

EFFECT: Establishes a wellness program regulated by the Department of Health allowing persons 21 years of age or older to purchase and consume psilocybin within licensed service centers under the supervision of a licensed psilocybin service facilitator.

1 AN ACT Relating to access to psilocybin services by individuals
2 21 years of age and older; amending RCW 7.48.310 and 49.60.180;
3 reenacting and amending RCW 69.50.101 and 43.79A.040; adding a new
4 section to chapter 15.130 RCW; adding a new chapter to Title 69 RCW;
5 prescribing penalties; providing an effective date; and declaring an
6 emergency.

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

8 **INTRODUCTORY SECTION**

9 NEW SECTION. **Sec. 1.** The legislature finds that:

10 (1) Washington state has a high prevalence of adults with
11 behavioral health conditions;

12 (2) Studies conducted by nationally and internationally
13 recognized medical institutions indicate that psilocybin has shown
14 efficacy, tolerability, and safety in the treatment of a variety of
15 behavioral health conditions, including but not limited to addiction,
16 depression, anxiety disorders, and end-of-life psychological
17 distress;

18 (3) The United States food and drug administration has:

1 (a) Determined that preliminary clinical evidence indicates that
2 psilocybin may demonstrate substantial improvement over available
3 therapies for treatment-resistant depression; and

4 (b) Granted a breakthrough therapy designation for a treatment
5 that uses psilocybin as a therapy for such depression;

6 (4) It is the intent of Washington to facilitate the
7 establishment of safe, legal, and affordable psilocybin service
8 centers to provide citizens of Washington who are at least 21 years
9 of age with opportunities for supported psilocybin experiences for
10 wellness and personal growth;

11 (5) The department of health has direct supervision over all
12 matters relating to the preservation of life and health of the people
13 of this state;

14 (6) During an 18-month program development period, the department
15 must adopt rules for the implementation of a comprehensive regulatory
16 framework that allows individuals 21 years of age and older in this
17 state to be provided psilocybin services; and

18 (7) An advisory board must be established within the department
19 to provide advice and recommendations to the department.

20 NEW SECTION. **Sec. 2.** The legislature declares that the purposes
21 of this chapter are:

22 (1) To improve the physical, mental, and social well-being of all
23 people in this state, and to reduce the prevalence of behavioral
24 health disorders among adults in this state by providing for
25 supported adult use of psilocybin under the supervision of a trained
26 and licensed psilocybin service facilitator;

27 (2) To develop a long-term strategic plan for ensuring that
28 psilocybin services become and remain a safe, accessible, and
29 affordable option for all persons 21 years of age and older in this
30 state for whom psilocybin may be appropriate;

31 (3) To protect the safety, welfare, health, and peace of the
32 people of this state by prioritizing this state's limited law
33 enforcement resources in the most effective, consistent, and rational
34 way;

35 (4) After an 18-month program development period, to:

36 (a) Permit persons licensed and regulated by this state to
37 legally manufacture psilocybin products and provide psilocybin
38 services to persons 21 years of age and older, subject to the
39 provisions of this chapter; and

1 (b) Establish a comprehensive regulatory framework concerning
2 psilocybin products and psilocybin services under state law;

3 (5) To prevent the distribution of psilocybin products to other
4 persons who are not permitted to possess psilocybin products under
5 this chapter including but not limited to persons under 21 years of
6 age; and

7 (6) To prevent the diversion of psilocybin products from this
8 state to other states.

9 NEW SECTION. **Sec. 3.** This chapter may be known and cited as the
10 Washington psilocybin services wellness and opportunity act.

11 NEW SECTION. **Sec. 4.** This chapter may not be construed:

12 (1) To require a government medical assistance program or private
13 health insurer to reimburse a person for costs associated with the
14 use of psilocybin products;

15 (2) To prohibit a recipient of a federal grant or an applicant
16 for a federal grant from prohibiting the manufacture, delivery,
17 possession, or use of psilocybin products to the extent necessary to
18 satisfy federal requirements for the grant;

19 (3) To prohibit a party to a federal contract or a person
20 applying to be a party to a federal contract from prohibiting the
21 manufacture, delivery, possession, or use of psilocybin products to
22 the extent necessary to comply with the terms and conditions of the
23 contract or to satisfy federal requirements for the contract; or

24 (4) To obstruct the enforcement of a federal law.

25 NEW SECTION. **Sec. 5.** The definitions in this section apply
26 throughout this chapter unless the context clearly requires
27 otherwise.

28 (1) "18-month program development period" means the period
29 beginning on July 1, 2022, and ending by January 1, 2024.

30 (2) "Administration session" means a session held at a psilocybin
31 service center at which a client consumes and experiences the effects
32 of a psilocybin product under the supervision of a psilocybin service
33 facilitator.

34 (3) "Client" means an individual who is provided psilocybin
35 services in this state.

36 (4) "Department" means the department of health.

1 (5) "Integration session" means a meeting between a client and a
2 psilocybin service facilitator that may occur after the client
3 completes an administration session.

4 (6) "Legal entity" means a corporation, limited liability
5 company, limited partnership, or other legal entity that is
6 registered with the office of the secretary of state or with a
7 comparable office of another jurisdiction.

8 (7) "Licensee" means a person that holds a license issued under
9 section 22, 25, 27, or 95 of this act.

10 (8) "Licensee representative" means an owner, director, officer,
11 manager, employee, agent, or other representative of a licensee, to
12 the extent that the person acts in a representative capacity.

13 (9) "Manufacture" means the manufacture, planting, cultivation,
14 growing, harvesting, production, preparation, propagation,
15 compounding, conversion, or processing of a psilocybin product,
16 either directly or indirectly, by extraction from substances of
17 natural origin, or independently by means of chemical synthesis, or
18 by a combination of extraction and chemical synthesis, and includes
19 any packaging or repackaging of the psilocybin product or labeling or
20 relabeling of its container.

21 (10) "Premises" includes the following areas of a location
22 licensed under this chapter:

23 (a) All public and private enclosed areas at the location that
24 are used in the business operated at the location, including offices,
25 kitchens, restrooms, and storerooms;

26 (b) All areas outside a building that the department has
27 specifically licensed for the manufacturing of psilocybin products or
28 the operation of a psilocybin service center; and

29 (c) For a location that the department has specifically licensed
30 for the operation of a psilocybin service center outside a building,
31 that portion of the location used to operate the psilocybin service
32 center and provide psilocybin services to clients.

33 (11) "Preparation session" means a meeting occurring in person or
34 remotely between a client and a psilocybin service facilitator that
35 must occur before the client participates in an administration
36 session.

37 (12) "Psilocybin" means psilocybin or psilocin.

38 (13) "Psilocybin product manufacturer" means a person that
39 manufactures psilocybin products in this state.

40 (14)(a) "Psilocybin products" means:

- 1 (i) Psilocybin-producing fungi; and
2 (ii) Mixtures or substances containing a detectable amount of
3 psilocybin.
- 4 (b) "Psilocybin products" does not include psilocybin services.
- 5 (15) "Psilocybin service center" means an establishment:
6 (a) At which administration sessions are held; and
7 (b) At which other psilocybin services may be provided.
- 8 (16) "Psilocybin service center operator" means a person that
9 operates a psilocybin service center in this state.
- 10 (17) "Psilocybin service facilitator" means an individual that
11 facilitates the provision of psilocybin services in this state.
- 12 (18) (a) "Psilocybin services" means services provided to a client
13 before, during, and after the client's consumption of a psilocybin
14 product, including:
15 (i) One preparation session;
16 (ii) One administration session; and
17 (iii) One optional integration session that must be offered to
18 each client.
- 19 (b) "Psilocybin services" shall not constitute medical diagnosis
20 or treatment. Psilocybin services are a form of supported adult use
21 of psilocybin under the supervision of a licensed psilocybin service
22 facilitator.
- 23 (19) "Secretary" means the secretary of health appointed under
24 RCW 43.70.030.

25 **WASHINGTON PSILOCYBIN ADVISORY BOARD**

26 NEW SECTION. **Sec. 6.** (1) The Washington psilocybin advisory
27 board is established within the department to provide advice and
28 recommendations to the department. The Washington psilocybin advisory
29 board shall consist of:

- 30 (a) Members appointed by the governor as specified in subsection
31 (2) of this section;
32 (b) The secretary or the secretary's designee;
33 (c) The state health officer or a physician acting as the state
34 health officer's designee;
35 (d) A representative from the department who is familiar with
36 public health programs and public health activities in this state;
37 and
38 (e) A designee of the public health advisory board.

1 (2) The governor shall appoint the following individuals to the
2 Washington psilocybin advisory board:

3 (a) Any four of the following:

4 (i) A state employee who has technical expertise in the field of
5 public health;

6 (ii) A local health officer;

7 (iii) An individual who is a member of, or who represents, a
8 federally recognized Indian tribe in this state;

9 (iv) An individual who is a member of, or who represents, a body
10 that provides policy advice relating to substance use disorder
11 policy;

12 (v) An individual who is a member of, or who represents, a body
13 that provides policy advice relating to health equity;

14 (vi) An individual who is a member of, or who represents, a body
15 that provides policy advice related to palliative care and quality of
16 life; or

17 (vii) An individual who represents individuals who provide public
18 health services directly to the public;

19 (b) A person who has knowledge regarding the indigenous or
20 religious use of psilocybin;

21 (c) A psychologist licensed under chapter 18.83 RCW who has
22 professional experience engaging in the diagnosis or treatment of a
23 mental, emotional, or behavioral condition;

24 (d) A physician licensed under chapter 18.71 RCW;

25 (e) A naturopath licensed under chapter 18.36A RCW;

26 (f) An expert in the field of public health who has a background
27 in academia;

28 (g) Any three of the following:

29 (i) A person who has professional experience conducting
30 scientific research regarding the use of psychedelic compounds in
31 clinical therapy;

32 (ii) A person who has experience in the field of mycology;

33 (iii) A person who has experience in the field of ethnobotany;

34 (iv) A person who has experience in the field of
35 psychopharmacology; or

36 (v) A person who has experience in the field of harm reduction;

37 (h) A person designated by the liquor and cannabis board who has
38 experience working with the cannabis central reporting system
39 developed for tracking the transfer of marijuana items;

40 (i) The attorney general or the attorney general's designee; and

1 (j) One, two, or three at large members.

2 (3) (a) Members of the Washington psilocybin advisory board shall
3 serve for a term of four years, but at the pleasure of the governor.
4 Before the expiration of the term of a member, the governor shall
5 appoint a successor whose term begins on January 1st of the following
6 year. A member is eligible for reappointment. If there is a vacancy
7 for any cause, the governor shall make an appointment to become
8 immediately effective for the unexpired term.

9 (b) Members of the board described in subsection (1)(b) through
10 (e) of this section are nonvoting ex officio members of the board.

11 (4) A majority of the voting members of the board constitutes a
12 quorum. Official adoption of advice or recommendations by the
13 Washington psilocybin advisory board requires the approval of a
14 majority of the voting members of the board.

15 (5) The board shall elect one of its voting members to serve as
16 chair.

17 (6) During the 18-month program development period, the
18 Washington psilocybin advisory board shall meet at least once every
19 two calendar months at a time and place determined by the chair or a
20 majority of the voting members of the board. After the 18-month
21 program development period, the board shall meet at least once every
22 calendar quarter at a time and place determined by the chair or a
23 majority of the voting members of the board. The board may meet at
24 other times and places specified by the call of the chair or of a
25 majority of the voting members of the board.

26 (7) The Washington psilocybin advisory board may adopt rules
27 necessary for the operation of the board.

28 (8) The Washington psilocybin advisory board may establish
29 committees and subcommittees necessary for the operation of the
30 board.

31 (9) The members of the Washington psilocybin advisory board may
32 receive reimbursement or an allowance for expenses within amounts
33 appropriated for that specific purpose consistent with RCW 43.03.220.

