

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5263

68th Legislature
2023 Regular Session

Passed by the Senate April 14, 2023
Yeas 40 Nays 4

President of the Senate

Passed by the House April 11, 2023
Yeas 87 Nays 10

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5263** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5263

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, C. Wilson, Kuderer, Keiser, Lias, Van De Wege, Billig, Conway, and Frame)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to access to psilocybin services by individuals
2 21 years of age and older; adding a new chapter to Title 18 RCW;
3 creating a new section; providing an expiration date; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to establish an
7 advisory board, interagency work group, and a task force to provide
8 advice and recommendations on developing a comprehensive regulatory
9 framework for access to regulated psilocybin for Washington residents
10 who are at least 21 years of age.

11 NEW SECTION. **Sec. 2.** The legislature declares that the purposes
12 of this chapter are:

13 (1) To develop a long-term strategic plan for ensuring that
14 psilocybin services become and remain a safe, accessible, and
15 affordable option for all persons 21 years of age and older in this
16 state for whom psilocybin may be appropriate or as part of their
17 indigenous religious or cultural practices;

18 (2) To protect the safety, welfare, health, and peace of the
19 people of this state by prioritizing this state's limited law

1 enforcement resources in the most effective, consistent, and rational
2 way;

3 (3) To develop a comprehensive regulatory framework concerning
4 psilocybin products and psilocybin services under state law;

5 (4) To prevent the distribution of psilocybin products to other
6 persons who are not permitted to possess psilocybin products under
7 this chapter including but not limited to persons under 21 years of
8 age; and

9 (5) To prevent the diversion of psilocybin products from this
10 state to other states.

11 NEW SECTION. **Sec. 3.** This chapter may be known and cited as the
12 Washington psilocybin services act.

13 NEW SECTION. **Sec. 4.** (1) The Washington psilocybin advisory
14 board is established within the department of health to provide
15 advice and recommendations to the department of health, the liquor
16 and cannabis board, and the department of agriculture. The Washington
17 psilocybin advisory board shall consist of:

18 (a) Members appointed by the governor as specified in subsection
19 (2) of this section;

20 (b) The secretary of the department of health or the secretary's
21 designee;

22 (c) The state health officer or a physician acting as the state
23 health officer's designee;

24 (d) A representative from the department of health who is
25 familiar with public health programs and public health activities in
26 this state; and

27 (e) A designee of the public health advisory board.

28 (2) The governor shall appoint the following individuals to the
29 Washington psilocybin advisory board:

30 (a) Any four of the following:

31 (i) A state employee who has technical expertise in the field of
32 public health;

33 (ii) A local health officer;

34 (iii) An individual who is a member of, or who represents, a
35 federally recognized Indian tribe in this state;

36 (iv) An individual who is a member of, or who represents, a body
37 that provides policy advice relating to substance use disorder
38 policy;

1 (v) An individual who is a member of, or who represents, a body
2 that provides policy advice relating to health equity;

3 (vi) An individual who is a member of, or who represents, a body
4 that provides policy advice related to palliative care and quality of
5 life; or

6 (vii) An individual who represents individuals who provide public
7 health services directly to the public;

8 (b) A military veteran, or representative of an organization that
9 advocates on behalf of military veterans, with knowledge of
10 psilocybin;

11 (c) A social worker, mental health counselor, or marriage and
12 family therapist licensed under chapter 18.225 RCW;

13 (d) A person who has knowledge regarding the indigenous or
14 religious use of psilocybin;

15 (e) A psychologist licensed under chapter 18.83 RCW who has
16 professional experience engaging in the diagnosis or treatment of a
17 mental, emotional, or behavioral condition;

18 (f) A physician licensed under chapter 18.71 RCW;

19 (g) A naturopath licensed under chapter 18.36A RCW;

20 (h) An expert in the field of public health who has a background
21 in academia;

22 (i) Any three of the following:

