

Submitter: Beverly Quesenberry
On Behalf Of:
Committee: Senate Committee On Health Care
Measure: SB303
Date: March 1, 2023

To: Oregon Senate Committee on Health Care

Re: SB 303 and Amendment

Dear Chair Patterson, Vice-Chair Hayden, and Members of the Committee:

I encourage you to vote against SB 303 in its original and amended forms. I am supportive of the testimony that Mason Marks has already submitted to this committee.

In short: SB 303 is unnecessary, adds unnecessary expenses to an overbudget government program, it overburdens aspiring psilocybin businesses, and it exposes clients and business owners to unnecessary social and legal risks without improving client safety.

The beliefs that Senator Steiner holds about Measure 109 are inaccurate, she claims that psilocybin may be used for therapeutic use only," and that Oregon psilocybin services "will be open to clients who want to seek this as an appropriate therapy." and the media has also misrepresented this information.

In truth, the therapeutic use of psilocybin is expressly prohibited by current OHA rules, which reflect limitations imposed by Measure 109. Psilocybin facilitators are prohibited from diagnosing or treating health conditions, and facilitators and service centers are forbidden from making health-related claims. Psilocybin service centers may not be located within healthcare facilities, and if facilitators hold healthcare licenses (e.g., in fields such as nursing or psychology) in addition to their psilocybin facilitator licenses, they are prohibited from exercising the privileges of their healthcare licenses while acting as psilocybin facilitators. In other words, Oregon's psilocybin services are non-therapeutic by statute and administrative rule. Senator Steiner's claim that SB 303's data collection mandate will establish the efficacy of psilocybin therapy in Oregon is misguided.

The OHA spent two years, and millions in taxpayer dollars, making rules for implementing Measure 109. During the rulemaking process, the Oregon Psilocybin Advisory Board (the "Advisory Board") made recommendations to the OHA regarding what data should be collected during client intake and the subsequent provision of

psilocybin services. In May 2022, the Advisory Board, which includes physician-researchers from Oregon Health Sciences University (OHSU), unanimously recommended that clients have the right to control their data and how it is used, including whether it is shared with third parties outside the service center.

Under existing OHA rules, researchers at OHSU or elsewhere can partner with psilocybin service centers to collect all the data points described by Steiner's SB 303 and the proposed amendment. The only difference is that under current OHA rules, clients must receive the data disclosure form and be given the opportunity to decline to participate. This is the right afforded to everyone in their healthcare and should apply in this case as well. SB 303 disregards the countless hours of deliberation over how much data service centers must collect. These discussions included physicians, nurses, therapists, members of BIPOC and LGBTQ+ communities, regulators, and attorneys from within Oregon and around the world. The resulting rules were evaluated by the public, the OHA, and the agency's Rules Advisory Committees. Enacting SB 303 sends the message that their deliberation at significant public expense did not matter, and it requires taxpayers to sink additional funds into an already overbudget government program.

The Senate Committee on Health Care can honor the will of Oregon voters and protect psilocybin clients from attempts to exploit their sensitive information. Please reject SB 303 as introduced and amended.