34 NEW SECTION. **Sec. 7.** The Washington psilocybin advisory board
35 must provide advice and recommendations to the department upon
36 request with respect to the administration of this chapter and the
37 education of the public about psilocybin, including but not limited
38 to the following subject areas:

1 (1) Recommendations to the department on available medical,
2 psychological, and scientific studies, social scientific research,
3 and other information relating to the safety of psilocybin and its
4 efficacy in ameliorating behavioral health conditions, including but
5 not limited to addiction, depression, anxiety disorders, and end-of-
6 life psychological distress, and the potential for psilocybin to
7 promote community, address trauma, and enhance physical and mental
8 wellness;

9 (2) Recommendations to the department on the requirements,
10 specifications, and guidelines for providing psilocybin services to a
11 client, including:

12 (a) Requirements, specifications, and guidelines for holding and
13 verifying the completion of a preparation session, an administration
14 session, and an integration session; and

15 (b) The contents of the client information form that a client
16 must complete and sign before the client participates in an
17 administration session, giving particular consideration to:

18 (i) The information that should be solicited from the client to
19 determine whether the client should participate in the administration
20 session, including information that may identify potential risk
21 factors and contraindications, and means of accommodating or
22 mitigating them;

23 (ii) The information that should be solicited from the client to
24 assist the psilocybin service center operator and the psilocybin
25 service facilitator in meeting any public health and safety standards
26 and industry best practices during the administration session; and

27 (iii) The health and safety warnings and other disclosures that
28 should be made to the client before the client participates in the
29 administration session;

30 (3) Recommendations to the department on public health and safety
31 standards and industry best practices for each type of licensee under
32 this chapter;

33 (4) Recommendations to the department on the formulation of a
34 code of professional conduct for psilocybin service facilitators,
35 giving particular consideration to a code of ethics;

36 (5) Recommendations to the department on the education and
37 training that psilocybin service facilitators must complete, giving
38 particular consideration to:

39 (a) Facilitation skills that are affirming, nonjudgmental,
40 culturally competent, and nondirective;

1 (b) Support skills for clients during an administration session,
2 including specialized skills for client safety and clients who may
3 have a behavioral health disorder;

4 (c) The environment in which psilocybin services should occur;
5 and

6 (d) Social and cultural considerations;

7 (6) Recommendations to the department on the examinations that
8 psilocybin service facilitators must pass;

9 (7) Recommendations to the department on public health and safety
10 standards and industry best practices for holding and completing an
11 administration session, including:

12 (a) Under what circumstances group administration sessions should
13 be available;

14 (b) Whether clients should be able to access common or outside
15 areas on the premises of the psilocybin service center at which the
16 administration session is held;

17 (c) The circumstances under which an administration session is
18 considered complete; and

19 (d) The transportation needs of the client after the completion
20 of the administration session;

21 (8) Development of a long-term strategic plan for ensuring that
22 psilocybin services will become and remain a safe, accessible, and
23 affordable wellness option for all persons 21 years of age and older
24 in this state for whom psilocybin may be appropriate;

25 (9) Monitoring and studying federal laws, regulations, and
26 policies regarding psilocybin;

27 (10) Attempting to meet with the United States attorney's office
28 for the Western and Eastern districts of Washington to discuss this
29 chapter and potential federal enforcement policies regarding
30 psilocybin in Washington after the expiration of the 18-month program
31 development period ; and

32 (11) Recommendations on criteria for the social opportunity
33 program under section 113 of this act that promote social equity and
34 accessibility.

35 **POWERS AND DUTIES OF WASHINGTON DEPARTMENT OF HEALTH**

36 NEW SECTION. **Sec. 8.** (1) The department has the duties,
37 functions, and powers specified under this chapter and the powers
38 necessary or proper to enable the department to carry out its duties,

1 functions, and powers under this chapter. The jurisdiction,
2 supervision, duties, functions, and powers of the department extend
3 to any person that produces, processes, transports, delivers, sells,
4 or purchases a psilocybin product in this state or that provides a
5 psilocybin service in this state. The department may sue and be sued.

6 (2) The duties, functions, and powers of the department specified
7 in this chapter include the following:

8 (a) To examine, publish, and distribute to the public available
9 medical, psychological, and scientific studies, research, and other
10 information relating to the safety and efficacy of psilocybin in
11 treating mental health conditions, including but not limited to
12 addiction, depression, anxiety disorders, and end-of-life
13 psychological distress, and the potential for psilocybin to promote
14 community, address trauma, and enhance physical and mental wellness;

15 (b) After the 18-month program development period:

16 (i) To regulate the manufacturing, transportation, delivery,
17 sale, and purchase of psilocybin products and the provision of
18 psilocybin services in this state in accordance with the provisions
19 of this chapter;

20 (ii) To issue, renew, suspend, revoke, or refuse to issue or
21 renew licenses for the manufacturing or sale of psilocybin products,
22 the provision of psilocybin services, or other licenses related to
23 the consumption of psilocybin products; and

24 (iii) To regulate the use of psilocybin products and psilocybin
25 services for other purposes as deemed necessary or appropriate by the
26 department;

27 (c) To adopt, amend, or repeal rules necessary to carry out the
28 intent and provisions of this chapter, including rules that the
29 department considers necessary to protect the public health and
30 safety;

31 (d) To exercise all powers incidental, convenient, or necessary
32 to enable the department to administer or carry out this chapter or
33 any other law of this state that charges the department with a duty,
34 function, or power related to psilocybin products and psilocybin
35 services. Powers described in this subsection include, but are not
36 limited to:

37 (i) Issuing subpoenas;

38 (ii) Compelling the attendance of witnesses;

39 (iii) Administering oaths;

40 (iv) Certifying official acts;

1 (v) Taking depositions as provided by law;
2 (vi) Compelling the production of books, payrolls, accounts,
3 papers, records, documents, and testimony; and
4 (vii) Establishing fees in addition to the application,
5 licensing, and renewal fees described in sections 22, 25, 27, and 95
6 of this act, provided that any fee established by the department is
7 reasonably calculated to not exceed the cost of the activity for
8 which the fee is charged;

9 (e) To adopt rules prohibiting advertising psilocybin products to
10 the public;

11 (f) To adopt rules regulating and prohibiting advertising
12 psilocybin services in a manner:

13 (i) That is appealing to minors;

14 (ii) That promotes excessive use;

15 (iii) That promotes illegal activity;

16 (iv) That violates the code of professional conduct for
17 psilocybin service facilitators formulated by the department; or

18 (v) That otherwise presents a significant risk to public health
19 and safety.

20 (3) The department may not require that a psilocybin product be
21 manufactured by means of chemical synthesis, prohibit the use of
22 naturally grown mushrooms that meet quality and safety standards, or
23 mandate the use of patented products or procedures.

24 (4) The department may not require a client to be diagnosed with
25 or have any particular medical condition as a condition to being
26 provided psilocybin services.

27 NEW SECTION. **Sec. 9.** The department may purchase, possess,
28 seize, transfer to a licensee, or dispose of psilocybin products as
29 is necessary for the department to ensure compliance with and enforce
30 the provisions of this chapter and any rule adopted under this
31 chapter.

32 **18-MONTH PROGRAM DEVELOPMENT PERIOD**

33 NEW SECTION. **Sec. 10.** The department may not issue any licenses
34 under this chapter during the 18-month program development period,
35 except as otherwise provided by law.

1 NEW SECTION. **Sec. 11.** (1) By July 1, 2022, the governor shall
2 appoint the individuals specified in section 6(2) of this act to the
3 Washington psilocybin advisory board.

4 (2) By August 31, 2022, the Washington psilocybin advisory board
5 shall hold its first meeting at a time and place specified by the
6 department.

7 (3) The Washington psilocybin advisory board must vote upon and
8 submit advice and recommendations to the department on a schedule to
9 be agreed upon between the department and the board relating to: The
10 department's rule-making duties under this chapter; and the
11 development of a long-term plan for ensuring that psilocybin services
12 will become and remain a safe, accessible, and affordable wellness
13 option for all persons 21 years of age or older in this state for
14 whom psilocybin may be appropriate. Advice and recommendations must
15 be made with respect for federal laws, regulations, and policies
16 regarding psilocybin.

17 NEW SECTION. **Sec. 12.** (1) By December 31, 2022, and from time
18 to time thereafter, the department must publish and distribute to the
19 public available medical, psychological, and scientific studies,
20 research, and other information relating to the safety and efficacy
21 of psilocybin in ameliorating behavioral health conditions, including
22 but not limited to addiction, depression, anxiety disorders, and end-
23 of-life psychological distress.

24 (2) By December 31, 2023, the department shall adopt rules and
25 establish forms necessary for the implementation of this chapter.

26 **APPLICATION PROCESS AND LICENSES**

27 NEW SECTION. **Sec. 13.** By January 2, 2024, the department shall
28 begin receiving applications for the licensing of persons to:

- 29 (1) Manufacture psilocybin products;
- 30 (2) Operate a psilocybin service center;
- 31 (3) Facilitate psilocybin services; and
- 32 (4) Test psilocybin products.

33 NEW SECTION. **Sec. 14.** (1) Except as provided in subsection (2)
34 of this section, an applicant for a license or renewal of a license
35 issued under this chapter shall apply to the department in the form
36 required by the department by rule, showing the name and address of

1 the applicant, location of the premises that is to be operated under
2 the license, and other pertinent information required by the
3 department.

4 (2) The department may reject any application that is not
5 submitted in the form required by the department by rule. The
6 department shall give applicants an opportunity to be heard if an
7 application is rejected. A hearing under this subsection is not
8 subject to the requirements for contested case proceedings under
9 chapter 34.05 RCW.

10 (3) Except as provided in subsection (2) of this section, a
11 revocation of, or a refusal to issue or renew, a license issued under
12 this chapter is subject to the requirements for contested case
13 proceedings under chapter 34.05 RCW.

14 (4) An applicant for a facilitator license or renewal of a
15 facilitator license issued under section 27 of this act need not show
16 the location of any premises.

17 NEW SECTION. **Sec. 15.** (1) The department may not license an
18 applicant under this chapter if the applicant is under 21 years of
19 age.

20 (2) The department may refuse to issue a license or may issue a
21 restricted license to an applicant under this chapter if the
22 department makes a finding that the applicant:

23 (a) Has not completed required education or training;
24 (b) Has not passed an examination required by the department;
25 (c) Is in the habit of using alcoholic beverages, habit-forming
26 drugs, or controlled substances to excess, impairing their fitness to
27 safely perform their duties;

28 (d) Has made false statements to the department;
29 (e) Demonstrates a lack of capacity or incompetency to carry on
30 the management of the establishment proposed to be licensed;

31 (f) Has been convicted of violating a federal law, state law, or
32 local ordinance if the conviction is substantially related to the
33 fitness and ability of the applicant to lawfully carry out activities
34 under the license;

35 (g) Is not of good repute and moral character;

36 (h) Does not have a good record of compliance with this chapter
37 or any rule adopted under this chapter;

1 (i) Is not the legitimate owner of the premises proposed to be
2 licensed, or has not disclosed that other persons have ownership
3 interests in the premises proposed to be licensed;

4 (j) Has not demonstrated financial responsibility sufficient to
5 adequately meet the requirements of the premises proposed to be
6 licensed; or

7 (k) Is unable to understand the laws of this state relating to
8 psilocybin products, psilocybin services, or the rules adopted under
9 this chapter.

10 (3) In determining whether to issue a license or a restricted
11 license to an applicant, the department may not consider the prior
12 conviction of the applicant or any owner, director, officer, manager,
13 employee, agent, or other representative of the applicant for:

14 (a) The manufacture of psilocybin or the manufacture of a
15 marijuana item; or

16 (b) The possession of a controlled substance, if:

17 (i) The date of the conviction is two or more years before the
18 date of the application, unless the controlled substance was
19 psilocybin or marijuana, in which case no waiting period applies; or

20 (ii) The person has not been convicted more than once for the
21 possession of a controlled substance other than psilocybin or
22 marijuana.

23 NEW SECTION. **Sec. 16.** For the purpose of requesting a state or
24 nationwide criminal records check under RCW 18.130.064, the
25 department may require the fingerprints of any individual listed on
26 an application submitted under section 14 of this act. The powers
27 conferred on the department under this section include the power to
28 require the fingerprints of:

29 (1) If the applicant is a limited partnership, each general
30 partner of the limited partnership;

31 (2) If the applicant is a manager-managed limited liability
32 company, each manager of the limited liability company;

33 (3) If the applicant is a member-managed limited liability
34 company, each voting member of the limited liability company;

35 (4) If the applicant is a corporation, each director and officer
36 of the corporation; and

37 (5) Any individual who holds a financial interest of 10 percent
38 or more in the person applying for the license.

1 NEW SECTION. **Sec. 17.** A license issued under this chapter:

2 (1) Is a personal privilege;

3 (2) Is renewable in the manner provided in section 14 of this
4 act, except for a cause that would be grounds for refusal to issue
5 the license under section 15 of this act;

6 (3) Is revocable or suspendible as provided in section 61 of this
7 act;

8 (4) Except for a license issued to a psilocybin service
9 facilitator under section 27 of this act, is transferable from the
10 premises for which the license was originally issued to another
11 premises subject to the provisions of this chapter, applicable rules
12 adopted under this chapter and applicable local ordinances;

13 (5) If the license was issued to an individual, expires upon the
14 death of the licensee, except as provided under section 48 of this
15 act;

16 (6) Does not constitute property;

17 (7) Is not alienable;

18 (8) Is not subject to attachment or execution;

19 (9) Does not descend by the laws of testate or intestate
20 devolution; and

21 (10) Does not grant the right to operate in conflict with local
22 zoning ordinances and development regulations.

