

Submitter: Maddison Stephens
On Behalf Of:
Committee: Senate Committee On Health Care
Measure: SB303
Public Comment Against SB 303

Dear Senators,

I'm 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.