

STATE OF NEW YORK

7832

2023-2024 Regular Sessions

IN SENATE

December 20, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to establishing a psilocybin assisted therapy pilot program for veterans and first responders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 3309-b to read as follows:

3 § 3309-b. Psilocybin assisted therapy pilot program. 1. For the
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (a) "Certified medical use" includes use of medical psilocybin for a
7 patient to treat or alleviate a patient's medical condition or symptoms
8 associated with the patient's medical condition.

9 (b) "Facilitator" shall mean a mental health counselor, psychoanalyst,
10 physician, physician assistant, registered professional nurse, clinical
11 nurse specialist, nurse practitioner, occupational therapist, occupa-
12 tional therapy assistant, licensed clinical social worker, or an indi-
13 vidual with evidence of prior experience and knowledge in the field of
14 psychedelic assisted therapy who has completed all requirements under
15 subdivision three of this section.

16 (c) "Medical psilocybin" shall mean psilocybin intended for a certi-
17 fied medical use, as determined by the department.

18 (d) "Psilocybin" shall mean a naturally occurring psychedelic prodrug
19 compound produced by fungi, including but not limited to members of the
20 genus Psilocybe. Such term shall include psilocin, the substance into
21 which psilocybin is converted in the human body.

22 2. (a) The department shall establish a psilocybin assisted therapy
23 pilot program. Such pilot program shall provide ten thousand patient
24 participants, as described in paragraph (b) of this subdivision, with

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the funding necessary to receive psilocybin assisted therapy. Such pilot
2 program shall be terminated upon the approval of psilocybin for medical
3 use by the federal drug enforcement administration, or any successor
4 agency.

5 (b) Participants in the pilot program shall include veterans and their
6 families, first responders, retired first responders, and those suffer-
7 ing from cluster headaches; provided, however, that such participants
8 reside in the western region of New York.

9 (c) The department shall promulgate any necessary rules and regu-
10 lations for the application and distribution of any funds pursuant to
11 this subdivision.

12 3. Prior to facilitating a psilocybin session, a facilitator shall
13 complete a course as determined by the department in regulation.

14 4. (a) The department may provide for the analysis and evaluation of
15 the operation of this section. The department may enter into agreements
16 with one or more persons, not-for-profit corporations, universities or
17 other organizations, for the performance of an evaluation of the imple-
18 mentation and effectiveness of this section.

19 (b) The department may develop, seek any necessary federal approval
20 for, and carry out research programs relating to medical use of psilocy-
21 bin. Participation in any such research program shall be voluntary on
22 the part of facilitators, patients, and designated caregivers.

23 (c) No later than two years after the effective date of this section
24 and every two years thereafter, the department shall report to the
25 governor and the legislature on the medical use of psilocybin under this
26 section and make appropriate recommendations.

27 5. (a) The provisions of this section shall take precedence over any
28 conflicting provisions of this chapter.

29 (b) For the purposes of this section, medical psilocybin shall not be
30 deemed to be a "drug" for purposes of article one hundred thirty-seven
31 of the education law.

32 6. (a) Patients, practitioners and facilitators shall not be subject
33 to arrest, prosecution, or penalty in any manner, or denied any right or
34 privilege, including but not limited to civil penalty or disciplinary
35 action by a business or occupational or professional licensing board or
36 bureau, solely for the certified medical use of psilocybin or for any
37 other action or conduct in accordance with this section.

38 (b) This subdivision shall not bar the enforcement of a policy prohib-
39 iting an employee from performing his or her employment duties while
40 impaired by a controlled substance. This subdivision shall not require
41 any person or entity to do any act that would put the person or entity
42 in direct violation of federal law or cause it to lose a federal
43 contract or funding.

44 (c) The fact that a person is a patient and/or acting in accordance
45 with this section, shall not be a consideration in a proceeding pursuant
46 to applicable sections of the domestic relations law, the social
47 services law, and the family court act.

48 (d) (i) Certification forms and any patient information contained
49 within a database shall be deemed exempt from public disclosure under
50 sections eighty-seven and eighty-nine of the public officers law. Upon
51 specific request by a patient to the department, the department shall
52 verify the requesting patient's status as a valid patient to the
53 patient's school or employer or other designated party, to ensure
54 compliance with the protections afforded by this subdivision.

55 (ii) The name, contact information, and other information relating to
56 facilitators registered with the department under this section shall be

1 public information and shall be maintained on the department's website
2 accessible to the public in searchable form. However, if a facilitator
3 notifies the department in writing that he or she does not want his or
4 her name and other information disclosed, such facilitator's name and
5 other information shall thereafter not be public information or main-
6 tained on the department's website, unless such facilitator cancels the
7 request.

8 (e) A person currently under parole, probation or other state or local
9 supervision, or released on bail awaiting trial may not be punished or
10 otherwise penalized for conduct allowed under this section.

11 7. The department shall promulgate any rules and regulations necessary
12 to implement the provisions of this section.

13 § 2. This act shall take effect immediately.