23 NEW SECTION. **Sec. 18.** (1) The department shall approve or deny
24 an application to be licensed under this chapter. Upon receiving an
25 application under section 14 of this act, the department may not
26 unreasonably delay processing, approving, or denying the application
27 or, if the application is approved, issuing the license.

28 (2) The licenses described in this chapter must be issued by the
29 department, subject to the provisions of this chapter and rules
30 adopted under this chapter.

31 (3) The department may not license a premises that does not have
32 defined boundaries. The department may not require a premises to be
33 enclosed by a wall, fence, or other structure, but the department may
34 require a premises to be enclosed as a condition of issuing or
35 renewing a license. The department may not license a mobile premises.

36 **LICENSEES IN GENERAL**

1 NEW SECTION. **Sec. 19.** Licensees and licensee representatives
2 may manufacture, deliver, and possess psilocybin products subject to
3 this chapter. The manufacture, delivery, or possession of psilocybin
4 products by a licensee or a licensee representative in compliance
5 with this chapter does not constitute a criminal or civil offense
6 under the laws of this state.

7 NEW SECTION. **Sec. 20.** An individual may not have a financial
8 interest in:

- 9 (1) More than one psilocybin product manufacturer; or
10 (2) More than five psilocybin service center operators.

11 NEW SECTION. **Sec. 21.** Subject to section 20 of this act:

- 12 (1) A person may hold multiple service center operator licenses
13 under section 25 of this act; and
14 (2) A person may hold both a manufacturer license under section
15 22 of this act and a service center operator license under section 25
16 of this act at the same or different premises.

17 **LICENSE TO MANUFACTURE PSILOCYBIN PRODUCTS**

18 NEW SECTION. **Sec. 22.** (1) The manufacture of psilocybin
19 products is subject to regulation by the department.

20 (2) A psilocybin product manufacturer must have a manufacturer
21 license issued by the department for the premises at which the
22 psilocybin products are manufactured. To hold a manufacturer license
23 issued under this section, a psilocybin product manufacturer:

24 (a) Must apply for a license in the manner described in section
25 14 of this act;

26 (b) Must provide proof that the applicant is 21 years of age or
27 older;

28 (c) Must, until January 1, 2026:

29 (i) If the direct owner of the business operating or to be
30 operated under the license is a legal entity, provide proof that more
31 than 50 percent of the shares, membership interests, partnership
32 interests, or other ownership interests of the legal entity are held,
33 directly or indirectly, by one or more individuals who have been
34 residents of this state for two or more years;

35 (ii) If the direct owner of the business operating or to be
36 operated under the license is a partnership that is not a legal

1 entity, provide proof that more than 50 percent of the partnership
2 interests of the partnership are held, directly or indirectly, by one
3 or more individuals who have been residents of this state for two or
4 more years; and

5 (iii) If the direct owner of the business operating or to be
6 operated under the license is an individual, provide proof that the
7 individual has been a resident of this state for two or more years;
8 and

9 (d) Must meet the requirements of any rule adopted by the
10 department under subsections (3) and (4) of this section.

11 (3) (a) If the applicant is not the owner of the premises at which
12 the psilocybin is to be manufactured, the applicant shall submit to
13 the department signed informed consent from the owner of the premises
14 to manufacture psilocybin at the premises.

15 (b) The department may adopt rules regarding the informed consent
16 described in (a) of this subsection.

17 (4) The department shall adopt rules that:

18 (a) Require a psilocybin product manufacturer to annually renew a
19 license issued under this section;

20 (b) Establish application, licensure, and renewal of licensure
21 fees for psilocybin product manufacturers; and

22 (c) Require psilocybin products manufactured by psilocybin
23 product manufacturers to be tested in accordance with section 94 of
24 this act.

25 (5) Fees adopted under subsection (4) (b) of this section:

26 (a) May not exceed, together with other fees collected under this
27 chapter, the cost of administering this chapter; and

28 (b) Shall be deposited in the psilocybin control and regulation
29 account established under section 66 of this act.

30 NEW SECTION. **Sec. 23.** (1) The department shall adopt rules that
31 designate different types of manufacturing activities. A psilocybin
32 product manufacturer may only engage in a type of manufacturing
33 activity if the psilocybin product manufacturer has received an
34 endorsement from the department for that type of manufacturing
35 activity.

36 (2) The department must create a microtier manufacturing
37 endorsement with lower license fees to reduce barriers to access.

1 (3) An applicant must request an endorsement upon submission of
2 an initial application but may also request an endorsement at any
3 time following licensure.

4 (4) Only one application and license fee is required regardless
5 of how many endorsements an applicant or licensee requests or at what
6 time the request is made.

7 (5) A psilocybin product manufacturer licensee may hold multiple
8 endorsements.

9 (6) The department may deny a psilocybin product manufacturer's
10 request for an endorsement or revoke an existing endorsement if the
11 psilocybin product manufacturer cannot or does not meet the
12 requirements for the endorsement that is requested. If the department
13 denies or revokes approval, the psilocybin product manufacturer has a
14 right to a hearing under chapter 34.05 RCW.

15 NEW SECTION. **Sec. 24.** The department may adopt rules
16 restricting the quantities of psilocybin products at premises for
17 which a license has been issued under section 22 of this act. In
18 adopting rules under this section, the department may take into
19 consideration the demand for psilocybin services in this state, the
20 number of psilocybin product manufacturers applying for a license
21 under section 22 of this act, the number of psilocybin product
22 manufacturers that hold a license issued under section 22 of this
23 act, and whether the availability of psilocybin products in this
24 state is commensurate with the demand for psilocybin services.

25 **LICENSE TO OPERATE PSILOCYBIN SERVICE CENTER**

26 NEW SECTION. **Sec. 25.** (1)(a) The operation of a psilocybin
27 service center is subject to regulation by the department.

28 (b) A psilocybin service center is not a health care facility
29 subject to chapter 70.37 RCW.

30 (2) A psilocybin service center operator must have a service
31 center operator license issued by the department for the premises at
32 which psilocybin services are provided. To hold a service center
33 operator license under this section, a psilocybin service center
34 operator:

35 (a) Must apply for a license in the manner described in section
36 14 of this act;

1 (b) Must provide proof that the applicant is 21 years of age or
2 older;

3 (c) Must, until January 1, 2026:

4 (i) If the direct owner of the business operating or to be
5 operated under the license is a legal entity, provide proof that more
6 than 50 percent of the shares, membership interests, partnership
7 interests, or other ownership interests of the legal entity are held,
8 directly or indirectly, by one or more individuals who have been
9 residents of this state for two or more years;

10 (ii) If the direct owner of the business operating or to be
11 operated under the license is a partnership that is not a legal
12 entity, provide proof that more than 50 percent of the partnership
13 interests of the partnership are held, directly or indirectly, by one
14 or more individuals who have been residents of this state for two or
15 more years; and

16 (iii) If the direct owner of the business operating or to be
17 operated under the license is an individual, provide proof that the
18 individual has been a resident of this state for two or more years;

19 (d) Must meet the requirements of any rule adopted by the
20 department under subsection (3) of this section.

21 (3) The department shall adopt rules that:

22 (a) Require a psilocybin service center operator to annually
23 renew a license issued under this section;

24 (b) Establish application, licensure, and renewal of licensure
25 fees for psilocybin service center operators;

26 (c) Require psilocybin products sold by a psilocybin service
27 center operator to be tested under section 94 of this act;

28 (d) Establish circumstances in which psilocybin services can be
29 safely and appropriately administered by exception in the home of a
30 client who is medically unable to travel to a psilocybin service
31 center; and

32 (e) Require a psilocybin service center operator to meet any
33 public health and safety standards and industry best practices
34 established by the department by rule.

35 (4) Fees adopted under subsection (3)(b) of this section:

36 (a) May not exceed, together with other fees collected under this
37 chapter, the cost of administering this chapter; and

38 (b) Shall be deposited in the psilocybin control and regulation
39 account established under section 66 of this act.

1 NEW SECTION. **Sec. 26.** The department may adopt rules
2 establishing the circumstances under which the department may require
3 a psilocybin service center operator that holds a license issued
4 under section 25 of this act to use an age verification scanner or
5 any other equipment used to verify a person's age for the purpose of
6 ensuring that the psilocybin service center operator does not provide
7 psilocybin services to a person under 21 years of age. Information
8 obtained under this section may not be retained after verifying a
9 person's age and may not be used for any purpose other than verifying
10 a person's age.

11 **LICENSE TO FACILITATE PSILOCYBIN SERVICES**

12 NEW SECTION. **Sec. 27.** (1) The facilitation of psilocybin
13 services is subject to regulation by the department.

14 (2) A psilocybin service facilitator must have a facilitator
15 license issued by the department to hold a facilitator license issued
16 under this section, a psilocybin service facilitator:

17 (a) Must apply for a license in the manner described under
18 section 14 of this act;

19 (b) Must provide proof that the applicant is 21 years of age or
20 older;

21 (c) Must, until January 1, 2026, provide proof that the applicant
22 has been a resident of this state for two or more years;

23 (d) Must have a high school diploma or equivalent education;

24 (e) Must submit evidence of completion of education and training
25 prescribed and approved by the department;

26 (f) Must have passed an examination approved, administered, or
27 recognized by the department; and

28 (g) Must meet the requirements of any rule adopted by the
29 department under subsection (4) of this section.

30 (3) The department may not require a psilocybin service
31 facilitator to have a degree from a university, college,
32 postsecondary institution, or other institution of higher education.

33 (4) The department shall adopt rules that:

34 (a) Require a psilocybin service facilitator to annually renew a
35 license issued under this section;

36 (b) Establish application, licensure, and renewal of licensure
37 fees for psilocybin service facilitators; and

1 (c) Require a psilocybin service facilitator to meet any public
2 health and safety standards and industry best practices established
3 by the department by rule.

4 (5) Fees adopted under subsection (4)(b) of this section:

5 (a) May not exceed, together with other fees collected under this
6 chapter, the cost of administering this chapter; and

7 (b) Shall be deposited in the psilocybin control and regulation
8 account established under section 66 of this act.

9 (6) A psilocybin service facilitator may be, but need not be, an
10 employee, manager, director, officer, partner, member, shareholder,
11 or direct or indirect owner of one or more psilocybin service center
12 operators.

13 (7) A license issued to a psilocybin service facilitator under
14 this section is not limited to any one or more premises.

15 NEW SECTION. **Sec. 28.** The department shall offer an examination
16 for applicants for licenses to facilitate psilocybin services at
17 least twice a year. An applicant who fails any part of the
18 examination may retake the failed section in accordance with rules
19 adopted by the department.

20 NEW SECTION. **Sec. 29.** The department may adopt rules
21 establishing the circumstances under which the department may require
22 a psilocybin service facilitator that holds a license issued under
23 section 27 of this act to use an age verification scanner or any
24 other equipment used to verify a person's age for the purpose of
25 ensuring that the psilocybin service facilitator does not provide
26 psilocybin services to a person under 21 years of age. Information
27 obtained under this section may not be retained after verifying a
28 person's age and may not be used for any purpose other than verifying
29 a person's age.

30 **PSILOCYBIN SERVICES**

31 NEW SECTION. **Sec. 30.** The department shall adopt by rule the
32 requirements, specifications, and guidelines for:

- 33 (1) Providing psilocybin services to a client;
34 (2) Holding and verifying the completion of a preparation
35 session;

1 (3) Having a client complete, sign, and deliver a client
2 information form to a psilocybin service center operator and a
3 psilocybin service facilitator;

4 (4) Holding and verifying the completion of an administration
5 session; and

6 (5) Holding and verifying the completion of an integration
7 session.

8 NEW SECTION. **Sec. 31.** (1) Before a client participates in an
9 administration session, the client must attend a preparation session
10 with a psilocybin service facilitator.

11 (2) A preparation session may be, but need not be, held at a
12 psilocybin service center and may be held in person or remotely.

13 (3) If a preparation session is completed in accordance with all
14 applicable requirements, specifications, and guidelines, as
15 determined by the department, the psilocybin service facilitator must
16 certify, in a form and manner prescribed by the department, that the
17 client completed the preparation session.

18 NEW SECTION. **Sec. 32.** (1) Before a client participates in an
19 administration session:

20 (a) The client must complete and sign a client information form,
21 in a form and manner prescribed by the department; and

22 (b) A copy of the completed and signed client information form
23 must be delivered to:

24 (i) The psilocybin service center operator that operates the
25 psilocybin service center at which the administration session is to
26 be held; and

27 (ii) The psilocybin service facilitator that will supervise the
28 administration session.

