Testimony on HB2263

Directs Oregon Liquor Control Commission to study recreational marijuana tracking.

Requires report to interim committee of Legislative Assembly related to economic development. Sunsets January 2, 2022. Declares emergency, effective on passage.

Submitted by:
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Introduction:
My Background and How I Know Marijuana Tracking Systems
About the Author – Elizabeth Porter, MSSM

I am a public health scientist with a background in systems management.

I served as the chief information officer for one of the busiest regulatory districts in the US, overseeing the modernization of the reporting and tracking systems for regulating water. My work history includes the development of complex land surveillance systems and reporting systems for a variety of applications.

I conducted hundreds of public interest reviews, participated in rule-making and legislative reviews.

I participated on both working and strategic national committees addressing issues in information collection, retention, benchmarking and information ethics.

I contributed to the development of state, federal and international data standards.

I managed systems acquisitions from small to major in scope, maintaining active contracting officer technical representative certification.

My training is in both science and engineering.

I have no financial interests in the cannabis industry, cannabis tracking systems, or any alternative technologies.

I studied cannabis tracking systems on behalf of several national civil rights groups and patient advocacy groups for the last five years.

Recommended Immediate Legislative Actions

- Remove Metrc CTS requirements for OMMP.
  - Address critical Privacy, Digital and Health Equity concerns about mandate (see attached presentations that accompany testimony for details.)
- Revisit and triage reporting requirements for program accountability, state fee collection, product traceability and other safety issues.
- Require OLCC to convene an independent Information Review Board (IRB) to advise OLCC in data ethics issues, data integrity and data quality; in articulating requirements, preparing acquisitions, and developing best information practices.
- Enact financial conflict of interest requirements for OLCC including post employment to prohibit revolving door in cannabis industry to CTS related technology vendors and consultants.

OLCC Should Address Digital Inclusion and Cyber Security Risk of Program Immediately

"Broadband is not a speed. It is the capacity to meet the social, cultural and economic demands of Internet users, which grow and evolve over time."
- Jonathan Chambers

OBAC believes that Oregon's broadband public policy needs to be focused on the future, be more aggressive, be more financially supportive, be more specific, and have a renewed sense of urgency.

OBAC has observed and frequently reported that "broadband" is a moving target and that broadband infrastructure will always be a work in progress. This is critical for the assessment of *Broadband in Oregon*. The Federal Communication Commission's (FCC) current benchmark for broadband is 25 Mbps downstream and 3 Mbps upstream, and that bar will be raised in the future due to improving technologies, the introduction of new applications and ever increasing end-user demand. This means that the digital divide not only continues to exist, but will grow without new and continued investment in broadband infrastructure. This means that Oregon communities that do not have access to today's or tomorrow's national standards for broadband services will not be able to adequately support long term economic growth.

Key Broadband Challenges and Opportunities
OBAC has identified the following key broadband challenges and opportunities facing Oregon.
- Digital Inclusion: Oregon needs state-level strategies and programs to ensure that all individuals and communities have access to affordable state of the art broadband communications services, and the skills, knowledge and technical support needed to use them.
- Cyber Security: The security of data and communications systems continues to be a critical risk exposure for government, public organizations, private sector businesses, and for individuals that is widely unrecognized and under managed. Oregon needs to follow-through on its 2017 cyber security initiatives www.cyberoregon.com. Ongoing, expanded and pro-active cyber risk management is needed.

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Document Source: Business Oregon, Oregon Broadband Advisory Council

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Include in HB2263 – More Details
OLCC Should:

- Remove OMMP Program from Metrc Reporting.

- Require background checks for all IT vendor staff, contractors and consultants who access Metrc that is commensurate with or more stringent than checks required of marijuana program licensees.

- Require OLCC IT system vendor to have escrow fund for identity protection restitution for patient PII compromises.

- Direct an independent (no prior contractual relationship) review of CTS since OLCC is vested in this system and defensive of system performance.

- Convene IT Review Board to include privacy, digital equity, data quality and integrity, and consumer protection interests to ensure CTS information acquisitions and data procedures are safe, essential and in the public interest.

- Address information ethics in IRB to review requirements and OLCC SOPs.

- Enact strict financial conflict of interest rules preventing financial stakeholders from influencing requirements and subsequent acquisitions.

- Prohibit post OLCC employment in cannabis field or related IT field for 3 years.

- Address need to 'air gap' of all regulated community online reporting from OEMs, other states' programs, etc.

- Conduct engineering economics systems evaluation of impacts of reportable data versus value of data reported in guiding program.

- Coordinate with other state entities that address information integrity, community right to know, digital access and support to underserved communities, for best practices to receive essential reporting data.

Review data collection and reporting requirements carefully.
These have social justice implications.

What Health and Safety Requirements are Requirements
(and Not Elective Data Mining) Are Necessary
to Justify Occupying Internet Bandwidth for Cannabis Reporting?

For Required Internet Reporting, Subsidies should be provided to bridge the "Digital Divide", not exacerbate it. Revisit "requirements"; revisit costs to include equity measures needed.
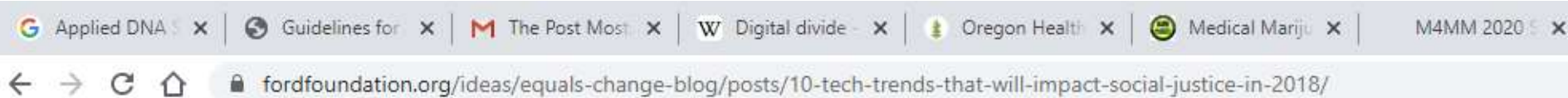
To address these challenges, OBAC offers the following recommendations
- Create a dedicated state government broadband office.
- Provide state funding for new grant, loan and loan guarantee programs for broadband infrastructure in unserved and underserved areas, and for matching funds to leverage federal funding programs.
- Repurpose and redesign the Oregon Universal Service Fund to be sustainable and to improve and subsidize *broadband* infrastructure in unserved and underserved areas.
- Provide support to low adoption populations and community anchor institutions, e.g., the FCC's E-rate Program, Healthcare Connect Fund and Lifeline programs.
- Promote broadband infrastructure deployment.
- Require that broadband infrastructure components such as conduit be included for all state funded infrastructure programs including roads, bridges, water, and wastewater projects.
- Remain technology and provider neutral.   **← Marijuana Programs Have Info Technology Mandates**

Broadband is essential infrastructure for Oregon, its businesses, government, schools, libraries, utilities, healthcare providers, first responders and families.

OLCC tech requirements and acquisitions must be accountable and transparent.

G Applied DNA ❙ ✕ | ◉ Guidelines for ✕ | M The Post Most ✕ | W Digital divide ✕ | ⚑ Oregon Health ✕ | ⬤ Medical Mariju ✕ | M4MM 2020 ❙ ✕

← → C ⌂   🔒 fordfoundation.org/ideas/equals-change-blog/posts/10-tech-trends-that-will-impact-social-justice-in-2018/

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5. Greater transparency and accountability of government procurement of private sector technologies

Governments around the world are increasingly purchasing and relying on private sector tech-enabled and data-driven technologies. These technologies are being used for everything from welfare and benefits delivery to policing and sentencing and immigration and border enforcement. While these

The increased reliance on private sector developed reporting and surveillance systems leaves governments vulnerable to vendors promises of system functionality, costs and performance. Relying on private vendor systems for public information, especially compliance and enforcement information, and health information, should be exercised **with great prudence**.

Liz Porter,
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Thank you for allowing me to testify on recommended additions to HB2263.