
HOUSE BILL 2281

State of Washington

68th Legislature

2024 Regular Session

By Representatives Macri and Couture

1 AN ACT Relating to the limited legalization of psilocybin
2 services; and adding a new section to chapter 69.50 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
5 RCW to read as follows:

6 (1) It is not a violation of this chapter or other state or local
7 law for a nonprofit organization to purchase, receive, possess,
8 cultivate, deliver, or dispose of psilocybin or psilocybin mushrooms,
9 or for a participant to possess or consume psilocybin, in accordance
10 with this section.

11 (2) The nonprofit organization under subsection (1) of this
12 section must:

13 (a) Have an explicit goal of promoting wellness for and assisting
14 military veterans or first responders including, without limitation,
15 law enforcement, firefighters, coroners and medical examiners, and
16 emergency medical personnel;

17 (b) Facilitate psilocybin services using the set and setting
18 method of experiencing psychedelic substances;

19 (c) Use facilitators licensed by the state of Oregon, or another
20 state with a state facilitator license and licensure requirements

1 that meet or exceed the Oregon state requirements with regard to
2 required training, background checks, and licensing examination;

3 (d) Develop a safe transportation plan for each participant in
4 accordance with the following:

5 (i) Transportation plans must be signed by the participant and
6 describe how the participant will access safe transportation away
7 from the facility in which psilocybin services are provided;

8 (ii) Transportation plans must advise a participant not to
9 operate a motor vehicle directly following an administration session.
10 The nonprofit organization must make reasonable efforts to prevent
11 participants from operating a motor vehicle at the conclusion of an
12 administration session. If a client's failure to follow their
13 transportation plan creates a danger to the client's safety or the
14 safety of others, the nonprofit organization must make reasonable
15 efforts to resolve the safety issue;

16 (iii) If the nonprofit organization is unable to resolve safety
17 issues caused by the participant's failure to follow their
18 transportation plan after making reasonable efforts required by
19 (d)(ii) of this subsection, the nonprofit organization must contact
20 appropriate emergency services;

21 (iv) If a participant is unable to follow the transportation
22 plan, the nonprofit organization must make reasonable efforts to
23 arrange for alternative transportation; and

24 (v) The nonprofit organization must document in writing and
25 retain documentation for all instances in which a participant does
26 not follow the transportation plan;

27 (e) Develop a screening process provided by a licensed medical or
28 mental health provider for appropriate assessment of a participant to
29 safely receive psilocybin services and confirm the participant does
30 not have any medical or psychiatric concerns that might negatively
31 affect receiving psilocybin services. The screening forms must be
32 maintained for six years by the nonprofit organization that
33 facilitated psilocybin services for the screened participant. The
34 assessment must, at a minimum, ask the participant about:

35 (i) Current medications and whether the participant has taken
36 lithium in the preceding 30 days;

37 (ii) Current and past allergies, including whether the
38 participant has ever had an allergic reaction to mushrooms or other
39 fungi;

1 (iii) Whether the participant is pregnant or feeding with breast
2 milk;

3 (iv) Current and past treatments for medical, mental health, and
4 behavioral health conditions, including whether the participant is,
5 or has ever been, diagnosed with heart conditions such uncontrolled
6 high blood pressure, heart disease, or arrhythmia, schizophrenia,
7 antisocial personality disorder, borderline personality disorder,
8 psychosis, or bipolar I disorder, or has a sibling, parent, or
9 grandparent with a history of schizophrenia, psychosis, bipolar I
10 disorder, or a heart condition;

11 (v) Whether the participant is having thoughts of causing harm or
12 wanting to cause harm to the participant or others, and whether the
13 participant has a history of causing harm, or wanting to cause harm
14 to the participant or others;

15 (vi) Whether the participant has ever had a traumatic brain
16 injury; and

17 (vii) Any language, mobility, or medical assistance required by
18 the participant during an administration session;

19 (f) Before providing psilocybin services, require a
20 representative of the nonprofit organization and a facilitator to
21 verify that the participant is 21 years of age or older by viewing:
22 The participant's passport, driver's license or state-issued
23 identification card, United States military identification card, an
24 identification card issued by a federally recognized Indian tribe
25 with photo, name, and date of birth; or any other identification card
26 issued by a state or territory that bears a picture of the person,
27 the name of the person, the person's date of birth, and a physical
28 description of the person;

29 (g) Ensure participant information is kept private and
30 confidential to the greatest extent possible;

31 (h) Ensure psilocybin is locked in a secure location while not
32 being used; and

33 (i) Determine, based on a participant's expectations and needs,
34 whether the participant must complete more preparation or integration
35 sessions than the minimum number of sessions required under this
36 section.

37 (3) The nonprofit organization under subsection (1) of this
38 section must evaluate the answers to the screening required in
39 subsection (2) of this section in accordance with this subsection and
40 subsection (4) of this section.

1 (a) The following participants may not participate in an
2 administration section:

- 3 (i) Participants who have taken lithium in the preceding 30 days;
4 (ii) Participants having thoughts of causing harm to self or
5 others at the time of the self-screening;
6 (iii) Participants diagnosed with schizophrenia, active
7 psychosis, or bipolar I disorder, or that have been treated for
8 schizophrenia, active psychosis, or bipolar I disorder, or who have a
9 known family history of schizophrenia, active psychosis, or bipolar I
10 disorder in siblings, parents, or grandparents; and
11 (iv) Participants with uncontrolled high blood pressure, heart
12 disease, and heart arrhythmia.