23 (i) A person who has professional experience conducting
24 scientific research regarding the use of psychedelic compounds in
25 clinical therapy;

26 (ii) A person who has experience in the field of mycology;

27 (iii) A person who has experience in the field of ethnobotany;

28 (iv) A person who has experience in the field of
29 psychopharmacology; or

30 (v) A person who has experience in the field of harm reduction;

31 (j) A person designated by the liquor and cannabis board who has
32 experience working with the cannabis central reporting system
33 developed for tracking the transfer of cannabis items;

34 (k) The attorney general or the attorney general's designee; and

35 (l) One, two, or three at large members.

36 (3) (a) Members of the Washington psilocybin advisory board shall
37 serve for a term of four years, but at the pleasure of the governor.
38 Before the expiration of the term of a member, the governor shall
39 appoint a successor whose term begins on January 1st of the following
40 year. A member is eligible for reappointment. If there is a vacancy

1 for any cause, the governor shall make an appointment to become
2 immediately effective for the unexpired term.

3 (b) Members of the board described in subsection (1)(b) through
4 (e) of this section are nonvoting ex officio members of the board.

5 (4) A majority of the voting members of the board constitutes a
6 quorum. Official adoption of advice or recommendations by the
7 Washington psilocybin advisory board requires the approval of a
8 majority of the voting members of the board.

9 (5) The board shall elect one of its voting members to serve as
10 chair.

11 (6) Until July 1, 2024, the Washington psilocybin advisory board
12 shall meet at least five times a calendar year at a time and place
13 determined by the chair or a majority of the voting members of the
14 board. After July 1, 2024, the board shall meet at least once every
15 calendar quarter at a time and place determined by the chair or a
16 majority of the voting members of the board. The board may meet at
17 other times and places specified by the call of the chair or of a
18 majority of the voting members of the board.

19 (7) The Washington psilocybin advisory board may adopt rules
20 necessary for the operation of the board.

21 (8) The Washington psilocybin advisory board may establish
22 committees and subcommittees necessary for the operation of the
23 board.

24 (9) The members of the Washington psilocybin advisory board may
25 receive reimbursement or an allowance for expenses within amounts
26 appropriated for that specific purpose consistent with RCW 43.03.220.

27 NEW SECTION. **Sec. 5.** (1) An interagency psilocybin work group
28 of the department of health, the liquor and cannabis board, and the
29 department of agriculture is created to provide advice and
30 recommendations to the advisory board on the following:

31 (a) Developing a comprehensive regulatory framework for a
32 regulated psilocybin system, including a process to ensure clean and
33 pesticide free psilocybin products;

34 (b) Reviewing indigenous practices with psilocybin, clinical
35 psilocybin trials, and findings;

36 (c) Reviewing research of medical evidence developed on the
37 possible use and misuse of psilocybin therapy; and

38 (d) Ensuring that a social opportunity program is included within
39 any licensing program created under this chapter to remedy the

1 targeted enforcement of drug-related laws on overburdened
2 communities.

3 (2) The findings of the psilocybin task force in section 6 of
4 this act must be submitted to the interagency work group created in
5 this section and to the psilocybin advisory board.

6 (3) The interagency psilocybin work group must submit regular
7 updates to the psilocybin advisory board.

8 NEW SECTION. **Sec. 6.** (1) The health care authority must
9 establish a psilocybin task force to provide a report on psilocybin
10 services. The director of the health care authority or the director's
11 designee must be a member of the task force and serve as chair. The
12 task force must also include, without limitation, the following
13 members:

14 (a) The secretary of the department of health or the secretary's
15 designee;

16 (b) The director of the liquor and cannabis board or the
17 director's designee; and

18 (c) As appointed by the director of the health care authority, or
19 the director's designee:

20 (i) A military veteran, or representative of an organization that
21 advocates on behalf of military veterans, with knowledge of
22 psilocybin;

