

From: [Bryan Kim](#)
To: [SOS Irrlistnotifier * SOS](#)
Subject: Public Comment on IP-34
Date: Wednesday, August 21, 2019 12:15:20 PM
Attachments: [Decriminalize Nature Public Comment on IP-34.doc](#)

Decriminalize Nature Portland must express our strongest disappointment with the flip-flop in direction taken by the Oregon Psilocybin Society, who have abandoned their original intentions to pass statewide decriminalization in addition to a statewide therapy model. Their original initiative, IP-12, provided for sweeping penalty reduction and decriminalization; their new initiative, IP-34, is a “how-not-to” as it explicitly criminalizes psilocybin possession outside a therapy center.

IP-12 contained language providing for decriminalization of possession-level amounts of psilocybin, as well as fine reduction for delivery and manufacture/home-growing, a key part [in our opinion] of ANY actual progress on psilocybin and sacred medicine. In contrast, IP-34's section 57 explicitly criminalizes non-therapeutic use. It is titled, “Prohibition against purchasing, possessing, and consuming a psilocybin product outside a psilocybin service center.” It goes on to clarify that legal use will ONLY be allowed at a service center, under a facilitator's supervision.

This flies in the face of OPS' previous website language, which used to read: “Under this measure, the penalty for picking psilocybin mushrooms from one of our beautiful coastal forests would be a violation, or a fine. After all, no one should ever get arrested, go to jail, get a record, or lose a job for picking mushrooms out of the ground, or even growing usable amounts at home.” This language has since been removed, and **they have provided no public explanation of why they flip-flopped on decriminalization.** In changing course, they have not only betrayed the people who gave money to their group based on a lie of decriminalization, but they have abandoned the thousands of Oregonians who will not be able to afford access to therapeutic-only psychedelic medicine.

There are other changes that suggest that Tom and Sheri Eckert, the chief petitioners of IP-12 and IP-34, have sold out their ideals in order to get ahead. Whereas both bills set up a Psilocybin Advisory Board, the new bill enshrines a two-year, automatic placement on the board for one of the chief petitioners – which is convenient, because the board is now compensated.

Additionally, Section 52 explicitly criminalizes outdoor growing – literally making it against their new bill to grow psilocybin in a natural, organic manner. One of their \$1000+ donors, Will Machugh, owns patents on indoor growing equipment – is his desire for personal profit and their desire for his donations the reason Section 52 was written in?

Principled Critiques

There are three key reasons why these changes deserve to be critiqued: the bill is now worse for people of color, it is worse for the poor, and it is worse for civil liberty and personal freedom.

The bill is now worse for people of color because the enforcement of every law, from speeding to violent crime, is enforced more harshly and more punitively when the accused person is a POC. It is certain that sections 52 and 57 will be enforced more strictly and more consistently against POC than they will against white Oregonians. What's worse, by adding Section 52, they have created a new probable cause for police to target POC with yards – now, they are in danger of being accused of violating the outdoor growing prohibition simply by having naturally growing mushrooms in their yard. This is unacceptable.

The bill is now worse for poor and working-class people – in spite of their public declaration, there is no mandate that any government health program or private insurance company cover psilocybin therapy. By leaving the definition of “affordable” up to an Advisory Board that consists largely of government bureaucrats and at least one out of touch chief-petitioner, it is highly likely legal psilocybin in Oregon will only be legal for those who can afford it. This is unacceptable.

And finally, the bill is now worse for every single Oregonian from the standpoint of civil liberties and cognitive liberty. It is no longer a combined decriminalization/therapy effort that would have created the freedom for each free-thinking person to decide how to pursue this natural medicine in relation to their health – it is now a therapy-only effort that restricts decisions about freedom to the medical system, the Oregon Health Authority, and representative

From: [Rachel Eclipse](#)
To: [SOS Irrlistnotifier * SOS](#)
Subject: PSI2020 comment
Date: Wednesday, August 21, 2019 3:26:33 PM