29 (2) The client information form:

30 (a) Must solicit from the client information necessary:

31 (i) To enable a psilocybin service center operator and a
32 psilocybin service facilitator to determine whether the client should
33 participate in an administration session, including information that
34 may identify risk factors and contraindications; and

35 (ii) To assist the psilocybin service center operator and the
36 psilocybin service facilitator in meeting any public health and
37 safety standards and industry best practices during the
38 administration session; and

1 (b) Must contain health and safety warnings and other disclosures
2 to the client as required by the department.

3 NEW SECTION. **Sec. 33.** (1) After a client completes a
4 preparation session and completes and signs a client information
5 form, the client may participate in an administration session.

6 (2) An administration session must be held at a psilocybin
7 service center unless an exception is made under rules established by
8 the department under section 25 of this act to accommodate a client
9 who is medically unable to travel to a psilocybin service center.

10 (3) If an administration session is completed in accordance with
11 all applicable requirements, specifications, and guidelines, as
12 determined by the department, the psilocybin service facilitator must
13 certify, in a form and manner prescribed by the department, that the
14 client completed the administration session.

15 NEW SECTION. **Sec. 34.** (1) After a client completes an
16 administration session, the psilocybin service facilitator who
17 supervised the administration session must offer the client an
18 opportunity to participate in an integration session. The client may,
19 but need not, participate in an integration session.

20 (2) An integration session may be, but need not be, held at a
21 psilocybin service center and may be held in person or remotely.

22 (3) If an integration session is completed in accordance with all
23 applicable requirements, specifications, and guidelines, as
24 determined by the department, the psilocybin service facilitator must
25 certify, in a form and manner prescribed by the department, that the
26 client completed the integration session.

27 NEW SECTION. **Sec. 35.** (1) If a client information form is
28 offered as evidence in any administrative or criminal prosecution of
29 a licensee or licensee representative for sale or service of a
30 psilocybin product to a client, the licensee or licensee
31 representative is not guilty of any offense prohibiting a person from
32 selling or serving a psilocybin product to a client unless it is
33 demonstrated that a reasonable person would have determined that the
34 responses provided by the client on the client information form were
35 incorrect or altered.

1 (2) A licensee or licensee representative may rely upon all
2 statements, declarations, and representations made by a client in a
3 client information form unless it is demonstrated that:

4 (a) A reasonable person would have determined that one or more of
5 the statements, declarations, and representations made by the client
6 in the client information form were incorrect or altered; or

7 (b) The licensee or licensee representative violated a provision
8 of this chapter or a department rule relative to the client
9 information form.

10 (3) Except as provided in subsection (2) of this section, no
11 licensee or licensee representative shall incur legal liability by
12 virtue of any untrue statements, declarations, or representations so
13 relied upon in good faith by the licensee or licensee representative.

14 NEW SECTION. **Sec. 36.** (1) Subject to other applicable law, a
15 licensee or licensee representative may refuse to provide psilocybin
16 services to a potential client for any or no reason.

17 (2) (a) Except as provided in (b) of this subsection, and subject
18 to other applicable law, a licensee or licensee representative may
19 cease providing psilocybin services to a client for any or no reason.

20 (b) A psilocybin service center operator and a psilocybin service
21 facilitator may not cease providing psilocybin services to a client
22 during an administration session after the client has consumed a
23 psilocybin product, except as authorized by the department by rule,
24 or as necessary in an emergency.

25 **POWERS AND DUTIES OF WASHINGTON STATE DEPARTMENT OF HEALTH WITH**
26 **RESPECT TO LICENSEES**

27 NEW SECTION. **Sec. 37.** The department shall:

28 (1) Determine the qualifications, training, education, and
29 fitness of applicants for licenses to facilitate psilocybin services,
30 giving particular consideration to:

31 (a) Facilitation skills that are affirming, nonjudgmental,
32 culturally competent, and nondirective;

33 (b) Support skills for clients during an administration session,
34 including specialized skills for:

35 (i) Client safety; and

36 (ii) Clients who may have a behavioral health condition;

1 (c) The environment in which psilocybin services should occur;
2 and
3 (d) Social and cultural considerations.

4 (2) Formulate a code of professional conduct for psilocybin
5 service facilitators, giving particular consideration to a code of
6 ethics;

7 (3) Establish standards of practice and professional
8 responsibility for individuals licensed by the department to
9 facilitate psilocybin services;

10 (4) Select licensing examinations for licenses to facilitate
11 psilocybin services; and

12 (5) Appoint representatives to conduct or supervise examinations
13 of applicants for licenses to facilitate psilocybin services.

14 NEW SECTION. **Sec. 38.** (1) The department shall adopt by rule
15 minimum standards of education and training requirements for
16 psilocybin service facilitators.

17 (2) The department shall approve courses for psilocybin service
18 facilitators. To obtain approval of a course, the provider of a
19 course must submit an outline of instruction to the department. The
20 outline must include the approved courses, total hours of
21 instruction, hours of lectures in theory, and the hours of
22 instruction in application of practical skills.

23 (3) Psilocybin service facilitator training must be modular,
24 allowing the offering of comprehensive training programs and partial
25 training programs, so that a candidate may elect to piece together a
26 training curriculum among modules offered by different training
27 programs.

28 (4) The core curriculum may be completed in person or through
29 distance education. The practical portion of the curriculum must be
30 completed in person.

31 NEW SECTION. **Sec. 39.** (1) The department may, after 72 hours'
32 notice, make an examination of the books of a licensee for the
33 purpose of determining compliance with this chapter and rules adopted
34 under this chapter.

35 (2) The department may at any time make an examination of a
36 premises for which a license has been issued under this chapter for
37 the purpose of determining compliance with this chapter and rules
38 adopted under this chapter.

1 (3) The department may not require the books of a licensee to be
2 maintained on a premises of the licensee.

3 NEW SECTION. **Sec. 40.** If a licensee holds more than one license
4 issued under this chapter for the same premises, the department may
5 require the premises to be segregated into separate areas for
6 conducting the activities permitted under each license as is
7 necessary to protect the public health and safety.

8 NEW SECTION. **Sec. 41.** As is necessary to protect the public
9 health and safety, the department may require a licensee to maintain
10 general liability insurance in an amount that the department
11 determines is reasonably affordable and available for the purpose of
12 protecting the licensee against damages resulting from a cause of
13 action related to activities undertaken under the license held by the
14 licensee.

15 NEW SECTION. **Sec. 42.** (1) The department must:

16 (a) Develop and maintain a system for tracking the transfer of
17 psilocybin products between premises for which licenses have been
18 issued under this chapter; or

19 (b) Enter into an agreement with the liquor and cannabis board
20 under which the board permits the department to use the system
21 developed and maintained by the board to track cannabis products to
22 track the transfer of psilocybin products between premises for which
23 the department has issued licenses under this chapter.

24 (2) The purposes of the system include, but are not limited to:

25 (a) Preventing the diversion of psilocybin products to other
26 states;

27 (b) Preventing persons from substituting or tampering with
28 psilocybin products;

29 (c) Ensuring an accurate accounting of the production,
30 processing, and sale of psilocybin products;

31 (d) Ensuring that laboratory testing results are accurately
32 reported; and

33 (e) Ensuring compliance with this chapter, rules adopted under
34 this chapter and any other law of this state that charges the
35 department or board with a duty, function or power related to
36 psilocybin.

37 (3) The system must be capable of tracking, at a minimum:

- 1 (a) The manufacturing of psilocybin products;
- 2 (b) The sale of psilocybin products by a psilocybin service
3 center operator to a client;
- 4 (c) The sale and purchase of psilocybin products between
5 licensees, as permitted by this chapter;
- 6 (d) The transfer of psilocybin products between premises for
7 which licenses have been issued under this chapter; and
- 8 (e) Any other information that the department determines is
9 reasonably necessary to accomplish the duties, functions, and powers
10 of the department under this chapter.

11 NEW SECTION. **Sec. 43.** Except as otherwise provided by law, the
12 department has any power, and may perform any function, necessary for
13 the department to prevent the diversion of psilocybin products from
14 licensees to a source that is not operating legally under the laws of
15 this state.

16 NEW SECTION. **Sec. 44.** In addition to any other disciplinary
17 action available to the department under this chapter, the department
18 may immediately restrict, suspend, or refuse to renew a license
19 issued under this chapter if circumstances create probable cause for
20 the department to conclude that a licensee has purchased or received
21 a psilocybin product from an unlicensed source or that a licensee has
22 sold, stored, or transferred a psilocybin product in a manner that is
23 not permitted by the licensee's license.

24 NEW SECTION. **Sec. 45.** (1) The department may require a licensee
25 or applicant for a license under this chapter to submit, in a form
26 and manner prescribed by the department, to the department a sworn
27 statement showing:

28 (a) The name and address of each person that has a financial
29 interest in the business operating or to be operated under the
30 license; and

31 (b) The nature and extent of the financial interest of each
32 person that has a financial interest in the business operating or to
33 be operated under the license.

34 (2) The department may refuse to issue, or may suspend, revoke,
35 or refuse to renew, a license issued under this chapter if the
36 department determines that a person that has a financial interest in
37 the business operating or to be operated under the license committed

1 or failed to commit an act that would constitute grounds for the
2 department to refuse to issue, or to suspend, revoke, or refuse to
3 renew, the license if the person were the licensee or applicant for
4 the license.

5 NEW SECTION. **Sec. 46.** (1) Notwithstanding the lapse,
6 suspension, or revocation of a license issued under this chapter, the
7 department may:

8 (a) Proceed with any investigation of, or any action or
9 disciplinary proceeding against, the person who held the license; or

10 (b) Revise or render void an order suspending or revoking the
11 license.

12 (2) In cases involving the proposed denial of a license issued
13 under this chapter, the applicant for licensure may not withdraw the
14 applicant's application.

15 NEW SECTION. **Sec. 47.** (1) Notwithstanding the lapse,
16 suspension, or revocation of a permit issued under section 63 of this
17 act, the department may:

18 (a) Proceed with any investigation of, or any action or
19 disciplinary proceeding against, the person who held the permit; or

20 (b) Revise or render void an order suspending or revoking the
21 permit.

22 (2) In cases involving the proposed denial of a permit issued
23 under section 63 of this act, the applicant may not withdraw the
24 applicant's application.

25 NEW SECTION. **Sec. 48.** The department may, by rule or order,
26 provide for the manner and conditions under which:

27 (1) Psilocybin products left by a deceased, insolvent, or
28 bankrupt person or licensee, or subject to a security interest, may
29 be foreclosed, sold under execution, or otherwise disposed;

30 (2) The business of a deceased, insolvent, or bankrupt licensee
31 may be operated for a reasonable period following the death,
32 insolvency, or bankruptcy; or

33 (3) A secured party may continue to operate at a premises for
34 which a license has been issued under this chapter for a reasonable
35 period after default on the indebtedness by the debtor.

1 NEW SECTION. **Sec. 49.** A psilocybin product manufacturer that
2 holds a license under section 22 of this act may not manufacture
3 psilocybin products outdoors.

4 NEW SECTION. **Sec. 50.** (1) A psilocybin product manufacturer
5 that holds a license under section 22 or 25 of this act:

6 (a) May deliver psilocybin products only to or on a premises for
7 which a license has been issued under section 22 or 25 of this act;
8 and

9 (b) May receive psilocybin products only from a psilocybin
10 product manufacturer that holds a license under section 22 of this
11 act.

12 (2) A psilocybin service center operator that holds a license
13 under section 25 of this act:

14 (a) May deliver psilocybin products only to or on a premises for
15 which a license has been issued under section 25 of this act; and

16 (b) May receive psilocybin products only from a psilocybin
17 product manufacturer that holds a license under section 22 of this
18 act or a psilocybin service center operator that holds a license
19 under section 25 of this act.

20 (3) The sale of psilocybin products to a client by a psilocybin
21 service center operator that holds a license issued under section 25
22 of this act must be restricted to the premises for which the license
23 has been issued.

24 (4) The department may by order waive the requirements of
25 subsections (1) and (2) of this section to ensure compliance with
26 this chapter or the rules adopted under this chapter. An order issued
27 under this subsection does not constitute a waiver of any other
28 requirement of this chapter or the rules of the department.

29 NEW SECTION. **Sec. 51.** A licensee or licensee representative may
30 not sell or deliver a psilocybin product to a person under 21 years
31 of age.

32 NEW SECTION. **Sec. 52.** (1) Subject to subsection (2) of this
33 section, a licensee or licensee representative, before selling or
34 providing a psilocybin product to another person, must require the
35 person to produce one of the following pieces of identification:

36 (a) The person's passport;

1 (b) The person's driver license, issued by the state of
2 Washington or another state of the United States;

3 (c) An identification card issued under RCW 46.20.035;

4 (d) A United States military identification card;

5 (e) An identification card issued by a federally recognized
6 Indian tribe; or

7 (f) Any other identification card issued by a state or territory
8 of the United States that bears a picture of the person, the name of
9 the person, the person's date of birth and a physical description of
10 the person.

