

Initiative Measure No. 2076

Filed June 6, 2024

AN ACT Relating to the legalization of noncommercial cultivation and transfer of natural psychedelics and the provision of supportive services for adults aged 21 and older; amending RCW 69.50.540; adding a new chapter to Title 69 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.** The people of the state of Washington find that:

(1) The war on drugs has caused overwhelming societal and financial costs, and the policy behind it does not reflect a modern understanding of substance use nor does it accurately reflect the potential therapeutic benefits or harms of various substances;

(2) Criminalization does not prevent drug use but rather makes drug use less safe. It has created an underground market in which difficult-to-verify dosages and the presence of adulterants or contaminants, including fentanyl, make the illicit drug supply dangerous;

(3) A lack of honest drug education has laid the groundwork for decades of misinformation, stigma, and cultural appropriation, which all increase the dangers of drug use;

(4) Supportive services and harm reduction tools allow users to make more accurate, safer, evidence-based decisions about their personal use of natural psychedelics and can increase public health and safety;

(5) Millions of Washingtonians are experiencing problematic mental health issues, including addiction, depression, posttraumatic stress disorder and other anxiety disorders, end-of-life psychological distress, and others. Washington residents deserve more tools to address mental health issues, including

approaches to natural psychedelics that are grounded in rational public policy rather than stigma and misunderstanding;

(6) Studies conducted by leading medical and research institutions around the world have shown that natural psychedelics have a low-risk profile and are efficacious in the treatment of a wide variety of mental and physical health conditions, such as cluster headaches and traumatic brain injuries;

(7) The United States food and drug administration has granted a "breakthrough therapy" designation to the use of psilocybin as a therapy for major depressive disorder and treatment-resistant depression, which indicates that psilocybin may demonstrate substantial improvement over available therapies for these conditions. Similarly, recent clinical data on smoking cessation, opioid and methamphetamine use disorders, and other conditions show natural psychedelics to have greater efficacy than currently available treatments;

(8) Natural psychedelics have shown particular promise for the alleviation of mental health challenges experienced by military veterans, front-line workers, and first responders such as health care providers, paramedics, emergency medical technicians, police, and firefighters. These public servants and all Washingtonians deserve to have legal, affordable access to natural psychedelics without delay;

(9) Regulated, for-profit, services-based models of adult-use natural psychedelic access have been approved by voters in Oregon and Colorado. Federal taxation and regulatory complexities dictate that the costs of access within these services-based systems are typically \$1,000 or more for a single session, despite the fact that natural psychedelics can be foraged in nature or grown at nominal cost. Washingtonians should not be deprived of access to the benefits of natural psychedelics on account of their inability to afford costly, regulated services-based models of access;

(10) Nonprofits and cooperatives promote social welfare and resilience in local communities. Limiting the types of corporations that may work with natural psychedelics to nonprofits and

cooperatives will help create a mission-driven, community-based natural psychedelic ecosystem in Washington;

(11) A growing body of clinical data indicates that responsible use of natural psychedelics can be of substantial benefit in contexts outside of traditional western medical or therapeutic practice. This includes use by wellness practitioners and sincere practitioners within wide-ranging religious, spiritual, and contemplative traditions and disciplines;

(12) Indigenous peoples have safely used natural psychedelics for millennia for wide-ranging purposes, which include for healing, cultural, and religious reasons;

(13) The criminalization of natural psychedelics prevents law-abiding citizens from accessing their potential benefits and results in prolonged and unnecessary suffering;

(14) The criminalization of natural psychedelics prevents people from seeking medical treatment or legal redress for harms that occur in connection with their use, creating unnecessary risks in violation of public policy;

(15) Punitive drug policies are disproportionately applied to and disproportionately impact people of color and low-income communities, further adding to the deep racial and socioeconomic disparities that plague Washington and the United States;

(16) One state and over two dozen cities in the United States have passed laws that decriminalize the personal possession and use of natural psychedelics, including Colorado, Seattle, Port Townsend, Washington, D.C., Detroit, Ann Arbor, Cambridge, Minneapolis, Denver, San Francisco, Berkeley, and Oakland;

(17) Numerous species of natural psychedelics are native to Washington state and exist within complex human, animal, and plant ecologies that must be cared for, respected, and protected; and

(18) Washington can better promote the health, healing, and wellness of its residents and make better use of its law enforcement resources by shifting away from a criminalization paradigm and moving toward a policy of promoting safety and responsibility in the

use of natural psychedelics and in the provision of related supportive services.