Hello-

I wholeheartedly disapprove of the PSI2020 Initiative. The health benefits that come with a psilocybin mushroom experience are clearly understood by the therapeutic field (hence this initiative) and therefore should/need to be a human right! PSI2020 takes away this right by stating in the initiative (in not exact words) that anyone growing, picking ect. will be held to criminal enforcement; that use of psilocybin mushrooms can only be used in their therapeutic trained clinics. As the drug war has hurt many people in the underprivileged and minority groups, this initiative will continue to inflict harm upon these people who would benefit greatly from the healing that comes from these fungi. This new draft of PSI2020 will not ensure affordable therapy either, further pushing these groups from the care they need and deserve. Please do not allow this draft approval! My voice is that of an Early Childhood Ed major with a minor in psychology. Children do not need to lose their patents to a crime that is violating the human right to Earth's natural medicines! Again I am asking for myself and all those voices that cannot be heard, please do not pass this draft!

Sincerely -
Rachel Anderson



August 21st, 2019

Comment submitted electronically via irrlistnotifier.sos@oregon.gov

Attorney General Ellen Rosenblum

Department of Justice
Justice Building
1162 Court St. NE
Salem, Oregon 97301-4096

Re: Draft Ballot Title Comments on Initiative 2020-034

Dear Attorney General Rosenblum,

We are writing regarding the Draft Ballot Title for Initiative Petition 2020 - 034 ("the Initiative"). We are electors of the state and Chief Petitioners of the Initiative. Our concern is that the Draft Ballot Title - specifically the caption - does not adequately describe the important restrictions advanced within the text of the initiative involving handling and using psilocybin, a Schedule I drug. The draft ballot title does not, in our minds, adequately distinguish the initiative's well-defined restrictions from less restrictive "legalization" possibilities and, as such, might confuse the voters.

Comments regarding the caption:

Our comments regarding the caption are advanced below, by way of comparing the "original caption" (included in the Draft Ballot Title) and "Revised Captions" which we have provided.

Original Caption:

Creates regulatory program allowing licensed manufacture, delivery, and administration of psilocybin (psychoactive substance from fungus)

Revised Captions:

(preferred)

Creates regulatory program allowing licensed manufacture of psilocybin for supervised administration in licensed facilities only

(alternate)

Creates regulatory program allowing licensed manufacture / delivery of psilocybin for supervised administration in licensed facilities

The preferred revised caption incorporates the essential changes in law and the essential components of the measure, which relate to the manufacture and administration of psilocybin. It removes “delivery” because “delivery” is implied in the words “for supervised administration in licensed facilities.” If the word delivery is considered indispensable, the alternate caption would suffice. In both instances, the revisions reflect the important restrictions that bind the processes of manufacture, delivery, and administration together, as explicitly required by IP 34:

SECTION 53. Restrictions on delivery or receipt; waiver by authority.

(1) A psilocybin product manufacturer that holds a license under section 23 of this 2020 Act:

(a) May deliver psilocybin products only to or on a premises for which a license has been issued under section 23 or section 26 of this 2020 Act;

SECTION 57. Prohibition against purchasing, possessing, and consuming a psilocybin product outside a psilocybin service center.

A client may purchase, possess, and consume a psilocybin product:

(1) Only at a psilocybin service center; and

(2) Only under the supervision of a psilocybin service facilitator.

Psilocybin is a schedule I drug, so voters will likely be concerned about its handling and use. To achieve accuracy and neutrality, the caption should make clear that IP 34 does *not* allow manufacture and delivery to deviate from the purpose of supplying licensed facilities with psilocybin for supervised administration to qualified clients. The caption should leave no room for voters to question whether IP 34 will allow Oregonians to manufacture, deliver, purchase, or use psilocybin outside of this specific context. Considering the current visibility of cannabis legalization in Oregon, which follows a very different model, it is especially important to clarify how psilocybin shall be handled.

