

# STATE OF NEW YORK

3845--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. BURKE, McDONALD, BURDICK, FALL, HEVESI, CONRAD, SIMON, CRUZ -- read once and referred to the Committee on Health -- 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:

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

3 § 3309-c. 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 psychologist, physician, physician assistant, registered professional  
11 nurse, clinical nurse specialist, nurse practitioner, occupational ther-  
12 apist, occupational therapy assistant, licensed clinical social worker,  
13 or an individual with evidence of prior experience and knowledge in the  
14 field of psychedelic assisted therapy who has completed all requirements  
15 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) "Pilot program" shall mean the psilocybin assisted therapy  
19 pilot program established under this section.

20 (e) "Psilocybin" shall mean a naturally occurring psychedelic prodrug  
21 compound produced by fungi, including but not limited to members of the

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

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1 genus Psilocybe. Such term shall include psilocin, the substance into  
2 which psilocybin is converted in the human body.

3 2. (a) The department shall establish a psilocybin assisted therapy  
4 pilot program. Such pilot program shall provide patient participants, as  
5 described in paragraph (b) of this subdivision, with the funding neces-  
6 sary to receive psilocybin assisted therapy. Such pilot program shall be  
7 terminated upon the approval of psilocybin for medical use by the feder-  
8 al drug enforcement administration, or any successor agency.

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

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

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

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

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

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

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

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

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

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

53 (d) Based on the findings of the report required under paragraph (c)  
54 of this subdivision, the department, in consultation with participating  
55 state university of New York academic health centers, may develop and  
56 implement a state-funded psilocybin assisted therapy training program.

1 Such program shall be informed by the outcomes, best practices, safety  
2 data, and clinical standards observed during the pilot program.

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

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

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

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

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

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

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

29 § 99-uu. Psilocybin assisted therapy pilot program fund. 1. There is  
30 hereby established in the joint custody of the commissioner of health  
31 and the comptroller, a special fund to be known as the "psilocybin  
32 assisted therapy pilot program fund".

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

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

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

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

52 § 4. This act shall take effect immediately.