NEW SECTION. **Sec.** The purposes of this act are:

(1) To create a legal, equitable, responsible, and cost-effective pathway to accessing the potential benefits of naturally occurring psychedelics for adults 21 years of age and older;

(2) To reduce harm by permitting the supervision of and education about responsible adult use of natural psychedelics and by eliminating the fear that prevents people from accessing medical or law enforcement services in connection with their use;

(3) To reduce the negative bias and stigma associated with the responsible use of natural psychedelics;

(4) To promote the safety, welfare, and peace of Washingtonians by redirecting the state's law enforcement resources in more effective and rational ways;

(5) To prevent the distribution of natural psychedelics to other persons who are not permitted to possess those items under this chapter, including to persons under 21 years of age;

(6) To encourage the development of a mission-driven, community-based psychedelic ecosystem in which the service providers who work with natural psychedelics are not motivated primarily by monetary interests;

(7) To respect the wishes of the national council of Native American churches and other tribal leaders who have raised concerns that decriminalizing the *Lophophora williamsii* cactus will contribute to the ecological threats already facing its small natural population and perpetuate a disrespect upon the spiritual and cultural norms of indigenous people; and

(8) To guarantee the religious liberties secured under the religious freedom restoration act with respect to the responsible use of natural psychedelics and to promote cognitive liberty.

NEW SECTION. **Sec.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administration services" means paid supportive services in which the participant consumes natural psychedelics:

(a) That are administered during the session by the supportive services provider or an agent or affiliate of the supportive services provider; or

(b) Pursuant to plans or arrangements made between the participant and supportive services provider in advance of the session in which natural psychedelics are consumed.

(2) "Appropriate emergency services" means services that are appropriate to address the emergency being faced, including but not limited to first responders.

(3) "Conflict of interest" with respect to a participant means a personal, relational, professional, financial, or other interest held by a supportive services provider or their immediate family or business associate(s) that creates a material risk that the supportive services provider may provide or solicit supportive services in a manner that is biased or self-serving.

(4) "Cultivate" or "prepare" means the planting, growing, cultivation, foraging, manufacturing, or harvesting of natural psychedelics as well as their processing, preparation, encapsulation, extraction, combining with food products, formulation, testing, or analysis.

(5) "Hallucinogenic substances" has the same meaning as the term used in chapter 69.50 RCW.

(6) "Harm reduction services" means supportive services provided to a person who is actively experiencing adverse or difficult effects from the use of natural psychedelics or other hallucinogenic substances. "Harm reduction services" shall not include administration services.

(7) "Hold oneself out to the public" means advertising or publicly offering, including communications sent through private listservs or private social media accounts. It includes

communications made by a third party with the person's permission or assent.

(8) "Natural psychedelic" means the following substances in any form, provided they are derived from a plant or fungal source: Psilocybin, psilocin, DMT (N,N-Dimethyltryptamine), 5-MeO-DMT (5-methoxy-N,N-dimethyltryptamine), or mescaline (3,4,5-trimethoxyphenethylamine, excluding *Lophophora williamsii* and its derivatives). Natural psychedelics shall include teas, extracts, and mixtures, such as ayahuasca tea and psilocybin chocolates. Natural psychedelics do not include versions of any controlled substances that are created by means of chemical synthesis or obtained from animal sources.

(9) "Paid supportive services" means supportive services that are provided upon the condition that the supportive services provider or a third party receives financial or other consideration.

(10) "Participant" means a person who is 21 years of age or older and who receives paid support services from a supportive services provider.

(11) "Public assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Public place" means streets and alleys of incorporated cities and towns; state or county or township highways or roads; publicly owned schools, beaches, parks, and playgrounds; all property owned by federal, state, or local government; and those parts of privately owned establishments which are open to the public and to which the general public is permitted to have unrestricted access.

(13) "Supportive services" means the provision of support, supervision, guidance, avocational education, or related services in order to mitigate risk, reduce harm, or enhance benefits from the use of natural psychedelics.

(14) "Supportive services provider" means a person who provides supportive services.

(15) "Sponsor" means the organization that sponsored this act.