It is not entirely clear that the original caption exclusively binds “manufacture” and “delivery” with “administration.” Both revisions achieve this clarity by using the word “for” before “administration” instead of “and.” The preferred revision provides further critical information reflecting the contents and restrictions set forth in IP 34 by using the words “supervised,” and “in licensed facilities only”

In order to make room for these changes, the word “psilocybin” would remain undefined in the caption. However, “psilocybin” is defined in the next sentence of the IP 34 Draft Ballot Title, within the “yes vote.” Introducing the definition of psilocybin in the “yes vote” accords with precedent set by the Certified Ballot Title of IP 12, which was the previous iteration of IP 34. For reference, here is the caption of IP 12:

Reduces psilocybin criminal penalties, allows licensed psilocybin administration, manufacture, possession, delivery; creates regulatory program, fund

We think that using four of fifteen words to define “psilocybin” in the caption of IP 34’s ballot title would not only deviate from precedent but would be inefficient because “psilocybin” is already defined in the “yes vote” as well as the summary paragraph. Voters who are unsure of the meaning of “psilocybin” need only read the next sentence of the ballot title after the caption. They are reminded of the definition once again in the summary.

When comparing the original caption to the preferred and alternate revised captions, we see that the revised captions retain information from the original but add critical context. As such, we strongly feel that the revised captions provide a more accurate reflection of the contents of IP 34 and will likely leave voters with a clearer understanding of what they are voting on.

Comments regarding the “yes vote”

No comments

Comments regarding the “no vote”

No comments

Comments regarding the summary paragraph:

In the second sentence of the summary, we feel that the same guidance and rationale applies that was offered for the caption, specifically in changing the word “and” to “exclusively for.” The revised sentence would read:

Initiative amends state law to require Oregon Health Authority (OHA) to establish Oregon Psilocybin Services Program to allow licensed / regulated production, processing, delivery, possession of psilocybin exclusively for administration of “psilocybin services” (defined) by “licensed facilitator” (defined) to “qualified client” (defined).

We thank you so much for your consideration.

Sincerely,

Thomas Eckert
Chief Petitioner
Measure 34

Sheri Eckert
Chief Petitioner
Measure 34

August 21, 2019



RECEIVED
AUG 21, 2019 4:18pm
Elections Division

Comment submitted electronically via irrlistnotifier.sos@oregon.gov

Attorney General Ellen Rosenblum
Department of Justice
Justice Building
1162 Court St. NE
Salem Oregon 97301-4096

Re: Draft Ballot Title Comments on Initiative Petition 2020-034

Dear Attorney General Rosenblum,

Hello. I am writing to provide several comments to the Draft Ballot Title for Initiative Petition 2020-034 (“IP 34”).

The Draft Ballot Title currently reads: **Creates regulatory program allowing licensed manufacture, delivery, and administration of psilocybin (psychoactive substance from fungus)**

My comments are as follows:

1. Remove the parenthetical “(psychoactive substance from fungus).” This phrase did not appear in the draft or certified ballot title for Initiative Petition 2020-012 (“IP 12”), which was another psilocybin initiative petition filed by the same chief petitioners. Further, the words in the phrase do not appear anywhere in IP 34. Nor are they found anywhere in the Oregon Revised Statutes. ORS Chapter 475 is the only Chapter in the Oregon Revised Statutes that contains the word “psilocybin” and the word is not defined in the statute.

By the time Election Day 2020 arrives, I suspect that a significant majority of Oregon voters will understand what psilocybin is. Consequently, and probably most importantly, given the 15-word limitation on ballot titles, the aspects of IP 34 that are mentioned in paragraphs 2 and 3 below would appear to be more significant and informative to voters than the proposed parenthetical.

2. Add a reference to the fact 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. See Section 57. This is one of the most prominent and distinguishing features of IP 34. An awareness of these facts is necessary for a true understanding of the scope of IP 34. Again, the administration and consumption of psilocybin (*together with the entire hours-long process of experiencing its effects*) will take place only in a controlled environment and only under the supervision of licensed and trained personnel.

Some voters understandably may associate IP 34 with Ballot Measure 91, which was passed by Oregon voters in 2014 and which legalized the adult use of marijuana. While there are certainly some comparisons, the starkest difference between Ballot Measure 91 and IP 34 is the method of purchase and consumption by the end user. Without at least alluding to this in the Ballot Title, voters could be left with the impression that

members of the public could walk into a retail store, purchase psilocybin, take it home with them, and consume it when, where, and with whom they please. This would be a very misleading impression.

