House Bill 4110

Sponsored by Representative SKARLATOS, Senator SMITH DB, Representative NOSSE; Representatives BOICE, EDWARDS, HARBICK, ISADORE, LEWIS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.** The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says a doctor can give a patient ibogaine if the ibogaine will help to treat the patient's disorder. (Flesch Readability Score: 63.8).

Allows an attending physician to provide ibogaine to a patient for the patient's consumption to treat certain disorders. Defines "attending physician" and "ibogaine." Exempts ibogaine, when obtained, provided and consumed as specified, from the definition of "controlled substance."

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to ibogaine; creating new provisions; amending ORS 475.005; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Attending physician" means the physician who has primary responsibility for the care of a patient.

(b) "Ibogaine" means a naturally occurring indole alkaloid extracted from the root bark of the Tabernanthe iboga shrub.

(c) "Physician" means a doctor of medicine or doctor of osteopathy licensed under ORS chapter 677.

(2)(a) An attending physician of a patient who meets the criteria listed in paragraph (b) of this subsection may provide ibogaine to the patient for the patient's consumption to treat the patient's diagnosed post-traumatic stress disorder, major depressive disorder, anxiety disorder or substance use disorder, if in the attending physician's judgment, the patient's disorder may benefit from the consumption of ibogaine.

(b) In order to receive ibogaine under paragraph (a) of this subsection, a patient must:

(A) Be at least 18 years of age; and

(B) In the opinion of the patient's attending physician, be able to make and communicate health care decisions to a health care provider, either directly or through individuals familiar with the patient's manner of communicating.

(3) The consumption of ibogaine must occur in a controlled setting:

(a) Where a health care provider who is experienced in managing cardiac complications is available on site; and

(b) That is created in consideration of the needs of the patient experiencing the effects of ibogaine consumption.

(4)(a) The Oregon Health Authority and the Oregon Medical Board may adopt rules to carry out this section.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(b) The board may not discipline an attending physician who provides ibogaine to a patient in accordance with this section.

(5) Nothing in this section may be construed to:

(a) Require a person to violate federal law; or

(b) Exempt a person from federal law or obstruct the enforcement of federal law.

SECTION 2. ORS 475.005 is amended to read:

475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless the context requires otherwise:

(1) "Abuse" means the repetitive excessive use of a drug short of dependence, without legal or medical supervision, which may have a detrimental effect on the individual or society.

(2) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(a) A practitioner or an authorized agent thereof; or

(b) The patient or research subject at the direction of the practitioner.

(3) "Administration" means the Drug Enforcement Administration of the United States Department of Justice, or its successor agency.

(4) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(5) "Board" means the State Board of Pharmacy.

(6) "Controlled substance":

(a) Means a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this paragraph does not control and is not controlled by the use of the term "precursor" in ORS 475.752 to 475.980.

(b) Does not include:

(A) The plant Cannabis family Cannabaceae;

(B) Any part of the plant Cannabis family Cannabaceae, whether growing or not;

(C) Resin extracted from any part of the plant Cannabis family Cannabaceae;

(D) The seeds of the plant Cannabis family Cannabaceae;

(E) Any compound, manufacture, salt, derivative, mixture or preparation of a plant, part of a plant, resin or seed described in this paragraph; [*or*]

(F) Psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers, or possesses psilocybin, psilocin, or psilocybin products in accordance with the provisions of ORS 475A.210 to 475A.722 and rules adopted under ORS 475A.210 to 475A.722[.]**; or**

(G) Ibogaine, as defined in section 1 of this 2026 Act, to the extent that ibogaine is obtained, provided and consumed pursuant to section 1 of this 2026 Act.

(7) "Counterfeit substance" means a controlled substance or its container or labeling, which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, delivered or dispensed the substance.

(8) "Deliver" or "delivery" means the actual, constructive or attempted transfer of, or possession with the intent to transfer, other than by administering or dispensing, from one person to another, a controlled substance, whether or not there is an agency relationship.

(9) "Device" means instruments, apparatus or contrivances, including their components, parts

or accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals; or

(b) To affect the structure of any function of the body of humans or animals.

(10) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(11) "Dispenser" means a practitioner who dispenses.

(12) "Distributor" means a person who delivers.

(13) "Drug" means:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in paragraph (a), (b) or (c) of this subsection; however, the term does not include devices or their components, parts or accessories.

(14) "Electronically transmitted" or "electronic transmission" means a communication sent or received through technological apparatuses, including computer terminals or other equipment or mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(15) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(a) By a practitioner as an incident to administering or dispensing of a controlled substance in the course of professional practice; or

(b) By a practitioner, or by an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(16) "Person" includes a government subdivision or agency, business trust, estate, trust or any other legal entity.

(17)(a) "Practitioner" means a physician, dentist, veterinarian, scientific investigator, licensed nurse practitioner, physician associate or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(b) "Practitioner" does not include a pharmacist or pharmacy for purposes of the prescription, dispensation or administration of a controlled substance that is not:

(A) Listed in Schedule II, III, IV or V; and

(B) A medication for the treatment of opioid use disorder.

(18) "Prescription" means a written, oral or electronically transmitted direction, given by a

practitioner for the preparation and use of a drug. When the context requires, "prescription" also means the drug prepared under such written, oral or electronically transmitted direction. Any label affixed to a drug prepared under written, oral or electronically transmitted direction shall prominently display a warning that the removal thereof is prohibited by law.

(19) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(20) "Research" means an activity conducted by the person registered with the federal Drug Enforcement Administration pursuant to a protocol approved by the United States Food and Drug Administration.

(21) "Ultimate user" means a person who lawfully possesses a controlled substance for the use of the person or for the use of a member of the household of the person or for administering to an animal owned by the person or by a member of the household of the person.

(22) "Usable quantity" means:

(a) An amount of a controlled substance that is sufficient to physically weigh independent of its packaging and that does not fall below the uncertainty of the measuring scale; or

(b) An amount of a controlled substance that has not been deemed unweighable, as determined by a Department of State Police forensic laboratory, due to the circumstances of the controlled substance.

(23) "Within 30 feet," "within 500 feet" and "within 1,000 feet" mean a straight line measurement in a radius extending for the specified number of feet or less in every direction from a specified location or from any point on the boundary line of a specified unit of property.

SECTION 3. (1) Section 1 of this 2026 Act and the amendments to ORS 475.005 by section 2 of this 2026 Act become operative on January 1, 2027.

(2) The Oregon Health Authority and the Oregon Medical Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority and the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority and the board by section 1 of this 2026 Act and the amendments to ORS 475.005 by section 2 of this 2026 Act.

SECTION 4. This 2026 Act takes effect on the 91st day after the date on which the 2026 regular session of the Eighty-third Legislative Assembly adjourns sine die.