

SB 303-A5
(LC 2012)
5/5/23 (SCT/ps)

Requested by Representative DIEHL (at the request of Andrew Yorra)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 303**

1 On page 1 of the printed A-engrossed bill, after the first semicolon, delete
2 “creating new provisions; amending ORS 475A.450;”.

3 Delete lines 7 through 23 and delete pages 2 and 3 and insert:

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Adverse behavioral reaction’ has the meaning given the term**
6 **by rule by the Oregon Health Authority.**

7 **“(b) ‘Adverse medical reaction’ has the meaning given the term by**
8 **rule by the authority.**

9 **“(c) ‘Deidentified data’ means data that:**

10 **“(A) Cannot reasonably be used to infer information about, or oth-**
11 **erwise be linked to, an identified or identifiable entity or individual,**
12 **or to a device that identifies, is linked to or is reasonably linkable to**
13 **an entity or individual; or**

14 **“(B) Is:**

15 **“(i) Derived from patient information that was originally created,**
16 **collected, transmitted or maintained by an entity subject to regulation**
17 **under the Health Insurance Portability and Accountability Act of 1996,**
18 **P.L. 104-191, as in effect on the effective date of this 2023 Act, or the**
19 **Federal Policy for the Protection of Human Subjects, codified as 45**
20 **C.F.R. part 46 and in various other deferral regulations, as codified in**
21 **various sections of the Code of Federal Regulations and as in effect**

1 on the effective date of this 2023 Act; and

2 “(ii) Deidentified as provided in 45 C.F.R. 164.514, as in effect on the
3 effective date of this 2023 Act.

4 “(d) ‘Personally identifiable information’ has the meaning given the
5 term in ORS 432.005.

6 “(2) A psilocybin service center operator that holds a license issued
7 under ORS 475A.305 shall:

8 “(a) In addition to the information required to complete a client
9 information form described in ORS 475A.350, collect the following in-
10 formation using a standardized set of answers established by the au-
11 thority that does not allow for free-form or narrative responses:

12 “(A) The race, ethnicity, preferred spoken and written languages,
13 disability status, sexual orientation, gender identity, income, age and
14 county of residence of each client; and

15 “(B) The reasons for which a client requests psilocybin services;

16 “(b) Compile the following information that pertains to the three-
17 month period immediately preceding a quarterly submission under
18 subsection (4) of this section:

19 “(A) The number of clients served;

20 “(B) The number of individual administration sessions provided;

21 “(C) The number of group administration sessions provided;

22 “(D) The number of individuals to whom the psilocybin service
23 center denied psilocybin services and the reasons for which psilocybin
24 services were denied; and

25 “(E) The number and severity of:

26 “(i) Adverse behavioral reactions experienced by clients, of which
27 the psilocybin service center operator is aware; and

28 “(ii) Adverse medical reactions experienced by clients, of which the
29 psilocybin service center operator is aware; and

30 “(c) Compute, for the period described in paragraph (b) of this

1 subsection, and maintain the following information:

2 “(A) The average number of times per client that psilocybin services
3 were received;

4 “(B) The average number of clients participating in each group ad-
5 ministration session; and

6 “(C) The average dose of psilocybin per client per administration
7 session.

8 “(3) In order for a psilocybin service center operator to submit to
9 the authority under subsection (4) of this section any information
10 provided by a client under subsection (2) of this section, the client
11 must elect to allow the psilocybin service center operator to submit
12 to the authority the client’s information.

13 “(4)(a) Subject to subsection (3) of this section, a psilocybin service
14 center operator shall aggregate and submit to the authority on a
15 quarterly basis as aggregate data the information described in sub-
16 section (2) of this section. The information submitted to the authority
17 may include only:

18 “(A) The number of times each answer in the standardized set de-
19 scribed in subsection (2)(a) of this section was chosen; and

20 “(B) The numeric values associated with the information collected
21 under subsection (2)(b) and (c) of this section.

22 “(b) The information submitted to the authority under this sub-
23 section may not include any individual-level data, personally identifi-
24 able information or deidentified data of any entity or individual.

25 “(5)(a) The authority shall submit the information received under
26 subsection (4) of this section to the Oregon Health and Science Uni-
27 versity for the purpose of enabling the evaluation of outcomes of
28 psilocybin services provided under ORS 475A.210 to 475A.722. The in-
29 formation submitted under this subsection must be aggregate data.

30 “(b) Prior to submitting the information described in this sub-

1 section to the Oregon Health and Science University, the authority
2 shall ensure that the information does not include any individual-level
3 data, personally identifiable information or deidentified data of any
4 entity or individual.

5 “(6)(a) Except as otherwise required by law, the information col-
6 lected and reported under this section is exempt from disclosure under
7 ORS 192.311 to 192.478.

8 “(b) Information collected, computed or reported under this section
9 may not be sold or otherwise monetized.

10 “(7) The authority may adopt rules to carry out this section.

11 **“SECTION 3. (1) As used in this section, ‘deidentified data’ has the**
12 **meaning given the term in section 2 of this 2023 Act.**

13 **“(2) The Oregon Health Authority shall collect and compile data on:**

14 **“(a) The total number of licenses issued under ORS 475A.290,**
15 **475A.305, 475A.325 and 475A.594, compiled by each license type;**

16 **“(b) The total number of applications submitted for licenses issued**
17 **under ORS 475A.290, 475A.305, 475A.325 and 475A.594 and the reasons**
18 **for any denials of licensure;**

19 **“(c) The race, ethnicity, preferred spoken and written languages,**
20 **sexual orientation and gender identity of each applicant and each**
21 **licensee; and**

22 **“(d) The total number of disciplinary actions taken by the authority**
23 **against licensees, compiled by license type and action taken.**

24 **“(3) On a quarterly basis, the authority shall make publicly avail-**
25 **able the information described in subsection (2)(a) to (c) of this section**
26 **and the information submitted to the authority under section 2 (4) of**
27 **this 2023 Act. The information made publicly available under this**
28 **subsection must be aggregate data that is aggregated across all**
29 **psilocybin service centers and may not include any personally iden-**
30 **tifiable information or deidentified data of any entity or individual.**

1 “(4) The authority may adopt rules to carry out this section.

2 “SECTION 4. A psilocybin service center operator and the Oregon
3 Health Authority shall first submit the information and data described
4 in sections 2 and 3 of this 2023 Act not later than the end of the
5 quarter that begins on January 1, 2025.

6 “SECTION 5. (1) Sections 2 and 3 of this 2023 Act become operative
7 on January 1, 2025.

8 “(2) The Oregon Health Authority may take any action before the
9 operative date specified in subsection (1) of this section that is neces-
10 sary to enable the authority to exercise, on and after the operative
11 date specified in subsection (1) of this section, all of the duties, func-
12 tions and powers conferred on the authority by sections 2 and 3 of this
13 2023 Act.

14 “SECTION 6. This 2023 Act takes effect on the 91st day after the
15 date on which the 2023 regular session of the Eighty-second Legislative
16 Assembly adjourns sine die.”.

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