(16) "Transfer" means the passing of title and possession from one person or organization to another.

NEW SECTION. **Sec.** (1) Except as authorized by this chapter, it is a misdemeanor for any person to sell any natural psychedelic or to manufacture, deliver, or possess natural psychedelics with intent to sell them.

(2) (a) Subject to exceptions described in (b) of this subsection, this chapter does not allow or protect the free transfer of natural psychedelics when the transfer is part of a transaction in which any aspect of the transaction is conditioned upon the receipt of financial or other consideration. For illustration, it is unlawful under this act to charge for an item and to subsequently transfer natural psychedelics under the pretext of a transfer without consideration. Transferring natural psychedelics as part of a financial transaction shall be treated as a sale of natural psychedelics, and shall be punishable as a misdemeanor.

(b) This subsection does not preclude the free transfer of natural psychedelics to a person 21 years of age or older during the provision of bona fide supportive services, regardless of whether the supportive services are paid supportive services, provided that the transfer includes no more natural psychedelics than are actually consumed by the participant or participants receiving supportive services during that session.

(3) A person may not consume natural psychedelics in view of the general public or in a public place. A first-time offender under this section shall be guilty of a class 3 civil infraction under RCW 7.80.120. A second-time offender shall be guilty of a class 1 civil infraction under RCW 7.80.120. A third-time or subsequent offender shall be guilty of a misdemeanor with up to 14 days of confinement.

(4) A person may not transfer natural psychedelics to another within the view of the general public or in a public place. A first-time offender under this section is guilty of a class 1 civil infraction under RCW 7.80.120. A second-time offender shall be

guilty of a misdemeanor with up to 14 days of confinement. A third-time or subsequent offender shall be guilty of a misdemeanor with up to 30 days of confinement.

(5) A person shall not provide administration services at a public place. A person who violates this subsection shall be guilty of a misdemeanor.

(6) A person shall not permit administration services to occur on a premises under their ownership or control unless the person adopts reasonable protocols or verifies that reasonable protocols have been adopted to prevent any minor under 21 years of age from being permitted entry into the premises during the time that administration services are being provided. A person who negligently violates this subsection is guilty of a class 1 civil infraction under RCW 7.80.120 with a maximum penalty of \$7,500. A person who willfully or intentionally violates this section shall be guilty of a gross misdemeanor.

(7) A person shall not advertise or otherwise hold oneself out to the public as providing supportive services unless the supportive services provided are in substantial accordance with sections 7 and 8 of this act. A violation of this subsection is punishable as a misdemeanor.

(8) A person may not use, cultivate, harvest, or prepare natural psychedelics in a manner that creates a public or private nuisance or in violation of other state or local law.

(9) Notwithstanding any other law to the contrary, the offenses provided for in this section do not apply to a person possessing, displaying, cultivating, purchasing, or selling a living plant for ornamental purposes that was commonly and lawfully sold prior to the effective date of this section.

(10) This act is not a defense to driving under the influence, RCW 46.61.502; reckless driving, RCW 46.61.500; negligent driving, RCW 46.61.5249 through 46.61.526; or disorderly conduct, RCW 9A.84.030.

NEW SECTION. **Sec.** (1) It shall be lawful for a person 21 years of age or older to possess, use, cultivate, prepare, gift, or transfer without consideration, natural psychedelics in accordance with this act.

(2) It shall be lawful for a person 21 years of age or older to provide supportive services in connection with the use, cultivation, or preparation of natural psychedelics in accordance with this act.

(3) For every applicant or licensee under state occupational or professional licensure review, there shall be a rebuttable presumption that conduct permitted under this act is unrelated to the applicant's or licensee's fitness and ability to engage in the activity for which the license is required and does not render them unfit to obtain or retain the license.

(4) Conduct permitted under this act shall not, by itself:

(a) Be the basis of awarding a parent sole decision-making authority, nor be the basis for restricting parenting time of a child without a finding that the conduct has had or is likely to have an adverse effect on the best interest of the child;

(b) Constitute child abuse or neglect without a finding of harm or material threat of harm to the health or welfare of a child based on all relevant factors;

(c) Serve as the basis for a child welfare investigation;

(d) Disqualify a person from serving as a foster parent or adoptive parent;

(e) Constitute grounds for denying a person medical care or health insurance coverage;

(f) Constitute grounds for being denied public assistance benefits, unless required by federal law; or

(g) Constitute a violation of conditions of community custody, probation, or parole, unless the crime for which the person is on community custody, probation, or parole relates to the abuse of or illegal activity in connection with natural psychedelics.