11 (2) The department may adopt rules exempting a licensee or
12 licensee representative from this section.

13 (3) A client may not be required to procure for the purpose of
14 acquiring or purchasing a psilocybin product a piece of
15 identification other than a piece of identification described in
16 subsection (1) of this section.

17 NEW SECTION. **Sec. 53.** A psilocybin service center operator, a
18 psilocybin service facilitator, or any employee of a psilocybin
19 service center operator or psilocybin service facilitator may not
20 disclose any information that may be used to identify a client, or
21 any communication made by a client during the course of providing
22 psilocybin services or selling psilocybin products to the client,
23 except:

24 (1) When the client or a person authorized to act on behalf of
25 the client gives consent to the disclosure;

26 (2) When the client initiates legal action or makes a complaint
27 against the psilocybin service center operator, the psilocybin
28 service facilitator, or the employee;

29 (3) When the communication reveals the intent to commit a crime
30 harmful to the client or others;

31 (4) When the communication reveals that a minor may have been a
32 victim of a crime or physical, sexual, or emotional abuse or neglect;
33 or

34 (5) When responding to an inquiry by the department made during
35 the course of an investigation into the conduct of the psilocybin
36 service center operator, the psilocybin service facilitator, or the
37 employee under this chapter.

1 NEW SECTION. **Sec. 54.** A client may purchase, possess, and
2 consume a psilocybin product:

3 (1) Only at a psilocybin service center unless an exception is
4 made under rules established by the department under section 25 of
5 this act to accommodate a client who is medically unable to travel to
6 a psilocybin service center; and

7 (2) Only under the supervision of a psilocybin service
8 facilitator.

9 NEW SECTION. **Sec. 55.** A psilocybin service facilitator may not
10 consume a psilocybin product during an administration session that
11 the psilocybin service facilitator is supervising.

12 NEW SECTION. **Sec. 56.** (1) A licensee may not employ a person
13 under 21 years of age at a premises for which a license has been
14 issued under this chapter.

15 (2) During an inspection of a premises for which a license has
16 been issued under this chapter, the department may require proof that
17 a person performing work at the premises is 21 years of age or older.
18 If the person does not provide the department with acceptable proof
19 of age upon request, the department may require the person to
20 immediately cease any activity and leave the premises until the
21 department receives acceptable proof of age. This subsection does not
22 apply to a person temporarily at the premises to make a service,
23 maintenance, or repair call or for other purposes independent of the
24 premises operations.

25 (3) If a person performing work has not provided proof of age
26 requested by the department under subsection (2) of this section, the
27 department may request that the licensee provide proof that the
28 person is 21 years of age or older. Failure of the licensee to
29 respond to a request made under this subsection by providing
30 acceptable proof of age for a person is prima facie evidence that the
31 licensee has allowed the person to perform work at the premises for
32 which a license has been issued under this chapter in violation of
33 the minimum age requirement.

34 NEW SECTION. **Sec. 57.** (1) A licensee may not use or allow the
35 use of a mark or label on the container of a psilocybin product that
36 is kept for sale if the mark or label does not precisely and clearly
37 indicate the nature of the container's contents or if the mark or

1 label in any way might deceive a person about the nature,
2 composition, quantity, age, or quality of the container's contents.

3 (2) The department may prohibit a licensee from selling any
4 psilocybin product that in the department's judgment is deceptively
5 labeled or contains injurious or adulterated ingredients.

6 NEW SECTION. **Sec. 58.** (1) A psilocybin product may not be sold
7 or offered for sale within this state unless the psilocybin product
8 complies with the minimum standards prescribed by this chapter.

9 (2) The department may prohibit the sale of a psilocybin product
10 by a psilocybin service center operator for a reasonable period of
11 time for the purpose of determining whether the psilocybin product
12 complies with the minimum standards prescribed by this chapter.

13 NEW SECTION. **Sec. 59.** (1) A person may not make false
14 representations or statements to the department in order to induce or
15 prevent action by the department.

16 (2) A licensee may not maintain a noisy, lewd, disorderly, or
17 insanitary establishment or supply impure or otherwise deleterious
18 psilocybin products.

19 (3) A licensee may not misrepresent to a person or to the public
20 any psilocybin products.

21 NEW SECTION. **Sec. 60.** A license issued under this chapter
22 serves the purpose of exempting the person that holds the license
23 from the criminal laws of this state for possession, delivery, or
24 manufacture of psilocybin products, provided that the person complies
25 with all state laws and rules applicable to licensees.

26 **DISCIPLINING LICENSEES**

27 NEW SECTION. **Sec. 61.** The department may revoke, suspend, or
28 restrict a license issued under this chapter or require a licensee or
29 licensee representative to undergo training if the department finds
30 or has reasonable ground to believe any of the following to be true:

31 (1) That the licensee or licensee representative:

32 (a) Has violated a provision of this chapter or a rule adopted
33 under this chapter, including any code of professional conduct or
34 code of ethics;

1 (b) Has made any false representation or statement to the
2 department in order to induce or prevent action by the department;

3 (c) Is insolvent, incompetent, or physically unable to carry on
4 the management of the establishment of the licensee;

5 (d) Is in the habit of using alcoholic liquor, habit-forming
6 drugs, marijuana, psilocybin products, or controlled substances to
7 excess;

8 (e) Has misrepresented to a person or the public any psilocybin
9 products sold by the licensee or licensee representative; or

10 (f) Since the issuance of the license, has been convicted of a
11 felony, of violating any of the psilocybin products laws of this
12 state, general or local, or of any misdemeanor or violation of any
13 municipal ordinance committed on the premises for which the license
14 has been issued.

15 (2) That there is any other reason that, in the opinion of the
16 department, based on public convenience or necessity, warrants
17 revoking, suspending, or restricting the license.

18 **EMPLOYEES AND OTHER WORKERS**

19 NEW SECTION. **Sec. 62.** (1) An individual who performs work for
20 or on behalf of a licensee must have a valid permit issued by the
21 department under section 63 of this act if the individual
22 participates in:

23 (a) The provision of psilocybin services at the premises for
24 which the license has been issued;

25 (b) The possession, manufacturing, securing, or selling of
26 psilocybin products at the premises for which the license has been
27 issued;

28 (c) The recording of the possession, manufacturing, securing, or
29 selling of psilocybin products at the premises for which the license
30 has been issued; or

31 (d) The verification of any document described in section 52 of
32 this act.

33 (2) A licensee must verify that an individual has a valid permit
34 issued under section 63 of this act before allowing the individual to
35 perform any work described in subsection (1) of this section at the
36 premises for which the license has been issued.

1 NEW SECTION. **Sec. 63.** (1) The department shall issue permits to
2 qualified applicants to perform work described in section 62 of this
3 act. The department shall adopt rules establishing:

4 (a) The qualifications for performing work described in section
5 62 of this act;

6 (b) The term of a permit issued under this section;

7 (c) Procedures for applying for and renewing a permit issued
8 under this section; and

9 (d) Reasonable application, issuance, and renewal fees for a
10 permit issued under this section.

11 (2)(a) The department may require an individual applying for a
12 permit under this section to successfully complete a course, made
13 available by or through the department, through which the individual
14 receives training on:

15 (i) Checking identification;

16 (ii) Detecting intoxication;

17 (iii) Handling psilocybin products;

18 (iv) If applicable, the manufacturing of psilocybin products;

19 (v) The content of this chapter and rules adopted under this
20 chapter; or

21 (vi) Any matter deemed necessary by the department to protect the
22 public health and safety.

23 (b) The department or other provider of a course may charge a
24 reasonable fee to applicants taking the course.

25 (c) The department may not require an individual to successfully
26 complete a course more than once, except that:

27 (i) As part of a final order suspending a permit issued under
28 this section, the department may require a permit holder to
29 successfully complete the course as a condition of lifting the
30 suspension; and

31 (ii) As part of a final order revoking a permit issued under this
32 section, the department shall require an individual to successfully
33 complete the course before applying for a new permit.

34 (3) The department shall conduct a criminal records check under
35 RCW 18.130.064 on an individual applying for a permit under this
36 section.

37 (4) Subject to the applicable provisions of chapter 18.130 RCW,
38 the department may suspend, revoke, or refuse to issue or renew a
39 permit if the individual who is applying for or who holds the permit:

1 (a) Is convicted of a felony or is convicted of an offense under
2 this chapter, except that the authority may not consider a conviction
3 for an offense under this chapter if the date of the conviction is
4 two or more years before the date of the application or renewal;

5 (b) Violates any provision of this chapter or any rule adopted
6 under this chapter; or

7 (c) Makes a false statement to the department.

8 (5) A permit issued under this section is a personal privilege
9 and permits work described under section 62 of this act only for the
10 individual who holds the permit.

11 NEW SECTION. **Sec. 64.** For the purpose of requesting a state or
12 nationwide criminal records check under RCW 18.130.064, the
13 department may require the fingerprints of any individual listed on
14 an application submitted under section 63 of this act.

15 NEW SECTION. **Sec. 65.** (1) It is an unlawful employment practice
16 for a licensee to discharge, demote, suspend, or in any manner
17 discriminate or retaliate against an employee of the licensee with
18 regard to promotion, compensation, or other terms, conditions, or
19 privileges of employment on the basis that the employee has in good
20 faith reported information to the department that the employee
21 believes is evidence of a violation of this chapter or a rule adopted
22 under this chapter.

23 (2) The identity of a whistleblower must remain confidential if
24 that whistleblower complains, in good faith, to the department about
25 the improper conduct, incidents, or quality of services by a licensee
26 under this chapter.

27 (3) RCW 4.24.500 through 4.24.520 apply to complaints and
28 notifications or reports of improper conduct, incidents, or services
29 under this chapter. The identity of the whistleblower must remain
30 confidential unless the department determines that the complaint,
31 initiation, notification, or report was not made or done in good
32 faith.

33 (4) An employee who is a whistleblower and who as a result of
34 being a whistleblower has been subjected to workplace reprisal or
35 retaliatory action has the remedies provided under chapter 49.60 RCW.

36 (5) A whistleblower who is not an employee and who as a result of
37 being a whistleblower has been subjected to reprisal or retaliatory
38 action may initiate a civil action in a court of competent

1 jurisdiction to either enjoin further violations or recover actual
2 damages sustained by the whistleblower, or both, and recover the cost
3 of the suit including reasonable attorneys' fees. The court shall
4 award reasonable attorneys' fees in favor of the respondent if the
5 civil action was initiated by a whistleblower who is not an employee
6 and the court finds that the respondent has not engaged in the
7 alleged reprisal or retaliatory action and that the complaint was
8 frivolous, unreasonable, or groundless.

9 (6) A civil action under this section may not be brought more
10 than two years after the date when the retaliation occurred.

11 (7) Nothing in this section prohibits a facility licensed under
12 this chapter from making any decision exercising its authority to
13 terminate, suspend, or discipline an employee who engages in
14 workplace reprisal or retaliatory action against a whistleblower.

15 (8) The department shall adopt rules to implement procedures for
16 filing, investigation, and resolution of whistleblower complaints.

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

19 (a) "Reprisal or retaliatory action" means but is not limited to:
20 Denial of adequate staff to perform duties; frequent staff changes;
21 frequent and undesirable office changes; refusal to assign meaningful
22 work; unwarranted and unsubstantiated report of misconduct under
23 Title 18 RCW; letters of reprimand or unsatisfactory performance
24 evaluations; demotion; reduction in pay; denial of promotion;
25 suspension; dismissal; denial of employment; a supervisor or superior
26 encouraging coworkers to behave in a hostile manner toward the
27 whistleblower; and the revocation, suspension, or reduction of
28 medical staff membership or privileges without following a medical
29 staff sanction process that is consistent with RCW 7.71.050.

30 (b) "Whistleblower" means a consumer, employee, licensee, or
31 member of a medical staff at a facility licensed under this chapter,
32 who in good faith reports alleged quality or conduct concerns to the
33 department or initiates, participates, or cooperates in any
34 investigation or administrative proceeding under this section.

35 **PSILOCYBIN CONTROL AND REGULATION FUND**

36 NEW SECTION. **Sec. 66.** The psilocybin control and regulation
37 account is created in the custody of the state treasurer. All
38 receipts from fees collected and civil penalties issued under this

1 chapter must be deposited into the account. Expenditures may be used
2 only for the purpose of administration and enforcement of this
3 chapter. Only the secretary or the secretary's designee may authorize
4 expenditures from the account. The account is subject to allotment
5 procedures under chapter 43.88 RCW, but an appropriation is not
6 required for expenditures.