23 (ii) Up to two recognized indigenous practitioners with knowledge
24 of the use of psilocybin or other psychedelic compounds in their
25 communities;

26 (iii) An individual with expertise in disability rights advocacy;

27 (iv) A public health practitioner;

28 (v) Two psychologists with knowledge of psilocybin, experience in
29 mental and behavioral health, or experience in palliative care;

30 (vi) Two mental health counselors, marriage and family
31 therapists, or social workers with knowledge of psilocybin,
32 experience in mental and behavioral health, or experience in
33 palliative care;

34 (vii) Two physicians with knowledge of psilocybin, experience in
35 mental and behavioral health, or experience in palliative care;

36 (viii) A health researcher with expertise in health equity or
37 conducting research on psilocybin;

38 (ix) A pharmacologist with expertise in psychopharmacology;

1 (x) A representative of the cannabis industry with knowledge of
2 regulation of medical cannabis and the cannabis business in
3 Washington;

4 (xi) An advocate from the LGBTQIA community with knowledge of the
5 experience of behavioral health issues within that community;

6 (xii) A member of the psychedelic medicine alliance of
7 Washington; and

8 (xiii) Up to two members with lived experience of utilizing
9 psilocybin.

10 (2) The health care authority must convene the first meeting of
11 the task force by June 30, 2023.

12 (3) The health care authority must provide a final report to the
13 governor and appropriate committees of the legislature by December 1,
14 2023, in accordance with RCW 43.01.036. The health care authority may
15 form subcommittees within the task force and adopt procedures
16 necessary to facilitate its work.

17 (4) The duties of the health care authority in consultation with
18 the task force must include, without limitation, the following
19 activities:

20 (a) Reviewing the available clinical information around specific
21 clinical indications for use of psilocybin, including what co-
22 occurring diagnoses or medical and family histories may exclude a
23 person from use of psilocybin. Any review of clinical information
24 should:

25 (i) Discuss populations excluded from existing clinical trials;

26 (ii) Discuss factors considered when approval of a medical
27 intervention is approved;

28 (iii) Consider the diversity of participants in clinical trials
29 and the limitations of each study when applying learnings to the
30 population at large; and

31 (iv) Identify gaps in the clinical research for the purpose of
32 identifying opportunities for investment by the state for the
33 University of Washington, Washington State University, or both to
34 consider studying.

35 (b) Reviewing and discussing regulatory structures for clinical
36 use of psilocybin in Washington and other jurisdictions nationally
37 and globally. This should include discussing how various regulatory
38 structures do or do not address concerns around public health and
39 safety the task force has identified.

1 (5) The department of health, liquor and cannabis board, and
2 department of agriculture must provide subject matter expertise and
3 support to the task force and any subcommittee meetings. For the
4 department of health, subject matter expertise includes an individual
5 or individuals with knowledge and experience in rule making, the
6 regulation of health professionals, and the regulation of health
7 facilities.

8 (6) Meetings of the task force under this section must be open to
9 participation by members of the public.

10 (7) Task force members participating on behalf of an employer,
11 governmental entity, or other organization are not entitled to be
12 reimbursed for travel expenses if they are elected officials or are
13 participating on behalf of an employer, governmental entity, or other
14 organization. Any reimbursement for other nonlegislative members is
15 subject to chapter 43.03 RCW.

16 (8) It is the legislature's intent that the provisions of this
17 section supersede section 211(99), chapter 297, Laws of 2022.

18 (9) This section expires June 30, 2024.

