STATE OF NEW YORK

7832--A

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 -- 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, 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:

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 under subdivision three of this section.

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

(d) "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.

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

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2. (a) The department shall establish a psilocybin assisted therapy pilot program. Such pilot program shall provide ten thousand 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 and their families, first responders, retired first responders, and those suffering from cluster headaches; provided, however, that such participants reside in the western region of New York.

(c) The department shall promulgate any necessary rules and regulations for the application and distribution of any funds pursuant to this subdivision.

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

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.

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

(b) For the purposes of this section, medical psilocybin shall not be deemed to be a "drug" for purposes of 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 his or her 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) (i) Certification forms and any patient information contained within a database shall be deemed exempt from public disclosure under sections eighty-seven and eighty-nine of the public officers law. Upon specific request by a patient to the department, the department shall verify the requesting patient's status as a valid patient to the

patient's school or employer or other designated party, to ensure compliance with the protections afforded by this subdivision.

(ii) The name, contact information, and other information relating to facilitators registered with the department under this section shall be public information and shall be maintained on the department's website accessible to the public in searchable form. However, if a facilitator notifies the department in writing that he or she does not want his or her name and other information disclosed, such facilitator's name and other information shall thereafter not be public information or maintained on the department's website, unless such facilitator cancels the request.

(e) 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. This act shall take effect immediately.