(5) Natural psychedelics shall not be considered controlled substances for purposes of RCW 69.53.010.

(6) All property, machines, equipment, products, and materials of any kind which are used, intended for use, or designed for use consistent with this act, including products and materials intended to determine potency or the presence of contaminants in natural psychedelics, shall not be considered drug paraphernalia under RCW 69.50.102, 69.50.4121, 69.50.418, or otherwise.

(7) A person who has completed a sentence for a conviction for conduct permitted under this act may petition the sentencing court to vacate and dismiss the conviction at no cost. If there is no objection by the prosecuting attorney, the court shall automatically vacate and dismiss all qualifying charges with prejudice. If there is an objection by the prosecuting attorney, a hearing shall be held and the court shall determine whether the prior conviction was for conduct that is permitted under this act. If the prior conviction was for conduct permitted under this act, it shall be vacated and dismissed under this act. Nothing in this section shall be construed to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

NEW SECTION. **Sec.** (1) It is unlawful for any person to sell, give, or otherwise furnish natural psychedelics to any person under the age of 21 years or permit any person under that age to consume natural psychedelics on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures; motor vehicles; and watercraft. A violation of this subsection is punishable as a gross misdemeanor.

(2) It is unlawful for any person under the age of 21 years to possess, consume, cultivate, prepare, acquire, or transfer any natural psychedelics. A violation of this subsection is punishable as a misdemeanor.

(3) This section does not apply to natural psychedelics given for medical or mental health purposes to a person under the age of 21 years by a physician, therapist, or other licensed health

professional if permitted under the rules and standards of care governing that profession.

(4) (a) A person under the age of 21 years acting in good faith who seeks assistance for someone experiencing an adverse reaction to natural psychedelics shall not be charged or prosecuted under subsection (2) of this section, if the evidence for the charge was obtained as a result of the person seeking assistance.

(b) A person under the age of 21 years who experiences an adverse reaction to natural psychedelics and is in need of assistance shall not be charged or prosecuted under subsection (2) of this section, if the evidence for the charge was obtained as a result of the adverse effects and need for assistance.

(c) The protection in this subsection shall not be grounds for suppression of evidence in other criminal charges.

(5) (a) Notwithstanding any other provision of this section, first-time offenders of this section who are under the age of 21 shall be offered a precharging diversion agreement. The term of the diversion agreement may not exceed six months and the conditions may not exceed 20 hours of community services and may not include confinement. The alleged offender may not be required to waive their right to a jury as a precondition to entering the diversion agreement. Upon successful completion of the diversion agreement, the matter shall be vacated and dismissed with prejudice. The prosecutor may proceed with a misdemeanor charge only if the alleged offender fails to successfully complete the diversion agreement.

(b) Offenses charged under this section against a person under the age of 21 may be charged as a misdemeanor. Sentences for first-time convictions may not include confinement and may not exceed 20 hours of community service. Subsequent sentences imposed for these offenses may not exceed five days of confinement or 40 hours of community service. Any sentences entered under this section must run concurrently with any other sentences.

NEW SECTION. **Sec.** (1) A person 21 years or older may hold oneself out to the public as providing supportive services and may receive financial or other consideration for providing supportive

services if supportive services are provided in substantial accordance with the provisions of this section.

(2) Supportive services providers have a duty to use a standard of care that other reasonable supportive services providers would use under similar circumstances.

(3) If a supportive services provider transfers natural psychedelics in connection with the provision of supportive services, the supportive services provider has a duty to transfer only natural psychedelics that are void of any adulterant or contaminant that renders the natural psychedelic a health risk.

(4) Supportive services must be provided in a manner that does not create unreasonable health or safety risks to the participant or those who are on or near the premises where supportive services are being offered.

(5) Supportive services providers may not engage in or permit others to engage in, and are responsible for addressing, activities during the provision of supportive services that harass, exploit, threaten, or physically harm oneself or another person, including harmful or offensive conduct towards a participant because of their perception of the participant's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, social class or mental, physical, or sensory disability.