7 PROHIBITED CONDUCT

8 NEW SECTION. **Sec. 67.** (1) Except as authorized by the
9 department by rule, or as necessary in an emergency, a person under
10 21 years of age may not enter or attempt to enter any portion of a
11 premises licensed under this chapter that is posted or otherwise
12 identified as being prohibited to the use of persons under 21 years
13 of age.

14 (2) A person who violates subsection (1) of this section commits
15 a class 2 civil infraction under chapter 7.80 RCW.

16 (3) The prohibitions of this section do not apply to a person
17 under 21 years of age who is acting under the direction of the
18 department or under the direction of state or local law enforcement
19 agencies for the purpose of investigating possible violations of laws
20 prohibiting sales of psilocybin products to persons who are under 21
21 years of age.

22 (4) The prohibitions of this section do not apply to a person
23 under 21 years of age who is acting under the direction of a licensee
24 for the purpose of investigating possible violations by employees of
25 the licensee of laws prohibiting sales of psilocybin products to
26 persons who are under 21 years of age.

27 (5) (a) A person under 21 years of age is not in violation of, and
28 is immune from prosecution under, this section if:

29 (i) The person contacted emergency medical services or a law
30 enforcement agency in order to obtain medical assistance for another
31 person who was in need of medical assistance because that person
32 consumed a psilocybin product and the evidence of the violation was
33 obtained as a result of the person's having contacted emergency
34 medical services or a law enforcement agency; or

35 (ii) The person was in need of medical assistance because the
36 person consumed a psilocybin product and the evidence of the
37 violation was obtained as a result of the person's having sought or
38 obtained the medical assistance.

1 (b) This subsection (5) does not exclude the use of evidence
2 obtained as a result of a person's having sought medical assistance
3 in proceedings for crimes or offenses other than a violation of this
4 section.

5 NEW SECTION. **Sec. 68.** (1) A person may not produce any piece of
6 identification in connection with psilocybin-related activities under
7 this chapter that falsely indicates the person's age.

8 (2) Violation of this section is a misdemeanor.

9 (3) If a piece of identification is offered as evidence in any
10 administrative or criminal prosecution of a licensee or licensee
11 representative for sale or service of a psilocybin product to a
12 person under 21 years of age, the licensee or licensee representative
13 is not guilty of any offense prohibiting a person from selling or
14 serving a psilocybin product to a person under 21 years of age unless
15 it is demonstrated that a reasonable person would have determined
16 that the identification exhibited by the person under 21 years of age
17 was altered, or that the identification exhibited by the person under
18 21 years of age did not accurately describe the person to whom the
19 psilocybin product was sold or served.

20 NEW SECTION. **Sec. 69.** (1) A person may not sell, give, or
21 otherwise make available a psilocybin product to a person who is
22 visibly intoxicated.

23 (2) Violation of this section is a civil infraction.

24 NEW SECTION. **Sec. 70.** (1) A psilocybin product may not be given
25 as a prize, premium, or consideration for a lottery, contest, game of
26 chance, game of skill, or competition of any kind.

27 (2) Violation of this section is a class 1 civil infraction under
28 chapter 7.80 RCW.

29 **CIVIL ENFORCEMENT**

30 NEW SECTION. **Sec. 71.** For purposes of this chapter, the
31 provisions of RCW 43.70.090 apply to subpoenas issued by the
32 department and its authorized agents.

33 NEW SECTION. **Sec. 72.** In addition to any other liability or
34 penalty provided by law, the department may impose for each violation

1 of a provision of this chapter or a rule adopted under this chapter a
2 civil penalty that does not exceed \$5,000 for each violation. The
3 department shall impose civil penalties under this section in the
4 manner provided by RCW 43.70.095. Moneys collected under this section
5 shall be deposited in the psilocybin control and regulation account
6 established under section 66 of this act.

7 **CRIMINAL ENFORCEMENT**

8 NEW SECTION. **Sec. 73.** The law enforcement officers of this
9 state may enforce this chapter and assist the department in detecting
10 violations of this chapter and apprehending offenders. A law
11 enforcement officer who has notice, knowledge, or reasonable ground
12 of suspicion of a violation of this chapter shall immediately notify
13 the prosecuting attorney who has jurisdiction over the violation and
14 furnish the prosecuting attorney who has jurisdiction over the
15 violation with names and addresses of any witnesses to the violation
16 or other information related to the violation.

17 NEW SECTION. **Sec. 74.** The county courts, prosecuting attorneys,
18 and municipal authorities, immediately upon the conviction of a
19 licensee of a violation of this chapter, or of a violation of any
20 other law of this state or of a city or county located in this state
21 an element of which is the possession, delivery, or manufacture of a
22 psilocybin product, shall notify the department of the conviction.

23 NEW SECTION. **Sec. 75.** Subject to chapter 7.80 RCW, violation of
24 a rule adopted under this chapter is a class 2 civil infraction.

25 **REGULATION BY CITIES AND COUNTIES OF PSILOCYBIN PRODUCTS**

26 NEW SECTION. **Sec. 76.** This chapter is designed to operate
27 uniformly throughout the state and is paramount and superior to and
28 fully replaces and supersedes any municipal charter amendment or
29 local ordinance inconsistent with this chapter. Amendments and
30 ordinances that are inconsistent with this chapter are repealed.

31 NEW SECTION. **Sec. 77.** The authority to require a license for
32 the manufacturing or sale of psilocybin products in this state, or

1 for the provision of psilocybin services in this state, is vested
2 solely in the legislature.

3 NEW SECTION. **Sec. 78.** (1) The governing body of a city or
4 county may adopt ordinances that impose reasonable regulations on the
5 operation of businesses located at premises for which a license has
6 been issued under this chapter if the premises are located in the
7 area subject to the jurisdiction of the city or county, except that
8 the governing body of a city or county may not adopt an ordinance
9 that prohibits a premises for which a license has been issued under
10 section 25 of this act from being located within a distance that is
11 greater than 1,000 feet of another premises for which a license has
12 been issued under section 25 of this act.

13 (2) For purposes of this section, "reasonable regulations"
14 includes:

15 (a) Reasonable conditions on the manner in which a psilocybin
16 product manufacturer that holds a license issued under section 22 of
17 this act may manufacture psilocybin products;

18 (b) Reasonable conditions on the manner in which a psilocybin
19 service center operator that holds a license issued under section 25
20 of this act may provide psilocybin services;

21 (c) Reasonable limitations on the hours during which a premises
22 for which a license has been issued under this chapter may operate;

23 (d) Reasonable requirements related to the public's access to a
24 premises for which a license has been issued under this chapter; and

25 (e) Reasonable limitations on where a premises for which a
26 license may be issued under this chapter may be located.

27 NEW SECTION. **Sec. 79.** (1) The authority to impose a tax or fee
28 on the manufacturing or sale of psilocybin products in this state, or
29 on the provision of psilocybin services in this state, is vested
30 solely in the legislature.

31 (2) A county, city, or other municipal corporation or district
32 may not adopt or enact ordinances imposing a tax or fee on the
33 manufacturing or sale of psilocybin products in this state or on the
34 provision of psilocybin services in this state.

35 NEW SECTION. **Sec. 80.** (1) The governing body of a city or
36 county may repeal an ordinance that prohibits the establishment of
37 any one or more of the following in the area subject to the

1 jurisdiction of the city or in the unincorporated area subject to the
2 jurisdiction of the county:

3 (a) Psilocybin product manufacturers that hold a license issued
4 under section 22 of this act;

5 (b) Psilocybin service center operators that hold a license
6 issued under section 25 of this act; or

7 (c) Any combination of the entities described in this subsection.

8 (2) If the governing body of a city or county repeals an
9 ordinance under this section, the governing body must provide the
10 text of the ordinance to the department, in a form and manner
11 prescribed by the department, if the ordinance concerns a premises
12 for which a license has been issued under this chapter.

13 **POWERS AND DUTIES OF STATE AGENCIES AND OFFICERS AND GOVERNOR**

14 NEW SECTION. **Sec. 81.** The liquor and cannabis board shall
15 assist and cooperate with the department and the department of
16 agriculture to the extent necessary to carry out the duties of the
17 departments under this chapter.

18 NEW SECTION. **Sec. 82.** The department of agriculture shall
19 assist and cooperate with the department to the extent necessary for
20 the department to carry out the duties under this chapter.

21 NEW SECTION. **Sec. 83.** The department of agriculture may
22 possess, test, and dispose of psilocybin products.

23 NEW SECTION. **Sec. 84.** (1) The department, the department of
24 agriculture, and the liquor and cannabis board may not refuse to
25 perform any duty under this chapter on the basis that manufacturing,
26 distributing, dispensing, possessing, or using psilocybin products is
27 prohibited by federal law.

28 (2) The department may not revoke or refuse to issue or renew a
29 license or permit under this chapter on the basis that manufacturing,
30 distributing, dispensing, possessing, or using psilocybin products is
31 prohibited by federal law.

32 NEW SECTION. **Sec. 85.** A person may not sue the department, the
33 department of agriculture, the liquor and cannabis board, a member of
34 the liquor and cannabis board, or any employee of these entities, for

1 performing or omitting to perform any duty, function, or power of the
2 entity set forth under this chapter or in any other law of this state
3 requiring these entities to perform a duty, function, or power
4 related to psilocybin products.

5 NEW SECTION. **Sec. 86.** Subject to any applicable provisions of
6 RCW 10.105.010, RCW 69.50.505, and chapter 34.05 RCW, any state
7 officer, board, commission, corporation, institution, department, or
8 other state body, and any local officer, board, commission,
9 institution, department, or other local government body, that is
10 authorized by the statutory laws of this state to perform a duty,
11 function, or power with respect to a psilocybin product, may
12 purchase, possess, seize, or dispose of the psilocybin product as the
13 state officer, board, commission, corporation, institution,
14 department, or other state body, or the local officer, board,
15 commission, institution, department, or other local government body,
16 considers necessary to ensure compliance with and enforce the
17 applicable statutory law or any rule adopted under the applicable
18 statutory law.

19 NEW SECTION. **Sec. 87.** In case of invasion, disaster,
20 insurrection, or riot, or imminent danger of invasion, disaster,
21 insurrection, or riot, the governor may, for the duration of the
22 invasion, disaster, insurrection, or riot, or imminent danger,
23 immediately and without notice suspend, in the area involved, any
24 license or permit issued under this chapter.

25 **OTHER PROVISIONS**

26 NEW SECTION. **Sec. 88.** (1) Psilocybin-producing fungi is:
27 (a) An agricultural commodity for the purposes of RCW 84.34.020
28 and an accessory use for the purposes of RCW 36.70A.177;
29 (b) A crop for purposes of "farmland" and "farm product" as those
30 terms are defined under RCW 7.48.310; and
31 (c) An agricultural activity for the purposes of RCW 7.48.305.
32 (2) The following are not permitted uses on land designated for
33 exclusive farm use:
34 (a) A new dwelling used in conjunction with a psilocybin-
35 producing fungi crop;

1 (b) A farm stand used in conjunction with a psilocybin-producing
2 fungi crop; and

3 (c) Subject to subsection (3) of this section, a commercial
4 activity carried on in conjunction with a psilocybin-producing fungi
5 crop.

6 (3) The operation of a psilocybin service center may be carried
7 on in conjunction with a psilocybin-producing fungi crop.

8 (4) A county may allow the manufacture of psilocybin products as
9 a farm use on land zoned for farm or forest use in the same manner as
10 the manufacture of psilocybin products is allowed in exclusive farm
11 use zones under this section.

12 (5) This section applies to psilocybin product manufacturers that
13 hold a license under section 22 of this act.

14 NEW SECTION. **Sec. 89.** (1) The department of agriculture may not
15 exercise authority over psilocybin products or a licensee, except as
16 provided by the department in rule.

17 (2) In exercising its authority under chapter 15.130 RCW, the
18 department of agriculture may not:

19 (a) Establish standards for psilocybin products as a food
20 additive, as defined under RCW 15.130.110;

21 (b) Consider psilocybin products to be an adulterant, unless the
22 concentration of a psilocybin product exceeds acceptable levels
23 established by the department by rule; or

24 (c) Apply or enforce RCW 15.130.140 and 15.130.200 through
25 15.130.230 to psilocybin products.

26 NEW SECTION. **Sec. 90.** A contract is not unenforceable on the
27 basis that manufacturing, distributing, dispensing, possessing, or
28 using psilocybin products is prohibited by federal law.

29 NEW SECTION. **Sec. 91.** The department shall maintain a telephone
30 hotline, website, or other effective means of communication for the
31 following persons to inquire if an address is the location of a
32 premises for which a license has been issued under this chapter or is
33 the location of a premises for which an application for licensure has
34 been submitted under section 14 of this act:

35 (1) A person designated by a city or a county;

36 (2) A person designated by the department of natural resources;

37 and

1 (3) A person designated by the water master of any water
2 district.

