STATE OF NEW YORK

1801--A

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. FERNANDEZ, JACKSON, C. RYAN, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the state finance law, in relation to establishing a psilocybin assisted therapy pilot program for veterans and first responders and a psilocybin assisted therapy pilot program fund; and making an appropriation therefor

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

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

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

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

(b) "Facilitator" shall mean a mental health counselor, psychoanalyst, psychologist, physician, physician assistant, registered professional nurse, clinical nurse specialist, nurse practitioner, occupational therapist, occupational therapy assistant, licensed clinical social worker, or an individual with evidence of prior experience and knowledge in the field of psychedelic assisted therapy who has completed all requirements of this section.

(c) "Medical psilocybin" shall mean psilocybin intended for a certified medical use, as determined by the department.

(d) "Pilot program" shall mean the psilocybin assisted therapy pilot program established under this section.

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

LBD05253-07-6

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

2. (a) The department shall establish a psilocybin assisted therapy pilot program. Such pilot program shall provide patient participants, as described in paragraph (b) of this subdivision, with the funding necessary to receive psilocybin assisted therapy. Such pilot program shall be terminated upon the approval of psilocybin for medical use by the federal drug enforcement administration, or any successor agency.

(b) Participants in the pilot program shall include veterans, first responders and retired first responders.

(c) The department shall scale the number of patient participants based on the outcomes of the pilot program and changes to federal laws, rules, regulations, and approvals.

(d) The department shall implement the pilot program in partnership with the state university of New York's academic health centers which may include, but shall not be limited to, upstate medical university, downstate health sciences university, Stony Brook University and the university at Buffalo's Jacobs school of medicine and biomedical sciences.

(e) The pilot program shall comply with and follow all applicable regulations and standards of the federal food and drug administration, federal drug enforcement administration, and any relevant institutional review boards including, but not limited to, clinical trial processes, investigational new drug pathways, schedule I research license requirements, protocols for ethical oversight.

(f) The pilot program shall not duplicate any mandated eligibility criteria, safety reporting, or protections for participant patients that the federal food and drug administration, federal drug enforcement administration, and any other relevant institutional review boards and shall defer to such administrations and boards for such.

(g) The department shall promulgate any necessary rules and regulations for the application and distribution of any funds pursuant to this subdivision. Such rules and regulations shall support the pilot program operating within federal regulations, standards, and programs and shall not create any new state rules or regulations which are not consistent with such federal regulations, standards, and programs.

3. A facilitator shall be an individual qualified under the federal research protocol utilized by a participating state university of New York academic health center.

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

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

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

(d) Based on the findings of the report required under paragraph (c) of this subdivision, the department, in consultation with participating

state university of New York academic health centers, may develop and implement a state-funded psilocybin assisted therapy training program. Such program shall be informed by the outcomes, best practices, safety data, and clinical standards observed during the pilot program.

5. The provisions of this section shall take precedence over any conflicting provisions of this chapter and article one hundred thirty-seven of the education law.

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

(b) This subdivision shall not bar the enforcement of a policy prohibiting an employee from performing such employee's employment duties while impaired by a controlled substance. This subdivision shall not require any person or entity to do any act that would put the person or entity in direct violation of federal law or cause it to lose a federal contract or funding.

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

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

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

§ 2. The state finance law is amended by adding a new section 99-uu to read as follows:

§ 99-uu. Psilocybin assisted therapy pilot program fund. 1. There is hereby established in the joint custody of the commissioner of health and the comptroller, a special fund to be known as the "psilocybin assisted therapy pilot program fund".

2. Such fund shall consist of all moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts, or bequests for the purposes of the fund, as defined in this section, and depositing them into the fund according to law.

3. Monies of the fund shall be expended only for the purposes operating the psilocybin assisted therapy pilot program established under section thirty-three hundred nine-c of the public health law.

4. Monies of the fund shall be payable on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of health.

§ 3. The sum of five million dollars ($5,000,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated to the psilocybin assisted therapy pilot program fund established under section 99-uu of the state finance law in carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved in the manner provided by law.

§ 4. This act shall take effect immediately.