19 NEW SECTION. **Sec. 7.** (1) The duties, functions, and powers of
20 the department of health specified in this chapter include the
21 following:

22 (a) To examine, publish, and distribute to the public available
23 medical, psychological, and scientific studies, research, and other
24 information relating to the safety and efficacy of psilocybin in
25 treating mental health conditions including, but not limited to,
26 addiction, depression, anxiety disorders, and end-of-life
27 psychological distress, and the potential for psilocybin to promote
28 community, address trauma, and enhance physical and mental wellness;

29 (b) To adopt, amend, or repeal rules necessary to carry out the
30 intent and provisions of this chapter, including rules that the
31 department of health considers necessary to protect the public health
32 and safety;

33 (c) To exercise all powers incidental, convenient, or necessary
34 to enable the department of health to administer or carry out this
35 chapter or any other law of this state that charges the department of
36 health with a duty, function, or power related to psilocybin products
37 and psilocybin services. Powers described in this subsection include,
38 but are not limited to:

39 (i) Issuing subpoenas;

- 1 (ii) Compelling the attendance of witnesses;
- 2 (iii) Administering oaths;
- 3 (iv) Certifying official acts;
- 4 (v) Taking depositions as provided by law; and
- 5 (vi) Compelling the production of books, payrolls, accounts,
- 6 papers, records, documents, and testimony.

7 (2) The jurisdiction, supervision, duties, functions, and powers
8 held by the department of health under this section are not shared by
9 the pharmacy quality assurance commission under chapter 18.64 RCW.

10 NEW SECTION. **Sec. 8.** (1) Subject to amounts appropriated for
11 this purpose, the psilocybin therapy services pilot program is
12 established within, and administered by, the University of Washington
13 department of psychiatry and behavioral sciences. No later than
14 January 1, 2025, the University of Washington department of
15 psychiatry and behavioral sciences must implement this section.

16 (2) The pilot program must:

17 (a) Offer psilocybin therapy services through pathways approved
18 by the federal food and drug administration, to populations including
19 first responders and veterans who are:

20 (i) 21 years of age or older; and

21 (ii) Experiencing posttraumatic stress disorder, mood disorders,
22 or substance use disorders;

23 (b) Offer psilocybin therapy services facilitated by:

24 (i) An advanced social worker, independent clinical social
25 worker, or mental health counselor licensed under chapter 18.225 RCW;

26 (ii) A physician licensed under chapter 18.71 RCW; or

27 (iii) A psychiatric advanced registered nurse practitioner
28 licensed under chapter 18.79 RCW as defined in RCW 71.05.020;

29 (c) Ensure psilocybin therapy services are safe, accessible, and
30 affordable;

31 (d) Require an initial assessment to understand participant goals
32 and expectations, and assess the participant's history for any
33 concerns that require further intervention or information before
34 receiving psilocybin therapy services, and an integration session
35 after receiving psilocybin therapy services; and

36 (e) Use outreach and engagement strategies to include
37 participants from communities or demographic groups that are more
38 likely to be historically marginalized and less likely to be included

1 in research and clinical trials represented by race, sex, sexual
2 orientation, socioeconomic status, age, or geographic location.

3 NEW SECTION. **Sec. 9.** Medical professionals licensed by the
4 state of Washington shall not be subject to adverse licensing action
5 for recommending psilocybin therapy services.

6 NEW SECTION. **Sec. 10.** (1) The liquor and cannabis board shall
7 assist and cooperate with the department of health and the department
8 of agriculture to the extent necessary to carry out their duties
9 under this chapter.

10 (2) The department of agriculture shall assist and cooperate with
11 the department of health to the extent necessary for the department
12 of health to carry out the duties under this chapter.

13 NEW SECTION. **Sec. 11.** The department of health, the department
14 of agriculture, and the liquor and cannabis board may not refuse to
15 perform any duty under this chapter on the basis that manufacturing,
16 distributing, dispensing, possessing, or using psilocybin products is
17 prohibited by federal law.

18 NEW SECTION. **Sec. 12.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 13.** Sections 1 through 5 and 7 through 11 of
23 this act constitute a new chapter in Title 18 RCW.

24 NEW SECTION. **Sec. 14.** Sections 4 through 6 of this act are
25 necessary for the immediate preservation of the public peace, health,
26 or safety, or support of the state government and its existing public
27 institutions, and take effect immediately.

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