

Public Comment Against SB 303

Dear Senators,

We're writing to share information you may not have, and to encourage you to vote against advancing SB 303.

SB 303 imposes a data collection mandate on every psilocybin service center and facilitator in the state. The data must be reported to and stored by both OHA and OHSU. OHSU's data will then be shared with OHSU's OPEN Project members (private health care institutions, private therapy practitioners, and organizations interested in studying this information). Service centers must provide extensive data about their operations, and facilitators must provide specific information about their practice and intimate details about client health matters. While clients can opt-out from their data being shared, neither facilitators nor service centers have any ability to do so.

SB 303 was initiated by the Healing Advocacy Fund, which is funded by New Approach, an out-of-state PAC that funded Oregon's Measure 109 and Colorado's similar Proposition 122. New Approach has been [very open about its push for mandated data collection without client, facilitator or service center consent](#). Its funders are a combination of philanthropic donors and private industry interests. We genuinely appreciate their funding of Measure 109, but strongly disagree with this approach that contravenes the will of Oregon voters and puts our privacy and security at risk.

This Bill Fails to Protect Oregonians Data Privacy. Measure 109 was clear in its intent to protect personal information. Throughout the rulemaking process including the last draft rules, there were attempts to eliminate clients' data protections. Fortunately, OHA heard from the community and restored those provisions in the final rules. The rulemaking is done, our new program is operational, and service centers and facilitators are taking major financial and legal risks to deliver psilocybin services. Mandated data collection while psilocybin continues to be federally illegal is a threat to Oregonians' privacy, and an affront to the voters and the measure they passed.

No One Can Afford this Bill. This bill provides no funding for OHA or OHSU and neither has it in their existing budgets. OHA's Oregon Psilocybin Services section is already overbudget, and its own Administrator for its Center for Health Protection in [his public comment](#) on this bill confirmed the lack of funding and OHA's inability to meet the bill's deadline. He also noted that "the program could become burdensome to the overall success of licensing and compliance work" of OPS. When license fees go up, fewer people can afford to open service centers and become facilitators, which will lead to lower license fees, further driving up the costs required to fund OPS.

This Bill Suppresses Equitable Access. Many Oregonians might be perfectly comfortable being forced to share detailed business records and client confidential health information involving federal crimes. But especially among marginalized communities, this program will likely discourage many from becoming facilitators and service center owners or employees. Clients too could be discouraged from using services. OHA's public comments confirm these risks, noting that:

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.

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.

This Bill is Unnecessary to Advance Research and Science. We recognize the importance of data gathering and conducting research to determine this program's success. We believe service providers, facilitators, and clients who wish to participate in research should have an easy mechanism to do so, and we support OHSU's interest in studying the effectiveness of psilocybin and this program. But scientists, including OHSU's own, agree that valuable research can be done with a voluntary data sharing program and was OHSU's original intent with this program. The existing rules and statutes already contemplate such data sharing and create a mechanism to ensure all sharing is consensual and secure. SB 303 is wholly unnecessary for research institutions like OHSU or its commercial partners to work with consenting service centers, facilitators and clients. Many prospective service center operators and facilitators would welcome this opportunity to partner with OHSU on psilocybin research, if done sensitively, with consent, outside of government, and according to stringent data security and privacy standards.

We appreciate and support OHSU's desire to conduct valuable research. But SB 303 is a misguided data collection scheme that just adds financial and operational burdens to OHA,

OHSU and service centers. And, it puts Oregonians' data privacy unnecessarily at risk and suppresses equitable access to these valuable therapies. The OHA's final psilocybin rules (codified as O.R.S. Chapter 475A) already allows for optional participation in data collection from clients for the purposes of research, making SB 303 and the proposed amendment unnecessary.

Please vote against this bill and leave OHSU and the industry to implement a voluntary research model we can all support.

Much thanks and appreciation to the Health Care Committee and Senators for your service and the opportunity to give feedback on this bill.

Oregon Psilocybin Services Collaborative Community (OPSCC) working group.

<https://linktr.ee/opscc>