin experience hallucinations and an inability to discern fantasy from reality. Other signs a person is on this drug may include sweating, chills, headache, facial flushing, dilation of the pupils, tremors, quick breathing, and tremors. The body metabolizes psilocybin relatively quickly and will likely have left a person's system within 24 hours of ingesting the drug.

What is Legal in Oregon & How is it Different from Cannabis?

Under Oregon's law, psilocybin is administered through a service center model. Psilocybin services consist of three sessions — preparation, administration, and integration — to be held at a licensed service center location. The preparation covers several logistics, including creating a travel plan post-session and signing all necessary forms. A licensed facilitator must review a client's medical history and prescription medication prior to approving the person to move forward in the program. The preparation session occurs 24 hours prior to an administration session, where the individual takes psilocybin in the presence of a licensed facilitator. The integration session is optional, providing clients with information about additional peer support and resources. While the integration session is not required for participation in psilocybin services, it must be offered to all clients.

What Are the Impacts on the Workplace?

Tension between state and federal law places therapeutic psilocybin users and their employers in a difficult position. Under federal law, all types of psilocybin remain illegal, and a zero-tolerance drug use workplace policy might trigger discipline even if the substance was taken offsite, outside work hours, and under the supervision of a licensed professional.

However, because the law does not permit home or recreational use of psilocybin, the impact on the workplace will likely be minimal. Nevertheless, employers should be aware of the signs of psilocybin intoxication, as some employees may return to work after a session and before the drug has been metabolized. Additionally, if an employer becomes aware of such use, the employer should not only apply their drug and alcohol policy (if any), but also consider whether the employee is taking the substance to treat a disability, in which case, the employer will need to explore whether a reasonable accommodation may be available by engaging in the interactive process pursuant to the Americans with Disabilities Act (ADA) and state disability law.

Although Oregon was the first state to pass such a law, other states have been investigating the use of psilocybin and some have passed laws. For example, Colorado passed a law in 2022 and the Washington State Health Care Authority is currently discussing what a law would look like in that state.

Oregon's Psilocybin Services Act adds another layer of complexity to the workplace as well as to many employers' drug and alcohol policies. Reach out to trusted legal counsel with questions or concerns about how this law may impact your workplace.

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