(6) (a) Supportive services providers are required to make reasonable efforts to resolve any activities or conditions that endanger the health or safety of any participant present on the premises.

(b) If any activity or conditions on the premises that endanger the safety of any participant present on the premises persist following the reasonable efforts required by (a) of this subsection, a supportive services provider shall contact appropriate emergency services as soon as it is safe to do so.

(7) Supportive services may not be provided as part of one's practice in a licensed profession, unless the agency or body governing the licensed profession takes action to allow the incorporation of natural psychedelics into professional practice. Then, supportive services offered within the context of a licensed profession must be in accordance with the rules and standards of that profession.

(8) Supportive services providers may not make deceptive, false, or misleading statements concerning natural psychedelics or supportive services.

(9) Regardless of whether consent is given by a participant, supportive services providers may not engage in any romantic relationship, sexual contact, or sexual intimacy during the provision of supportive services or for the period lasting one year following the last date of supportive services by the supportive services provider unless a consensual sexual relationship existed between the supportive services provider and the participant prior to when the provider-participant relationship commenced. This subsection shall not be construed to curtail the period in which romantic or sexual activity is prohibited under the rules of another profession.

(10) Supportive services providers shall maintain the confidentiality of information learned in the course of providing supportive services unless disclosure is:

(a) Necessary or expedient to prevent or mitigate a medical, mental health, or safety emergency;

(b) Made pursuant to a lawsuit or complaint that concerns the provision of supportive services or the supportive services provider; or

(c) Required by state or federal law.

(11) Supportive service providers may not use advertisements that:

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

(b) Contain any content that can reasonably be considered to target persons under the age of 21, including but not limited to

images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed to minors;

(c) Evokes the likeness of any federally recognized American tribe or other indigenous person, community, culture, or religion, or that would otherwise lead a reasonable person to believe that the supportive services provider is part of or connected with an indigenous culture or tradition, if the supportive services provider is not;

(d) Describe supportive services as "therapy" unless the supportive services provider is providing services pursuant to a licensed therapeutic profession under section 7(7) of this act; or

(e) Make claims that natural psychedelics have curative or therapeutic effects or make other health claims that are not supported by the totality of publicly available scientific evidence, including evidence from studies conducted in a manner that is consistent with generally recognized scientific procedures and principles and for which there is significant scientific agreement among experts qualified by scientific training and experience to evaluate such claims.

(12) (a) No corporation, company, association, partnership, or other organization may offer paid supportive services unless the corporation, company, association, partnership, or organization is organized under and operated in substantial accordance with:

(i) The Washington nonprofit corporation act, chapter 24.03A RCW, or an equivalent act under the laws of another state; or

(ii) Chapter 23.78 or 23.86 RCW, or an equivalent act under the laws of another state, provided that the cooperative distributes all of its proceeds as membership dividends and does not issue capital stock or other profit-sharing instruments that are not based solely on:

(A) Patronage by a consumer-member, if the cooperative is a cooperative association under chapter 24.03A RCW or an equivalent act under the laws of another state; or

(B) Work performed by an employee member, if the cooperative is an employee cooperative under chapter 23.78 RCW or an equivalent act under the laws of another state.

(b) This subsection shall not be construed to limit the ability of:

(i) Licensed medical or mental health professionals to provide advice, care, or support within the scope of their profession;

(ii) Government to provide services in the community; or

(iii) Sole proprietors or single-member limited liability companies to provide supportive services where the business sells supportive services that are provided only by the sole proprietor or single-member owner.

(13) A supportive services provider shall not be guilty of conspiracy or other anticipatory or inchoate crimes if they substantially comply with the requirements of this section.

NEW SECTION. **Sec.** (1) If a supportive services provider reasonably anticipates that the supportive services will include administration services, the supportive services provider shall receive and document the participant's informed consent to receive supportive services in accordance with section 9 of this act in advance of providing such services.

(2) If a participant wishes to receive supportive touch during administration services, consent to the scope of permissible touch must be established before the participant consumes natural psychedelics and the participant has the right to revoke such consent at any time.

(3) Administration services may be advertised only to participants or prospective participants who have requested or consented to receive direct advertising communications from the supportive services providers or the supportive services providers' affiliates, such as registering to be on an email list or subscribing to receive social media updates.

