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**HOUSE BILL 2281**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Macri, Couture, Fitzgibbon, Ramel, Peterson, Ormsby, Fosse, and Simmons

AN ACT Relating to the limited legalization of psilocybin services; and adding a new section to chapter 69.50 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 69.50 RCW to read as follows:

(1) It is not a violation of this chapter or other state or local law for a nonprofit organization to purchase, receive, possess, cultivate, deliver, or dispose of psilocybin or psilocybin mushrooms, or for a participant to possess or consume psilocybin, in accordance with this section.

(2) The nonprofit organization under subsection (1) of this section must:

(a) Have an explicit goal of promoting wellness for and assisting military veterans or first responders including, without limitation, law enforcement, firefighters, coroners and medical examiners, and emergency medical personnel;

(b) Facilitate psilocybin services using the set and setting method of experiencing psychedelic substances;

(c) Use facilitators licensed by the state of Oregon, or another state with a state facilitator license and licensure requirements that meet or exceed the Oregon state requirements with regard to required training, background checks, and licensing examination;

(d) Develop a safe transportation plan for each participant in accordance with the following:

(i) Transportation plans must be signed by the participant and describe how the participant will access safe transportation away from the facility in which psilocybin services are provided;

(ii) Transportation plans must advise a participant not to operate a motor vehicle directly following an administration session. The nonprofit organization must make reasonable efforts to prevent participants from operating a motor vehicle at the conclusion of an administration session. If a client's failure to follow their transportation plan creates a danger to the client's safety or the safety of others, the nonprofit organization must make reasonable efforts to resolve the safety issue;

(iii) If the nonprofit organization is unable to resolve safety issues caused by the participant's failure to follow their transportation plan after making reasonable efforts required by (d)(ii) of this subsection, the nonprofit organization must contact appropriate emergency services;

(iv) If a participant is unable to follow the transportation plan, the nonprofit organization must make reasonable efforts to arrange for alternative transportation; and

(v) The nonprofit organization must document in writing and retain documentation for all instances in which a participant does not follow the transportation plan;

(e) Develop a screening process provided by a licensed medical or mental health provider for appropriate assessment of a participant to safely receive psilocybin services and confirm the participant does not have any medical or psychiatric concerns that might negatively affect receiving psilocybin services. The screening forms must be maintained for six years by the nonprofit organization that facilitated psilocybin services for the screened participant. The assessment must, at a minimum, ask the participant about:

(i) Current medications and whether the participant has taken lithium in the preceding 30 days;

(ii) Current and past allergies, including whether the participant has ever had an allergic reaction to mushrooms or other fungi;

(iii) Whether the participant is pregnant or feeding with breast milk;

(iv) Current and past treatments for medical, mental health, and behavioral health conditions, including whether the participant is, or has ever been, diagnosed with heart conditions such uncontrolled high blood pressure, heart disease, or arrhythmia, schizophrenia, antisocial personality disorder, borderline personality disorder, psychosis, or bipolar I disorder, or has a sibling, parent, or grandparent with a history of schizophrenia, psychosis, bipolar I disorder, or a heart condition;

(v) Whether the participant is having thoughts of causing harm or wanting to cause harm to the participant or others, and whether the participant has a history of causing harm, or wanting to cause harm to the participant or others;

(vi) Whether the participant has ever had a traumatic brain injury; and

(vii) Any language, mobility, or medical assistance required by the participant during an administration session;

(f) Before providing psilocybin services, require a representative of the nonprofit organization and a facilitator to verify that the participant is 21 years of age or older by viewing: The participant's passport, driver's license or state-issued identification card, United States military identification card, an identification card issued by a federally recognized Indian tribe with photo, name, and date of birth; or any other identification card issued by a state or territory that bears a picture of the person, the name of the person, the person's date of birth, and a physical description of the person;

(g) Ensure participant information is kept private and confidential to the greatest extent possible;

(h) Ensure psilocybin is locked in a secure location while not being used; and

(i) Determine, based on a participant's expectations and needs, whether the participant must complete more preparation or integration sessions than the minimum number of sessions required under this section.

(3) The nonprofit organization under subsection (1) of this section must evaluate the answers to the screening required in subsection (2) of this section in accordance with this subsection and subsection (4) of this section.

(a) The following participants may not participate in an administration section:

(i) Participants who have taken lithium in the preceding 30 days;

(ii) Participants having thoughts of causing harm to self or others at the time of the self-screening;

(iii) Participants diagnosed with schizophrenia, active psychosis, or bipolar I disorder, or that have been treated for schizophrenia, active psychosis, or bipolar I disorder, or who have a known family history of schizophrenia, active psychosis, or bipolar I disorder in siblings, parents, or grandparents; and

(iv) Participants with uncontrolled high blood pressure, heart disease, and heart arrhythmia.