3. Add a reference to the fact that there will be a two-year program development period, which means that the regulatory program will not be implemented until 2023. See Section 10. The two-year development program is tantamount to a significant “delayed effective date.” This would be important to know as voters will understand that, as a practical matter, no laws regarding the actual manufacture, delivery, or possession of psilocybin will change in the near-term future.

Significantly, two important educational undertakings will occur during the two-year development program: (i) the Oregon Health Authority will publish and make available to the public medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in treating mental health conditions; and (ii) the Oregon Psilocybin Advisory Board (which is established by IP 34 and which will be comprised of a broad cross-section of health experts, regulatory experts, and other Oregonians) will spend a significant amount of time developing best practices in preparation for making recommendations to the Oregon Health Authority (the “OHA”). See Sections 6, 7, 11, and 12.

Ballot Measure 91 contained relatively short deadlines for its implementation and required a tremendous “learning curve” for both the Oregon Liquor Control Commission and the Oregon State Legislature. While a similar learning curve may be necessary for the OHA with respect to IP 34, it would be useful for voters to know that the implementation of the regulatory program under IP 34 will take place in a methodical manner over a period of years and that the OHA will not be rushed into rulemaking.

4. Remove the words “Creates regulatory program.” The existence of a regulatory program is inherent in the word “licensed.” Consequently, the phrase is needlessly redundant. Again, given the 15-word limitation on ballot titles, every word is important, and the removal of these words would make room for the aspects of IP 34 that are mentioned in paragraphs 2 and 3 above.

Taking into account the above, a revised Draft Ballot Title could read: **Allows licensed manufacture / delivery of psilocybin; supervised administration at licensed service centers; two-year development period**

Finally, please note that I am a registered Oregon voter and that I am submitting these comments in my individual capacity and not on behalf of any client.

Thank you.

Sincerely,

Dave Kopilak
Attorney

I am a Licensed Psychologist in the State of Oregon and generally in favor of the use of psychedelics for therapeutic purposes. I was originally supportive of the Oregon Psilocybin Society and their initiative, IP-12. However, I recently became aware of significant changes in this bill that I can no longer support.

Specifically, the original initiative, IP-12, provided for sweeping penalty reduction and decriminalization for psilocybin, whereas the new initiative, IP-34, criminalizes psilocybin possession outside of a therapy center. I strongly oppose this change as it is moving in the opposite direction of other progressive cities, such as Oakland and Denver that have recently decriminalized these same ethnobotanicals.

In addition, the initiative, in its current form indicates that the legal use of Psilocybin will only be allowed at a service center, under a facilitator's supervision. This is the exact opposite of the language from their earlier initiative which clearly stated that, "no one should ever get arrested, go to jail, get a record, or lose a job for picking mushrooms out of the ground, or even growing usable amounts at home." This is a significant course change and, if approved in its current form, could harm Oregonians.

Essentially, under the new language, a monopoly is created that unfairly restricts access of a naturally occurring fungus that could help thousands of people.

In short, I no longer support the current initiative in its form as it has veered a significant distance from its original orientation. The vast majority of people supporting the initiative, supported it in its original version. Many of those people are not even aware that it has been altered significantly. I am not alone in my disappointment of the direction this has taken. Again, it is my firm belief that many/most of the people originally supporting this initiative did so with the understanding that this would be supporting decriminalization.

Thank you for your time and attention.

Jeff Tarrant, Ph.D.
Licensed Psychologist
573-268-7867
Dr.Tarrant@hotmail.com

From: [Vip Short DC](#)
To: [SOS Irrlistnotifier * SOS](#)
Subject: concerns re IP-34
Date: Wednesday, August 21, 2019 5:02:11 PM

Hello,

I am a licensed health professional in Oregon. While supporting the movement for psilocybin medicine in general—the science is solid—I have concerns regarding the changes made from the initial IP-12.

Psilocybin is an indigenous People's medicine. It is a gift of Nature. It should never be commodified in any respect. There should be no penalties for possession, wild harvesting, or growing.

Vip B. Short DC