

STATE OF NEW YORK

1801

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. FERNANDEZ, JACKSON, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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-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 under 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

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

LBD05253-01-5

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (ii) The name, contact information, and other information relating to
2 facilitators registered with the department under this section shall be
3 public information and shall be maintained on the department's website
4 accessible to the public in searchable form. However, if a facilitator
5 notifies the department in writing that such facilitator does not want
6 such facilitator's name and other information disclosed, such
7 facilitator's name and other information shall thereafter not be public
8 information or maintained on the department's website, unless such faci-
9 litator cancels the request.

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

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

15 § 2. This act shall take effect immediately.