

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3560**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Date: March 21, 2023

Measure Description:

Prohibits person from suing Higher Education Coordinating Commission for commission's performance, or failure to perform, any duty, function or power relating to psilocybin products following effective date of Ballot Measure 109 (2020).

Government Unit(s) Affected:

Higher Education Coordinating Commission

Summary of Fiscal Impact:

The measure is not anticipated to have a fiscal impact, but it may reduce future agency expenditures - See explanatory analysis.

Analysis:

House Bill 3560 prohibits a person from suing the Higher Education Coordinating Commission (HECC) or a member of the commission for performing or omitting to perform any duty, function, or power that HECC has relating to the regulation of psilocybin products and services, following the effective date of Ballot Measure 109 (2020), which took effect on December 3, 2020.

Ballot Measure 109 directed the Oregon Health Authority (OHA) to license and regulate psilocybin products and the provision of psilocybin services. During the two-year development period between January 1, 2021, and December 31, 2022, the Oregon Psilocybin Services (OPS), which is housed within OHA, worked with the Oregon Psilocybin Advisory Board and rulemaking advisory committees to make rules for psilocybin products and services. The new rules were established by December 31, 2022, and OPS began taking license applications on January 2, 2023, for psilocybin facilitator programs.

The measure would provide HECC immunity from civil suit for performing or omitting to perform any duty, function, or power related to the regulation of activities for psilocybin products and services. This fiscal impact statement assumes that any exposure that HECC has to potential civil liability is related to its regulation of psilocybin facilitator programs as private career schools, and not the regulation of psilocybin products or services. Under current law, it is theoretically possible for HECC to be named as a defendant in a civil action and found liable for damages in any number of scenarios where a suit may be filed related to the regulation of psilocybin facilitator programs. If the measure were to not pass, HECC would continue to face potential exposure to litigation and damages. By shielding HECC from potential civil liability relating to the regulation of psilocybin facilitator programs, the measure would theoretically reduce future agency expenditures by serving primarily as a cost avoidance initiative.