(4) The provision of administration services shall comply with local time, place, and manner regulations adopted in accordance with section 10 of this act.

NEW SECTION. **Sec.** Before providing administration services to a participant, a supportive services provider shall obtain and adequately document the participant's informed consent to receive such supportive services and the participant's informed consent to use natural psychedelics. The informed consent shall include:

(1) The potential risks, complications, and common side effects of the natural psychedelic to be consumed;

(2) A list of prescriptions, medications, or other substances that are known or widely believed to have adverse interactions with the natural psychedelic to be consumed;

(3) Unless the supportive services are being provided by a licensed medical or therapeutic professional pursuant to section 7(7) of this act, a statement that the support services provider is not a licensed medical or mental health professional who is able to provide medical or therapeutic advice concerning the participant's decision about whether to use natural psychedelics;

(4) Unless offered within the context of licensed medical or clinical practice pursuant to section 7(7) of this act, a statement to the effect that supportive services are not offered as a medical or clinical treatment;

(5) Unless provided pursuant to section 7(7) of this act, a statement to the effect that the provision of supportive services is not a licensed profession in the state of Washington, and the supportive services or natural psychedelics provided are not regulated by a governmental agency;

(6) A statement that the natural psychedelic is a controlled substance, the use of which remains prohibited under federal law;

(7) If the supportive services provider has a financial or other conflict of interest, a disclosure of that conflict which shall be explained to the participant with enough information that the participant can assess the potential impacts that the conflict could

have on the participant, including potential biases of the supportive services provider's judgments or opinions;

(8) If the supportive services provider is a mandatory reporter of abuse or neglect, a disclosure of that fact and an explanation of the circumstances under which the participant could be impacted;

(9) A description of the circumstances under which the supportive services provider could be obligated to contact appropriate emergency services;

(10) If the supportive services provider wishes to share any part of the participant's information, the names of the people or organizations with whom it will be shared and the purposes for which it will be shared;

(11) An acknowledgment that leaving the care or supervision of a supportive services provider during administration services is strongly discouraged and could lead to safety or legal risks;

(12) If natural psychedelics are being provided by the administration services provider, disclosure of all ingredients contained in the natural psychedelic or their preparation;

(13) The information necessary for the participant to give informed consent concerning the dosage amount, including the typical ranges of intensity, effect, and duration for that dose; and

(14) A statement that the participant has had an opportunity to ask questions about, and to seek a medical opinion about, the uses, effects, contraindications, and risks of natural psychedelics.

NEW SECTION. **Sec.** An aggrieved person may recover damages and obtain injunctive relief for any material noncompliance with this act. In any action arising under this act, reasonable attorney fees at trial and on appeal may be awarded to the prevailing party together with costs and necessary disbursements, notwithstanding any agreement to the contrary. For the purposes of this section, "prevailing party" means the party in whose favor final judgment is rendered.

NEW SECTION. **Sec.** (1) The governing body of a city or county may adopt ordinances that impose reasonable regulations on the operations of individuals or organizations that provide supportive services.

(2) For purposes of this section, regulations are unreasonable if they would expressly or effectively:

(a) Prevent the home cultivation or propagation of natural psychedelics under sanitary conditions;

(b) Prevent the provision of harm reduction services when and where they are needed;

(c) Prohibit the provision of administration services or other supportive services within the jurisdiction of the governing body;

(d) Prohibit or punish conduct that is consistent with this act; or

(e) Prevent supportive services from being provided in accordance with community standards.

(3) A city or county government may not impose a tax or fee on the cultivation or transfer of natural psychedelics or on the sale of supportive services, except that it can impose sales taxes, business licensing fees, and similar charges that are assessed to all other organizations transacting business within its jurisdiction.

NEW SECTION. **Sec.** (1) There is hereby created a natural psychedelics community resource advisory council for the purposes of defining and promoting best practices and community standards in the provision of paid supportive services.

(2) The sponsor shall appoint and convene a committee of no fewer than four people for the purpose of soliciting and reviewing applications for the council's initial membership. The governor shall be entitled to appoint one member to the committee.

