



PUBLIC HEALTH DIVISION
Center for Health Protection

Tina Kotek, Governor

Oregon
Health
Authority

Oregon Psilocybin Services
PO Box 14450

Portland, OR 97293-0450
OHA.Psilocybin@dhsaha.state.or.us
www.oregon.gov/psilocybin

February 1, 2023

To:
The Honorable Senator Patterson
Senate Health Care Committee

From:
André Ourso, Center Administrator
Center for Health Protection
Public Health Division
Oregon Health Authority

RE: SB 303

Thank you for the opportunity to share feedback on SB 303.

Oregon Psilocybin Services (OPS) is housed within the Oregon Health Authority, Public Health Division's Center for Health Protection and is responsible for implementing Ballot Measure 109, the Oregon Psilocybin Services Act, which is codified in Oregon Revised Statutes Chapter 475A. OPS completed the development phase on December 31, 2022 and began accepting applications for licenses on January 2, 2023. Oregon is the first state in the United States to implement and regulate legal psilocybin services.

OHA suggests an operational date of January 1, 2025.

To ensure confidentiality of client data, OPS would need to develop a new dedicated system for data collection, storage, further deidentification, and sharing of deidentified data. This database work would have to be prioritized by the Office of Information Services (OIS) which is unlikely due to other prioritized database projects and capacity issues across OHA. For licensee data, OPS would need to modify existing systems and develop new dedicated systems to collect additional required data and to ensure that all data is properly reported under the terms of the statute. OPS would also have to adopt rules by December 31, 2023, which would not allow adequate time to develop the system and make it operative by January 1, 2024. With limited staff due to hiring delays, this could become burdensome to the overall success of licensing and compliance work during the first year of operations.

OHA suggests a dedicated funding source to support implementation.

SB 303 does not include a dedicated funding source to cover costs of data collection. The Psilocybin Control and Regulation Fund, created by ORS 475A, is the only dedicated

funding stream for the Oregon Psilocybin Services section. OPS is a fee-based section and the costs of the section's work must be covered by licensing fees. While OPS received GF for start-up costs, the section is expected to sustain its budget from OF licensing fees revenue. Directing OPS to implement SB 303 would require an increase in licensing fees, which would have a detrimental impact to licensees. ORS 475A creates additional opportunities for workforce in Oregon, specifically for licensed facilitators from diverse backgrounds that may support the health of their communities through culturally responsive and equity centered psilocybin services. Increasing licensing fees will create more barriers for a diverse workforce in Oregon and to effective psilocybin services.

Costs of implementation include hiring additional staff to monitor licensee compliance requirements, hiring additional staff to manage data collection (including deidentifying data, redaction of data, and reporting of data), and working with OIS to build new databases and modify existing systems to meet the requirements. OIS may also need additional staff to complete this work.

OHA suggests considering equity impacts of data collection.

Psilocybin remains a schedule one substance under the federal Controlled Substances Act, meaning that use, production, and distribution of psilocybin is a federal crime. The client information required by SB 303 is extensive and could be seen as invasive for many clients, especially for clients who belong to communities that have been subject to disproportionate enforcement of criminal laws or unethical research practices. Therefore, the data collection required by SB 303 is likely to discourage members of these communities from seeking psilocybin services to address conditions specific to their communities. The same requirements may also discourage psilocybin facilitators who belong to these communities from participating in the regulated space.

Creating opportunities for diverse communities to provide feedback on equity considerations related to data collection should be prioritized. The Oregon Health Authority and Oregon Psilocybin Services is committed to protecting client data and providing opportunities to understand the concerns of those who want to access psilocybin services.

Thank you for the opportunity to share feedback for consideration on SB 303.