



**Testimony on HB 3560**  
House Committee on Higher Education  
March 16, 2023

Chair Lively, Vice-Chairs McIntire and Ruiz, and members of the Committee. My name is Kyle Thomas and I am the Director of Legislative and Policy Affairs for the Higher Education Coordinating Commission (HECC). Thank you for the opportunity to submit testimony on HB 3560.

This bill provides HECC immunity from civil suit for performing or omitting to perform any duty, function, or power related to the regulation of activities performed under ORS Chapter 475A relating to psilocybin and any other activity related to psilocybin products.

This proposed change concerns a technical issue related to Ballot Measure 109, which provides for the use of psilocybin in controlled settings and establishes a multi-agency oversight structure to license and regulate the resulting developing industry.

Ballot Measure 109 makes no mention of HECC. Under the measure, the Oregon Liquor Control Commission, the Department of Agriculture, and the Oregon Health Authority (OHA) have a role in various aspects of oversight and administration of psilocybin and the industry. In particular, OHA is charged with licensing individuals who wish to be employed as facilitators of psilocybin in licensed service centers. OHA, through the adoption of rule, requires aspiring facilitators to undergo 160 hours of instruction prior to sitting for the state licensing examination.

This rule triggers HECC oversight of entities seeking to offer instruction to students. Unless they qualify for an exemption, schools offering this amount of instruction in any field aimed at a vocation must be licensed by HECC. HECC licensure triggers financial stability review, oversight of minimum academic polices, and a review of instructors. Licensure also subjects schools to a process by which HECC can investigate student complaints, and provides consumer protections to students if a school is in a scenario where it faces closure.

HECC believes that our activities in this space are related to the general nature of psilocybin facilitator programs as private career schools, and is not related to the regulation of Chapter 451A or psilocybin products. This would likely make it difficult for HECC to be found liable for damages in any number of scenarios where a suit may be filed related to the regulation of psilocybin. However, the other agencies I have named all enjoy protection from civil liability, and HECC does not, and that fact alone increases the odds that HECC would face legal costs as a named defendant in any suit intended to be filed against the state for activity in this space. We are the agency furthest removed from the drug, yet most exposed to civil suit.

It is because of this exposure that HECC is asking you to support HB 3560.

Thank you for your time today.