3 NEW SECTION. **Sec. 92.** (1) A physician, physician assistant,
4 advanced registered nurse practitioner, psychologist, social worker,
5 mental health counselor, or marriage and family therapist shall not
6 be subject to arrest, prosecution, or penalty in any manner, or
7 denied any right or privilege including, but not limited to, civil
8 penalty or disciplinary action by the department, the Washington
9 medical commission, or any other business or occupational or
10 professional licensing board or bureau, solely for providing written
11 recommendations, in the course of a bona fide patient relationship
12 and after the health professional has completed a full assessment of
13 the patient's medical history, or for otherwise stating that, in the
14 person's professional opinion, a patient is likely to receive
15 therapeutic or palliative benefit from the use of psilocybin to
16 alleviate the patient's medical or behavioral health condition or
17 associated symptoms. Nothing in this section prevents a professional
18 licensing board from sanctioning a professional for failing to
19 properly evaluate a patient's medical or behavioral health condition
20 or otherwise violating the standard of care for evaluating medical or
21 behavioral health conditions.

22 (2) A client of a psilocybin service center is not subject to
23 arrest, prosecution, or penalty in any manner, or denied any right or
24 privilege including, but not limited to, civil penalty or
25 disciplinary action by a business or occupational or professional
26 licensing board or bureau, merely for the use of psilocybin in
27 accordance with this chapter.

28 (3) A primary caregiver is not subject to arrest, prosecution, or
29 penalty in any manner, or denied any right or privilege including,
30 but not limited to, civil penalty or disciplinary action by a
31 business or occupational or professional licensing board or bureau,
32 for assisting a qualifying patient to whom he or she is connected
33 with the use of psilocybin in accordance with this chapter.

34 NEW SECTION. **Sec. 93.** (1) Subject to subsection (2) of this
35 section, information is exempt from public disclosure under chapter
36 42.56 RCW if the information is:

37 (a) Personally identifiable information;

1 (b) The address of a premises for which a license has been issued
2 or for which an applicant has proposed licensure under section 22,
3 25, or 95 of this act;

4 (c) Related to the security plan or the operational plan for a
5 premises for which a license has been issued or for which an
6 applicant has proposed licensure under section 22, 25, or 95 of this
7 act; or

8 (d) Related to any record that the department determines contains
9 proprietary information of a licensee.

10 (2) The exemption from public disclosure as provided by this
11 section does not apply to:

12 (a) The name of an individual listed on an application, if the
13 individual is a direct owner of the business operating or to be
14 operated under the license; or

15 (b) A request for information if the request is made by a law
16 enforcement agency.

17 (3) For purposes of subsection (2)(a) of this section, an
18 individual is not a direct owner of the business operating or to be
19 operated under the license if:

20 (a) The direct owner of the business operating or to be operated
21 under the license is a legal entity; and

22 (b) The individual is merely a general partner, limited partner,
23 member, shareholder, or other direct or indirect owner of the legal
24 entity.

25 TESTING OF PSILOCYBIN PRODUCTS

26 NEW SECTION. **Sec. 94.** (1) As is necessary to protect the public
27 health and safety, and in consultation with the liquor and cannabis
28 board and the department of agriculture, the department shall adopt
29 rules:

30 (a) Establishing standards for testing psilocybin products;

31 (b) Identifying appropriate tests for psilocybin products,
32 depending on the type of psilocybin product and the manner in which
33 the psilocybin product was manufactured, that are necessary to
34 protect the public health and safety, which may include, but not be
35 limited to, tests for:

36 (i) Microbiological contaminants;

37 (ii) Pesticides;

38 (iii) Other contaminants;

- 1 (iv) Solvents or residual solvents; and
2 (v) Psilocybin concentration;
3 (c) Establishing procedures for determining batch sizes and for
4 sampling psilocybin products; and
5 (d) Establishing different minimum standards for different
6 varieties of psilocybin products.

7 (2) In addition to the testing requirements established under
8 subsection (1) of this section, the department may require psilocybin
9 products to be tested in accordance with any applicable law of this
10 state, or any applicable rule adopted under a law of this state,
11 related to the production and processing of food products or
12 commodities.

13 (3) In adopting rules under this chapter, the department may
14 require a psilocybin product manufacturer that holds a license under
15 section 22 of this act to test psilocybin products before selling or
16 transferring the psilocybin products.

17 (4) The department may conduct random testing of psilocybin
18 products for the purpose of determining whether a licensee subject to
19 testing under subsection (3) of this section is in compliance with
20 this section.

21 (5) In adopting rules to implement this section, the department
22 may not require a psilocybin product to undergo the same test more
23 than once unless the psilocybin product is processed into a different
24 type of psilocybin product or the condition of the psilocybin product
25 has fundamentally changed.

26 (6) The testing of psilocybin products as required by this
27 section must be conducted by a laboratory licensed by the department
28 under section 95 of this act and accredited by the department under
29 section 98 of this act.

30 (7) In adopting rules under subsection (1) of this section, the
31 department:

32 (a) Must consider the cost of a potential testing procedure and
33 how that cost will affect the cost to the ultimate client; and

34 (b) May not adopt rules that are more restrictive than is
35 reasonably necessary to protect the public health and safety.

36 NEW SECTION. **Sec. 95.** (1) A laboratory that conducts testing of
37 psilocybin products as required by section 94 of this act must have a
38 license to operate at the premises at which the psilocybin products
39 are tested.

1 (2) For purposes of this section, the department must adopt rules
2 establishing:

3 (a) Qualifications to be licensed under this section, including
4 that an applicant for licensure under this section must be accredited
5 by the department as described in section 98 of this act;

6 (b) Processes for applying for and renewing a license under this
7 section;

8 (c) Fees for applying for, receiving, and renewing a license
9 under this section; and

10 (d) Procedures for:

11 (i) Tracking psilocybin products to be tested;

12 (ii) Documenting and reporting test results; and

13 (iii) Disposing of samples of psilocybin products that have been
14 tested.

15 (3) A license issued under this section must be renewed annually.

16 (4) The department may inspect a premises licensed under this
17 section to ensure compliance with sections 94 through 102 of this act
18 and rules adopted under sections 94 through 102 of this act.

19 (5) Subject to the applicable provisions of chapter 34.05 RCW,
20 the department may refuse to issue or renew, or may suspend or
21 revoke, a license issued under this section for violation of a
22 provision of this chapter or a rule adopted under a provision of this
23 chapter.

24 (6) Fees adopted under subsection (2)(c) of this section must be
25 reasonably calculated to pay the expenses incurred by the department
26 under this chapter.

27 (7) Fees collected under this section must be deposited in the
28 psilocybin control and regulation account established under section
29 66 of this act.

30 NEW SECTION. **Sec. 96.** For the purpose of requesting a state or
31 nationwide criminal records check under RCW 18.130.064, the
32 department may require the fingerprints of any individual listed on
33 an application submitted under section 95 of this act. The powers
34 conferred on the department under this section include the power to
35 require the fingerprints of:

36 (1) If the applicant is a limited partnership, each general
37 partner of the limited partnership;

38 (2) If the applicant is a manager-managed limited liability
39 company, each manager of the limited liability company;

1 (3) If the applicant is a member-managed limited liability
2 company, each voting member of the limited liability company;

3 (4) If the applicant is a corporation, each director and officer
4 of the corporation; and

5 (5) Any individual who holds a financial interest of 10 percent
6 or more in the person applying for the license.

7 NEW SECTION. **Sec. 97.** (1) The department may require a licensee
8 or applicant for a license under section 95 of this act to submit, in
9 a form and manner prescribed by the department, to the department a
10 sworn statement showing:

11 (a) The name and address of each person who has a financial
12 interest in the business operating or to be operated under the
13 license; and

14 (b) The nature and extent of the financial interest of each
15 person that has a financial interest in the business operating or to
16 be operated under the license.

17 (2) The department may refuse to issue, or may suspend, revoke,
18 or refuse to renew, a license issued under section 95 of this act if
19 the department determines that a person that has a financial interest
20 in the business operating or to be operated under the license
21 committed or failed to commit an act that would constitute grounds
22 for the department to refuse to issue, or to suspend, revoke, or
23 refuse to renew, the license if the person were the licensee or
24 applicant for the license.

25 NEW SECTION. **Sec. 98.** (1) A laboratory that conducts testing of
26 psilocybin products as required by section 94 of this act must be
27 accredited and meet other qualifications as established by the
28 department under this section.

29 (2) In addition to other qualifications required, the department
30 shall require an applicant for accreditation for purposes related to
31 the testing of psilocybin products to:

32 (a) Complete an application;

33 (b) Undergo an onsite inspection; and

34 (c) Meet other applicable requirements, specifications, and
35 guidelines for testing psilocybin products, as determined to be
36 appropriate by the department by rule.

1 (3) The department may inspect premises licensed under section 95
2 of this act to ensure compliance with sections 94 through 102 of this
3 act and rules adopted under sections 94 through 102 of this act.

4 (4) Subject to chapter 34.05 RCW, the department may refuse to
5 issue or renew, or may suspend or revoke, a laboratory's
6 accreditation granted under this section for violation of this
7 chapter or a rule adopted under this chapter.

8 (5) In establishing fees for laboratories that test psilocybin
9 products, the department must establish fees that are reasonably
10 calculated to pay the expenses incurred by the department under this
11 section in accrediting laboratories that test psilocybin products.

12 NEW SECTION. **Sec. 99.** Subject to chapter 34.05 RCW, if an
13 applicant or licensee violates a provision of sections 94 through 102
14 of this act or a rule adopted to implement sections 94 through 102 of
15 this act, the department may refuse to issue or renew, or may suspend
16 or revoke, a license issued under section 22, 25, 27, or 95 of this
17 act.

18 NEW SECTION. **Sec. 100.** (1) Notwithstanding the lapse,
19 suspension, or revocation of a license issued under section 95 of
20 this act, the department may:

21 (a) Proceed with any investigation of, or any action or
22 disciplinary proceeding against, the person who held the license; or

23 (b) Revise or render void an order suspending or revoking the
24 license.

25 (2) In cases involving the proposed denial of a license issued
26 under this chapter, the applicant for licensure may not withdraw the
27 applicant's application.

28 NEW SECTION. **Sec. 101.** (1) In addition to any other liability
29 or penalty provided by law, the department may impose for each
30 violation of sections 94 through 102 of this act, or a rule adopted
31 to implement sections 94 through 102 of this act, a civil penalty
32 that does not exceed \$500 for each day that the violation occurs.

33 (2) The department shall impose civil penalties under this
34 section in the manner provided by RCW 43.70.095.

35 (3) Moneys collected under this section must be deposited in the
36 psilocybin control and regulation account established under section
37 66 of this act.

1 NEW SECTION. **Sec. 102.** A person who holds a license under
2 section 95 of this act, and an employee of or other person who
3 performs work for a person who holds a license under section 95 of
4 this act, are exempt from the criminal laws of this state for
5 possession, delivery, or manufacture of psilocybin, aiding and
6 abetting another in the possession, delivery, or manufacture of
7 psilocybin, or any other criminal offense in which possession,
8 delivery, or manufacture of psilocybin is an element, while
9 performing activities related to testing as described in sections 94
10 through 102 of this act.

11 **PACKAGING, LABELING, AND DOSAGE OF PSILOCYBIN PRODUCTS**

12 NEW SECTION. **Sec. 103.** (1) As is necessary to protect the
13 public health and safety, and in consultation with the department of
14 agriculture and the liquor and cannabis board, the department shall
15 adopt rules establishing standards for the labeling of psilocybin
16 products, including but not limited to:

17 (a) Ensuring that psilocybin products have labeling that
18 communicates:

- 19 (i) Health and safety warnings;
- 20 (ii) If applicable, activation time;
- 21 (iii) Potency;
- 22 (iv) If applicable, serving size and the number of servings
23 included in a psilocybin product; and
- 24 (v) Content of the psilocybin product; and

25 (b) Labeling that is in accordance with applicable state food
26 labeling requirements for the same type of food product or potable
27 liquid when the food product or potable liquid does not contain
28 psilocybin.

29 (2) In adopting rules under this chapter, the department shall
30 require all psilocybin products sold or transferred by a psilocybin
31 service center that holds a license issued under section 25 of this
32 act to be labeled in accordance with subsection (1) of this section
33 and rules adopted under subsection (1) of this section.

34 (3) In adopting rules under subsection (1) of this section, the
35 department:

- 36 (a) May establish different labeling standards for different
37 varieties and types of psilocybin products;

1 (b) Shall consider the cost of a potential requirement and how
2 that cost will affect the cost to the ultimate client; and

3 (c) May not adopt rules that are more restrictive than is
4 reasonably necessary to protect the public health and safety.