(b) The following participants must be encouraged to consult a medical, clinical, or other health care provider regarding the risk of consuming psilocybin:

(i) Participants who are being treated for ongoing medical, mental health, or behavioral conditions;

(ii) Participants who have had a traumatic brain injury;

(iii) Participants taking antidepressant medication that affect serotonin levels; and

(iv) Participants who have a history of causing harm or wanting to cause harm to self or others.

(c) Participants who have had allergic reactions to mushrooms and fungi in the past must be encouraged to consume an alternative psilocybin product rather than whole fungi or homogenized fungi during the administration session.

(d) Participants who are pregnant or breastfeeding must be informed that the risks of consuming psilocybin while pregnant or feeding are unknown.

(e) Participants who are taking monoamine oxidase inhibitors must be informed about the potential reaction to consuming psilocybin of serotonin syndrome.

(f) Participants diagnosed with, or who have been treated for, antisocial personality disorder or borderline personality disorder must attend a minimum of six integration sessions and the nonprofit organization must provide a referral to a licensed mental health provider for consultation postadministration.

(4) The department of health may adopt rules establishing guidelines for evidence-based or research-based additional screening exclusions.

(5) The nonprofit organization under subsection (1) of this section may establish additional screening and evaluation criteria in addition to the minimums established in this subsection.

(6)(a) Psilocybin services provided under this section must include:

(i) At least three preparation sessions;

(ii) One administration session; and

(iii) At least six integration sessions for individuals covered under subsection (3)(f) of this section, and at least three integration sessions for all other participants.

(b) If the nonprofit organization cannot provide an integration session, it must provide a referral to an appropriate provider for an integration session.

(7)(a) Except as provided in (b) of this subsection, nonprofit organizations providing psilocybin services authorized under this section are prohibited from billing or charging participants for psilocybin or the psilocybin services authorized under this section.

(b) A nonprofit organization may charge a participant the at cost rate for the screening required by subsections (2) and (3) of this section.

(8) Psilocybin mushrooms cultivated under this section must adhere to the produce safety rule requirements for mushroom growers that will limit possible human health impacts in the cultivation by controlling potential food safety hazards. Psilocybin mushrooms cultivated under this section may only be used for administering psilocybin services authorized in this section and may not be used for any other purpose.

(9)(a) Advertisements for psilocybin services authorized under this section may not:

(i) Contain statements that are deceptive, false, or misleading;

(ii) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;

(iii) Encourage activity that is illegal under state law;

(iv) Assert that any government entity endorses or supports psilocybin; or

(v) Make claims that psilocybin products and services have curative or therapeutic effects or make other health claims that are not supported by the totality of publicly available scientific evidence, and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

(b) No nonprofit organization advertising psilocybin services may place or maintain, or cause to be placed or maintained, any sign or other advertisement for psilocybin services in any form or through any medium whatsoever within 1,000 feet of the perimeter of any school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade, admission to which is not restricted to persons aged 21 years or older.

(10) Medical professionals licensed by the state of Washington shall not be subject to an adverse licensing action for recommending, providing advice, or providing services arising out of, or related to, psilocybin services authorized under this section, so long as the medical practitioner properly evaluates a patient's condition and complies with the applicable standard of care in doing so.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Administration session" means an in-person session held at a permitted location, occurring after the preparation sessions required under this section, at which a participant consumes and experiences the effects of psilocybin under the supervision of a facilitator.

(b) "Facilitator" means an individual who is 21 years of age or older and performs or supervises psilocybin services for a participant.

(c) "Integration session" means a mandatory meeting between the participant and the nonprofit organization occurring after the participant completes an administration session.

(d) "Nonprofit organization" means an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)), as amended, operating primarily for charitable, civic, educational, religious, welfare, or health purposes.

(e) "Participant" means an individual who is 21 years of age or older and a military veteran or first responder.

(f)(i) "Permitted location" means an enclosed, safe, and comfortable location operated by the nonprofit organization.

(ii) "Permitted location" does not include a vehicle or public space.

(g) "Preparation session" means a mandatory meeting between a participant and the nonprofit organization that will facilitate the administration session, which must occur before the administration session.

(h) "Psilocybin" means the principal, active compound found in the *Psilocybe cubensis* species of mushroom.

(i) "Psilocybin mushroom" means the *Psilocybe cubensis* species of mushroom.

(j) "Psilocybin services" means the facilitator supervised or assisted services provided to a participant or group of participants before, during, and after the participant's consumption of psilocybin.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**