



PUBLIC HEALTH DIVISION
Center for Health Protection

Tina Kotek, Governor

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Authority

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May 3, 2023

TO: The Honorable Representative Nosse, Chair
House Behavioral Health and Health Care Committee

FROM: Angie Allbee, Section Manager
Oregon Psilocybin Services
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Center for Health Protection

SUBJECT: SB 303A

Chair Nosse and members of the committee, for the record, my name is Angie Allbee, and I am the Section Manager for Oregon Psilocybin Services. Thank you for the opportunity to share feedback on SB 303A.

Oregon Psilocybin Services (OPS) is housed within the Oregon Health Authority (OHA), 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 with the adoption of final rules for the section and began accepting applications for licenses on January 2, 2023. OPS has issued a number of licenses and worker permits to applicants that meet criteria established in statute and rule and expects service centers to open their doors to clients in the coming months. Oregon is the first state in the United States to implement and regulate legal psilocybin services.

OHA submitted testimony on February 1, 2023 related to concerns about costs, operational timeline, and equity considerations. For the purposes of this hearing, this testimony will focus on one specific implementation challenge. Although the -2 amendment has addressed timeline concerns by moving the operational date to January 1, 2025, to effectively implement SB 303A OHA needs position authority and funds to hire (1) full-time, permanent Research Analyst 3 (RA3) and funds for legal costs associated with rulemaking and implementation, translation of updated operational forms into other languages, and system licenses to support the deidentification process. This request was

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submitted to Legislative Fiscal Office (LFO) in OHA's Fiscal Impact Statement (FIS); however, the fiscal was removed from the bill.

To ensure data integrity and security, the RA3 position would need to work with the Office of Information Systems (OIS) to **develop a new dedicated system** within the OPS Training program, Licensing, Compliance, and Product Tracking system (TLC) to **conduct data collection, storage, deidentification, and sharing of deidentified data**. OPS would need to use this system to support the collection of required data from service center licensees and ensure that all data is properly reported under the terms of the statute. Working with data is a profession that requires appropriate training and qualifications. In accordance with state agency processes, employees must be hired to conduct work within their approved position description that is based on the position authority granted to the agency by the legislature. Without the appropriate position authority, OPS would be unable to hire a position to do this work. Without the position, OPS would be unable to effectively implement this bill. Again, this is a considerable implementation challenge for a new section that is still building its team capacity and systems to effectively implement the Oregon Psilocybin Services Act.

It is important to note that the workload for the program remains very high while it is still in initial implementation and hiring phases. Adding additional responsibilities without the appropriate position to implement this work will create considerable challenges to the overall success of licensing and compliance work in the initial years of operation, specifically related to **ensuring client and product safety**. In addition to the data system development, collection, de-identification, and data sharing, there are additional workload considerations related to implementation of SB 303A. OPS would need to conduct an equity and accessibility centered rulemaking for SB 303A, which includes public listening sessions, diverse representation of lived and professional community members for the creation of rules advisory committees, and robust public hearings on draft rules. OPS provides Spanish and American Sign Language interpretation and CART captioning for public listening sessions and public hearings for rulemaking. OPS would also need to update operational forms and guidance materials, provide technical support and training to licensees, and respond to inquiries about implementation of the bill.

Oregon Psilocybin Services is committed to centering justice, equity, diversity, and inclusion in the implementation of our work, as well as providing clear and responsive technical support, education, and assistance to our regulated community.

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