

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:

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 § 4. This act shall take effect immediately.