(3) No later than June 31, 2025, the committee shall appoint one member selected from each of the following Washington-based organizations to serve as the council's inaugural membership:

(a) A representative from the department of health;

- (b) A representative from a county health department;
- (c) An organization led by an individual in law enforcement, a first responder, or both;
- (d) A veteran-led organization;
- (e) A medical organization;
- (f) A therapist organization;
- (g) A disability rights organization;
- (h) An organization representing indigenous perspectives and interests;
- (i) An organization that is a restorative justice organization, a transformative justice organization, or both;
- (j) A legal professional;
- (k) A harm-reduction organization;
- (l) A recovery-focused organization;
- (m) A psychedelic education organization;
- (n) A psychedelic decriminalization-focused advocacy organization;
- (o) A community-based psychedelic society;
- (p) A drug policy organization;
- (q) A Washington resident with lived experience utilizing psychedelics;
- (r) A religious organization that has experience administering natural psychedelics as part of its religious practice; and
- (s) An association representing the interests of small businesses.

(4) In addition to the members appointed in accordance with subsection (3) of this section, the governor may appoint one member to the council on an ongoing basis.

(5) The duties of the council shall include but not be limited to the following activities:

(a) Drafting nonbinding guidance for supportive services providers concerning ethics, standards of care, culturally attuned services, and best practices throughout a variety of contexts, with particular attention given to community-use contexts;

(b) Creating evidence-based harm reduction and other educational materials to help inform consumer decision making around the use of natural psychedelics and supportive services;

(c) Developing model frameworks for supportive services providers and consumer advocacy organizations who wish to implement transformative justice, restorative justice, and similar dispute resolution services as community-based and cost-effective alternatives to the criminal or civil legal systems;

(d) Providing input, assistance, or strategic planning guidance to county health departments and other governmental entities on how they can assess and address the supportive services needs of local communities; and

(e) Identifying opportunities to promote principles of reciprocity and decolonization in Washington's natural psychedelic ecosystem.

(6) The council may adopt procedures through which participants may submit complaints concerning paid supportive services providers who they believe have violated this act. If the council so elects, the procedures adopted by the council:

(a) Must include a fair and impartial investigation into alleged violations, and must provide the person accused with a fair and reasonable opportunity to present evidence in their defense;

(b) Subject to the limitations of subsection (7) of this section, must protect the identity and confidentiality of the complainant as appropriate under the circumstances;

(c) May not be required by the council, a supportive services provider, or an adjudicative body as a prerequisite to filing a civil or criminal or other complaint;

(d) May not give rise to claim or issue preclusion in any subsequent civil, administrative, or regulatory proceeding;

(e) Must include written findings and conclusions in the disposition of the investigations and allow for the inclusion of dissenting minority opinions;

(f) May not result in a monetary penalty or any sanction more severe than a public reprimand;

(g) May include the creation of a published list of people and organizations who have been found by the council to have violated the act, and may include the supporting details as found by the council;

(h) Subject to the limitations of subsection (7) of this section, must protect the identity and confidentiality of the person or organization that is accused of violating this act to the extent practical, provided that the majority of councilmembers or people appointed by the council who investigate the allegations do not find that the person or organization violated this act; and

(i) Must include a conflict of interest provision that requires the recusal of a person from working on a complaint in which they have a personal or professional conflict of interest.

(7) If the council adopts procedures authorized by subsection (6) of this section, a party to an adjudicatory proceeding by the council who is subsequently a party to a civil or criminal or other adjudicatory proceeding that concerns the same or similar allegations investigated by the council shall not be prohibited from calling one or more persons who participated in the council's investigation as an expert or lay witness in the subsequent proceeding, provided that such testimony is otherwise permitted under the Washington rules of evidence.

(8) The council may create committees or adopt bylaws or hire personnel or take other such actions that may promote efficiency, consistency, or equity in its operations. The bylaws may provide procedures for the removal of members and the appointment of members who are not initially appointed under this section.

(9) The council may be dissolved not sooner than 10 years after the date of its first meeting by an affirmative vote by a three-quarter majority of its members.