13 (b) The following participants must be encouraged to consult a
14 medical, clinical, or other health care provider regarding the risk
15 of consuming psilocybin:

- 16 (i) Participants who are being treated for ongoing medical,
17 mental health, or behavioral conditions;
18 (ii) Participants who have had a traumatic brain injury;
19 (iii) Participants taking antidepressant medication that affect
20 serotonin levels; and
21 (iv) Participants who have a history of causing harm or wanting
22 to cause harm to self or others.

23 (c) Participants who have had allergic reactions to mushrooms and
24 fungi in the past must be encouraged to consume an alternative
25 psilocybin product rather than whole fungi or homogenized fungi
26 during the administration session.

27 (d) Participants who are pregnant or breastfeeding must be
28 informed that the risks of consuming psilocybin while pregnant or
29 feeding are unknown.

30 (e) Participants who are taking monoamine oxidase inhibitors must
31 be informed about the potential reaction to consuming psilocybin of
32 serotonin syndrome.

33 (f) Participants diagnosed with, or who have been treated for,
34 antisocial personality disorder or borderline personality disorder
35 must attend a minimum of six integration sessions and the nonprofit
36 organization must provide a referral to a licensed mental health
37 provider for consultation postadministration.

38 (4) The department of health may adopt rules establishing
39 guidelines for evidence-based or research-based additional screening
40 exclusions.

1 (5) The nonprofit organization under subsection (1) of this
2 section may establish additional screening and evaluation criteria in
3 addition to the minimums established in this subsection.

4 (6) (a) Psilocybin services provided under this section must
5 include:

6 (i) At least three preparation sessions;

7 (ii) One administration session; and

8 (iii) At least six integration sessions for individuals covered
9 under subsection (3) (f) of this section, and at least three
10 integration sessions for all other participants.

11 (b) If the nonprofit organization cannot provide an integration
12 session, it must provide a referral to an appropriate provider for an
13 integration session.

14 (7) (a) Except as provided in (b) of this subsection, nonprofit
15 organizations providing psilocybin services authorized under this
16 section are prohibited from billing or charging participants for
17 psilocybin or the psilocybin services authorized under this section.

18 (b) A nonprofit organization may charge a participant the at cost
19 rate for the screening required by subsections (2) and (3) of this
20 section.

21 (8) Psilocybin mushrooms cultivated under this section must
22 adhere to the produce safety rule requirements for mushroom growers
23 that will limit possible human health impacts in the cultivation by
24 controlling potential food safety hazards. Psilocybin mushrooms
25 cultivated under this section may only be used for administering
26 psilocybin services authorized in this section and may not be used
27 for any other purpose.

28 (9) (a) Advertisements for psilocybin services authorized under
29 this section may not:

30 (i) Contain statements that are deceptive, false, or misleading;

31 (ii) Contain any content that can reasonably be considered to
32 target individuals under the age of 21, including but not limited to
33 images of minors, cartoons, toys, or similar images and items
34 typically marketed towards minors, or references to products that are
35 commonly associated with minors or marketed by minors;

36 (iii) Encourage activity that is illegal under state law;

37 (iv) Assert that any government entity endorses or supports
38 psilocybin; or

39 (v) Make claims that psilocybin products and services have
40 curative or therapeutic effects or make other health claims that are

1 not supported by the totality of publicly available scientific
2 evidence, and for which there is significant scientific agreement,
3 among experts qualified by scientific training and experience to
4 evaluate such claims.

5 (b) No nonprofit organization advertising psilocybin services may
6 place or maintain, or cause to be placed or maintained, any sign or
7 other advertisement for psilocybin services in any form or through
8 any medium whatsoever within 1,000 feet of the perimeter of any
9 school grounds, playground, recreation center or facility, child care
10 center, public park, or library, or any game arcade, admission to
11 which is not restricted to persons aged 21 years or older.

12 (10) Medical professionals licensed by the state of Washington
13 shall not be subject to an adverse licensing action for recommending,
14 providing advice, or providing services arising out of, or related
15 to, psilocybin services authorized under this section, so long as the
16 medical practitioner properly evaluates a patient's condition and
17 complies with the applicable standard of care in doing so.

18 (11) The definitions in this subsection apply throughout this
19 section unless the context clearly requires otherwise.

20 (a) "Administration session" means an in-person session held at a
21 permitted location, occurring after the preparation sessions required
22 under this section, at which a participant consumes and experiences
23 the effects of psilocybin under the supervision of a facilitator.

24 (b) "Facilitator" means an individual who is 21 years of age or
25 older and performs or supervises psilocybin services for a
26 participant.

27 (c) "Integration session" means a mandatory meeting between the
28 participant and the nonprofit organization occurring after the
29 participant completes an administration session.

30 (d) "Nonprofit organization" means an organization exempt from
31 taxation under section 501(c)(3) of the internal revenue code of 1986
32 (26 U.S.C. Sec. 501(c)(3)), as amended, operating primarily for
33 charitable, civic, educational, religious, welfare, or health
34 purposes.

35 (e) "Participant" means an individual who is 21 years of age or
36 older and a military veteran or first responder.

37 (f)(i) "Permitted location" means an enclosed, safe, and
38 comfortable location operated by the nonprofit organization.

39 (ii) "Permitted location" does not include a vehicle or public
40 space.

1 (g) "Preparation session" means a mandatory meeting between a
2 participant and the nonprofit organization that will facilitate the
3 administration session, which must occur before the administration
4 session.

5 (h) "Psilocybin" means the principal, active compound found in
6 the *Psilocybe cubensis* species of mushroom.

7 (i) "Psilocybin mushroom" means the *Psilocybe cubensis* species of
8 mushroom.

9 (j) "Psilocybin services" means the facilitator supervised or
10 assisted services provided to a participant or group of participants
11 before, during, and after the participant's consumption of
12 psilocybin.

13 NEW SECTION. **Sec. 2.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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