

Federal Judge Clears Psilocybin Home Use Suit to Move On

Federal Court Allows Lawsuit Challenging Oregon's Psilocybin Law For Homebound Patients To Proceed, Opening Door For Expanded Access

More people in Oregon could eventually access legal psilocybin following a new federal court ruling in favor of plaintiffs who argued that the state's first-in-the-nation psilocybin law wrongfully prevents homebound patients from seeking care.

Four care providers three licensed psilocybin facilitators and a physician specializing in advanced and terminal illnesses filed suit against the state about a year ago, alleging that the Oregon Psilocybin Services Act (PSA) discriminates against disabled individuals who cannot travel to designated service centers where the substance is administered.

The providers claimed they were informed by the Oregon Health Authority (OHA) that there was no way to accommodate homebound patients under the current psilocybin law, effectively barring disabled and seriously ill individuals from receiving treatment in their homes.

Federal Judge Rules That Reasonable Accommodation For Homebound Psilocybin Patients Under ADA Does Not Violate Federalism, Denies State's Motion To Dismiss

In a 12-page ruling issued late last month, U.S. District Judge Mustafa T. Kasubhai denied Oregon's motion to dismiss the case, finding that the plaintiffs have standing and that requiring the state to reasonably accommodate homebound patients under the Americans with Disabilities Act (ADA) would not violate principles of federalism.

The judge noted that the plaintiffs were not asking the court to order the provision of a controlled substance, but rather to ensure compliance with the ADA so that disabled clients can have equal physical access to psilocybin services, which are already available to nondisabled individuals.

"The Court agrees with Plaintiffs and finds that their requested remedy rests on physical access rather than use or distribution of a controlled substance in violation of state and federal laws," the ruling states.

Plaintiffs' Attorney Expresses Hope That Homebound Disabled Oregonians Will Soon Gain Access To Psilocybin Services Without Delay

Reached by email, plaintiffs' attorney Kathryn Tucker expressed satisfaction with the court's decision allowing the suit to proceed and highlighted the urgency for homebound and terminally ill Oregonians to access psilocybin.

“We are eager to ensure that homebound disabled and dying Oregonians can access psilocybin services, as they are among those most likely to benefit,” Tucker said. She noted that enabling home access would also increase demand for psilocybin products and for facilitators with expertise in caring for disabled and seriously ill clients.

Tucker emphasized the critical nature of timely access for those with advancing illness: “Because people with advancing illness may have little time left, delay in enabling access can mean that patients who might have obtained relief from debilitating anxiety and depression will die in unrelieved suffering.”

Court Allows Lawsuit To Proceed Without Ordering Specific Remedy, Leaving Final Decision On Home Psilocybin Access For Disabled Patients To Future Proceedings

The recent ruling does not mandate any specific relief but instead permits the lawsuit *Cusker v. Oregon Health Authority* to move forward toward a final judgment.

Plaintiffs originally sought a court order requiring OHA to provide reasonable accommodation allowing psilocybin services to be administered in patients’ homes when necessary, and to notify licensed facilitators that such accommodations are permitted.

They also asked for a declaration that OHA’s refusal to grant accommodations violated state and federal anti-discrimination laws, and to prohibit the state from disciplining facilitators who provide home-based services.

Legal Arguments Assert That Allowing Home Psilocybin Services Would Not Fundamentally Alter Oregon’s Psilocybin Program Nor Cause Undue Burden

The complaint highlights that public entities must make reasonable accommodations for disabled individuals unless doing so causes undue burden or fundamentally changes a program or service.

According to the plaintiffs, allowing disabled individuals who cannot travel to licensed service centers to receive psilocybin treatment in their homes is a reasonable accommodation that would neither impose undue burden nor fundamentally alter Oregon’s psilocybin services program.

Background On Oregon’s Psilocybin Legalization And Service Centers Provides Context For Lawsuit And Future Policy Changes

Oregon voters legalized facilitated psilocybin services through a 2020 ballot measure, making the state the first in the U.S. to regulate psilocybin-assisted therapy.

The state approved its first licensed psilocybin service center in mid-2023, establishing locations where clients can legally consume psilocybin under the supervision of trained facilitators.

However, current law restricts psilocybin administration to these service centers, leaving homebound or mobility-limited patients without access, which has prompted the ongoing legal challenge seeking accommodation under disability protections.

This ruling marks a significant step toward expanding access to therapeutic psilocybin for disabled Oregonians, and the lawsuit’s outcome may influence future policy decisions about how psilocybin services can be safely and legally provided beyond licensed facilities.

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