Sec. RCW 69.50.540 and 2023 c 470 s 1015 are each amended to read as follows:

(1) For the purposes of this subsection (1), the legislature must appropriate the amounts provided in this subsection:

(a) \$12,500,000 annually to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(b) \$11,000,000 annually to the department of health for the following:

(i) Creation, implementation, operation, and management of a cannabis, vapor product, and commercial tobacco education and public health program that contains the following:

(A) A cannabis use public health hotline that provides referrals to substance abuse treatment providers, uses evidence-based or research-based public health approaches to minimizing the harms associated with cannabis use, and does not solely advocate an abstinence-only approach;

(B) Programs that support development and implementation of coordinated intervention strategies for the prevention and reduction of commercial tobacco, vapor product, and cannabis use by youth and cannabis cessation treatment services, including grant programs to local health departments or other local community agencies;

(C) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use; and

(D) Outreach to priority populations regarding commercial tobacco, vapor product, and cannabis use, prevention, and cessation; and

(ii) The Washington poison control center;

(c) (i) \$3,000,000 annually to the department of commerce to fund cannabis social equity grants under RCW 43.330.540; and

(ii) \$200,000 annually to the department of commerce to fund technical assistance through a roster of mentors under RCW 43.330.540;

(d) \$200,000 annually, until June 30, 2032, to the health care authority to contract with the Washington state institute for public policy to conduct the cost-benefit evaluations and produce the reports described in RCW 69.50.550;

(e) \$25,000 annually to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by cannabis use;

(f) \$300,000 annually to the University of Washington and \$175,000 annually to the Washington State University for research on the short-term and long-term effects of cannabis use to include, but not be limited to, formal and informal methods for estimating and measuring intoxication and impairments, and for the dissemination of such research;

(g) \$550,000 annually to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW;

(h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal year 2023 to the Washington state patrol for a drug enforcement task force;

(i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year 2023 to the department of ecology for implementation of accreditation of cannabis product testing laboratories;

(j) \$800,000 for each of fiscal years 2020 through 2023 to the department of health for the administration of the cannabis authorization database; (~~and~~)

(k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in cannabis; and

(l) \$800,000 annually to the natural psychedelics community resource advisory council created in section 12 of this act to fund its operations.

(2) (~~(Subsections [Subsection])~~) Subsection (1) (a) through (g) of this section must be adjusted annually based on the United States bureau of labor statistics' consumer price index for the Seattle area.

(3) After appropriation of the amounts identified in subsection (1) of this section, the legislature must annually appropriate such

remaining amounts for the purposes listed in this subsection (3) as follows:

(a) Fifty-two percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(b) Eleven percent to the health care authority to:

(i) Design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(ii) Develop, implement, maintain, and evaluate programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the diagnostic and statistical manual of mental disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women. In deciding which programs and practices to fund under this subsection (3) (b) (ii), the director of the health care authority must consult, at least annually, with the University of Washington's social development

research group and the University of Washington's alcohol and drug abuse institute; and

(iii) Contract with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(c) (i) One and one-half percent to counties, cities, and towns where licensed cannabis retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (3) (c) (i) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed cannabis retailers physically located in each jurisdiction. For purposes of this subsection (3) (c), 100 percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town;

(ii) Three and one-half percent to counties, cities, and towns ratably on a per capita basis. Counties must receive 60 percent of the distribution based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed cannabis producer, processor, or retailer;

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount made under this subsection (3) (c), if any, for each county and city as determined in (c) (i) and (ii) of this subsection; and

(iv) Distribution amounts allocated to each county, city, and town in (c) (i) and (ii) of this subsection must be distributed in four installments by the last day of each fiscal quarter; and

(d) Thirty-two percent must be deposited in the state general fund.

NEW SECTION. **Sec.** (1) Nothing in this act shall be construed to restrict or abridge the rights of people to use natural psychedelics pursuant to bona fide religious exercise.

(2) Nothing in this act shall be construed to restrict or abridge the rights of Native American church members and other individuals protected under the American Indian religious freedom act (42 U.S.C. Sec. 1996) or the religious freedom restoration act (P.L. 103-141, Sec. 2, 1993, 107 Stat. 1488) to possess, consume, cultivate, or otherwise use *Lophophora williamsii* in bona fide religious exercise.

(3) This act is intended to supersede provisions of Washington or local law that penalize the responsible use of natural psychedelics and relevant paraphernalia. Provisions of the revised code of Washington that are inconsistent with this act shall be amended in accordance herewith.

(4) Nothing in this act is intended to abrogate other rights or defenses under state or federal law.

NEW SECTION. **Sec.** Sections 1 through 12 and 14 through 17 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec.** This act may be known and cited as the natural psychedelics and supportive services act.

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

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