5 NEW SECTION. **Sec. 104.** (1) The department may by rule require a
6 licensee to submit a label intended for use on a psilocybin product
7 for preapproval by the department before the licensee may sell or
8 transfer a psilocybin product bearing the label. The department must
9 determine whether a label submitted under this section complies with
10 section 103 of this act and any rule adopted under section 103 of
11 this act.

12 (2) The department may impose a fee for submitting a label for
13 preapproval under this section that is reasonably calculated to not
14 exceed the cost of administering this section.

15 NEW SECTION. **Sec. 105.** (1) As is necessary to protect the
16 public health and safety, and in consultation with the department of
17 agriculture and the liquor and cannabis board, the department must
18 adopt rules establishing standards for the packaging of psilocybin
19 products, including but not limited to ensuring that psilocybin
20 products are not marketed in a manner that:

21 (a) Is untruthful or misleading; or

22 (b) Otherwise creates a significant risk of harm to public health
23 and safety.

24 (2) In adopting rules under this chapter, the department must
25 require all psilocybin products sold or transferred by a psilocybin
26 service center that holds a license issued under section 25 of this
27 act to be packaged in accordance with subsection (1) of this section
28 and rules adopted under subsection (1) of this section.

29 (3) In adopting rules under subsection (1) of this section, the
30 department:

31 (a) May establish different packaging standards for different
32 varieties and types of psilocybin products;

33 (b) May consider the effect on the environment of requiring
34 certain packaging;

35 (c) Must consider the cost of a potential requirement and how
36 that cost will affect the cost to the ultimate client; and

37 (d) May not adopt rules that are more restrictive than is
38 reasonably necessary to protect the public health and safety.

1 NEW SECTION. **Sec. 106.** (1) The department may by rule require a
2 licensee to submit packaging intended for a psilocybin product for
3 preapproval by the department before the licensee may sell or
4 transfer a psilocybin product packaged in the packaging. The
5 department must determine whether packaging submitted under this
6 section complies with section 105 of this act and any rule adopted
7 under section 105 of this act.

8 (2) The department may impose a fee for submitting packaging for
9 preapproval under this section that is reasonably calculated to not
10 exceed the cost of administering this section.

11 NEW SECTION. **Sec. 107.** (1) The department must adopt rules
12 establishing:

13 (a) The maximum concentration of psilocybin that is permitted in
14 a single serving of a psilocybin product; and

15 (b) The number of servings that are permitted in a psilocybin
16 product package.

17 (2) In adopting rules under this chapter, the department must
18 require all psilocybin products sold or transferred by a psilocybin
19 service center that holds a license under section 25 of this act to
20 meet the concentration standards and packaging standards adopted by
21 rule under this section.

22 NEW SECTION. **Sec. 108.** To ensure compliance with sections 103
23 through 110 of this act and any rule adopted under sections 103
24 through 110 of this act, the department may inspect the premises of a
25 person that holds a license under section 22 or 25 of this act.

26 NEW SECTION. **Sec. 109.** Subject to chapter 34.05 RCW, if the
27 applicant or licensee violates sections 103 through 110 of this act
28 or a rule adopted to implement sections 103 through 110 of this act,
29 the department may refuse to issue or renew, or may suspend or
30 revoke, a license issued under section 22, 25, or 27 of this act.

31 NEW SECTION. **Sec. 110.** (1) In addition to any other liability
32 or penalty provided by law, the department may impose for each
33 violation of a provision of sections 103 through 110 of this act, or
34 a rule adopted under a provision of sections 103 through 110 of this
35 act, a civil penalty that does not exceed \$500 for each day that the
36 violation occurs.

1 (2) The department shall impose civil penalties under this
2 section in the manner provided by RCW 43.70.095.

3 (3) Moneys collected under this section must be deposited in the
4 psilocybin control and regulation account established under section
5 66 of this act.

6 **AUTHORITY OF CITIES AND COUNTIES TO PROHIBIT ESTABLISHMENT OF**
7 **PSILOCYBIN RELATED BUSINESSES**

8 NEW SECTION. **Sec. 111.** (1) If the governing body of a city or
9 county adopts an ordinance that prohibits or allows the establishment
10 of psilocybin product manufacturers, psilocybin service center
11 operators, or other entities licensed under this chapter in the area
12 subject to the jurisdiction of the city or in the unincorporated area
13 subject to the jurisdiction of the county, the governing body must
14 provide the text of the ordinance to the department.

15 (2) Upon receiving notice of a prohibition under subsection (1)
16 of this section, the department must discontinue licensing those
17 premises to which the prohibition applies.

18 (3) Notwithstanding any other provisions of law:

19 (a) A city or county that adopts an ordinance may not require a
20 psilocybin service center to be located at a distance greater than
21 1,000 feet from a public, private, or parochial elementary or
22 secondary school, or at a distance greater than 500 feet from a
23 public, private, or parochial school if there is a physical or
24 geographic barrier capable of preventing children from traversing to
25 the premises of the psilocybin service center.

26 (b) A city or county that adopts an ordinance may not impose a
27 tax or fee on the manufacturing or sale of psilocybin products.

28 NEW SECTION. **Sec. 112.** An employer in the state of Washington
29 may not discriminate against an employee for receiving psilocybin
30 services as sanctioned under this chapter absent the employee's
31 visible impairment at work and may not test an employee for the
32 presence of psilocybin unless they exhibit clear, observable symptoms
33 of impairment.

34 NEW SECTION. **Sec. 113.** (1) The legislature finds that in the
35 interest of establishing a legal psilocybin industry that is
36 equitable and accessible to all, it is appropriate to establish a

1 social opportunity program for the psilocybin industry to help remedy
2 the harms resulting from historical injustice and the
3 disproportionate and targeted enforcement of drug-related laws on
4 poor and marginalized communities.

5 (2) The department shall create and administer a social
6 opportunity program to help individuals who qualify as social
7 opportunity applicants and meet the requirements to become licensed
8 under this chapter. In furtherance of this, the department may:

9 (a) Identify geographic areas that are distressed areas;

10 (b) Establish other appropriate criteria to identify social
11 opportunity applicants by rule;

12 (c) Provide technical assistance to social opportunity applicants
13 either through direct assistance or by methods such as establishing a
14 partnership network of entities available to support social
15 opportunity applicants;

16 (d) Provide reduced license fees for social opportunity
17 applicants; and

18 (e) If applicable, create eligibility for social opportunity
19 applicants to receive points towards a license application score.

20 (3) For purposes of this section:

21 (a) "Distressed area" means an area:

22 (i) That is categorized as a distressed area by the Washington
23 state employment security department or bureau of labor statistics;
24 or

25 (ii) That is a state legislative district in which:

26 (A) Fifty percent or more of the children in the area participate
27 in the federal free lunch program according to reported statistics
28 from the state board of education; or

29 (B) At least 20 percent of the households in the area receive
30 assistance under the federal supplemental nutrition assistance
31 program.

32 (b) "Social opportunity applicant" means:

33 (i) An entity in which at least 51 percent of the ownership and
34 control is by individuals who have lived in a distressed area for
35 five of the last 10 years;

36 (ii) An entity with more than 10 full-time employees and more
37 than half of its employees reside in a distressed area; or

38 (iii) An entity that meets other criteria established by the
39 department by rule.

1 **Sec. 114.** RCW 7.48.310 and 2009 c 200 s 3 are each amended to
2 read as follows:

3 For the purposes of RCW 7.48.305 only:

4 (1) "Agricultural activity" means a condition or activity which
5 occurs on a farm in connection with the commercial production of farm
6 products and includes, but is not limited to, marketed produce at
7 roadside stands or farm markets; noise; odors; dust; fumes; operation
8 of machinery and irrigation pumps; movement, including, but not
9 limited to, use of current county road ditches, streams, rivers,
10 canals, and drains, and use of water for agricultural activities;
11 ground and aerial application of seed, fertilizers, conditioners, and
12 plant protection products; keeping of bees for production of
13 agricultural or apicultural products; the manufacture of psilocybin
14 as defined under section 5 of this act; employment and use of labor;
15 roadway movement of equipment and livestock; protection from damage
16 by wildlife; prevention of trespass; construction and maintenance of
17 buildings, fences, roads, bridges, ponds, drains, waterways, and
18 similar features and maintenance of stream banks and watercourses;
19 and conversion from one agricultural activity to another, including a
20 change in the type of plant-related farm product being produced. The
21 term includes use of new practices and equipment consistent with
22 technological development within the agricultural industry.

23 (2) "Farm" means the land, buildings, freshwater ponds,
24 freshwater culturing and growing facilities, and machinery used in
25 the commercial production of farm products.

26 (3) "Farmland" means land or freshwater ponds devoted primarily
27 to the production, for commercial purposes, of livestock, freshwater
28 aquacultural, or other farm products. "Farmland" includes the
29 premises as defined under section 5 of this act in which psilocybin
30 is manufactured.

31 (4) "Farm product" means those plants and animals useful to
32 humans and includes, but is not limited to, forages and sod crops,
33 dairy and dairy products, poultry and poultry products, livestock,
34 including breeding, grazing, and recreational equine use, fruits,
35 vegetables, flowers, seeds, grasses, trees, freshwater fish and fish
36 products, apiaries and apiary products, psilocybin, equine and other
37 similar products, or any other product which incorporates the use of
38 food, feed, fiber, or fur.

39 (5) "Forest practice" means any activity conducted on or directly
40 pertaining to forestland, as that term is defined in RCW 76.09.020,

1 and relating to growing, harvesting, or processing timber. The term
2 "forest practices" includes, but is not limited to, road and trail
3 construction, final and intermediate harvesting, precommercial
4 thinning, reforestation, fertilization, prevention and suppression of
5 diseases and insects, salvage of trees, brush control, and owning
6 land where trees may passively grow until one of the preceding
7 activities is deemed timely by the owner.

8 NEW SECTION. **Sec. 115.** A new section is added to chapter 15.130
9 RCW to read as follows:

10 In exercising its authority under this chapter, the department of
11 health may not:

12 (1) Establish standards for psilocybin products as a food
13 additive, as defined in RCW 15.130.110;

14 (2) Consider psilocybin products to be an adulterant, unless the
15 concentration of a psilocybin product exceeds acceptable levels
16 established by the department of health by rule; or

17 (3) Apply or enforce RCW 15.130.140 and 15.130.200 through
18 15.130.230 to psilocybin products.

19 **Sec. 116.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43
20 are each reenacted and amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (a) "Administer" means to apply a controlled substance, whether
24 by injection, inhalation, ingestion, or any other means, directly to
25 the body of a patient or research subject by:

26 (1) a practitioner authorized to prescribe (or, by the
27 practitioner's authorized agent); or

28 (2) the patient or research subject at the direction and in the
29 presence of the practitioner.

30 (b) "Agent" means an authorized person who acts on behalf of or
31 at the direction of a manufacturer, distributor, or dispenser. It
32 does not include a common or contract carrier, public
33 warehouseperson, or employee of the carrier or warehouseperson.

34 (c) "Board" means the Washington state liquor and cannabis board.

35 (d) "CBD concentration" has the meaning provided in RCW
36 69.51A.010.

37 (e) "CBD product" means any product containing or consisting of
38 cannabidiol.

1 (f) "Commission" means the pharmacy quality assurance commission.

2 (g) "Controlled substance" means a drug, substance, or immediate
3 precursor included in Schedules I through V as set forth in federal
4 or state laws, or federal or commission rules, but does not include:
5 (~~hemp~~)

6 (1) Hemp or industrial hemp as defined in RCW 15.140.020; or

7 (2) Psilocybin or psilocin, but only if and to the extent that a
8 person manufactures, delivers, or possesses psilocybin, psilocin, or
9 psilocybin products in accordance with the provisions of chapter
10 69.--- RCW (the new chapter created in section 120 of this act) and
11 rules adopted under that chapter.

12 (h) (1) "Controlled substance analog" means a substance the
13 chemical structure of which is substantially similar to the chemical
14 structure of a controlled substance in Schedule I or II and:

15 (i) that has a stimulant, depressant, or hallucinogenic effect on
16 the central nervous system substantially similar to the stimulant,
17 depressant, or hallucinogenic effect on the central nervous system of
18 a controlled substance included in Schedule I or II; or

19 (ii) with respect to a particular individual, that the individual
20 represents or intends to have a stimulant, depressant, or
21 hallucinogenic effect on the central nervous system substantially
22 similar to the stimulant, depressant, or hallucinogenic effect on the
23 central nervous system of a controlled substance included in Schedule
24 I or II.

25 (2) The term does not include:

26 (i) a controlled substance;

27 (ii) a substance for which there is an approved new drug
28 application;

29 (iii) a substance with respect to which an exemption is in effect
30 for investigational use by a particular person under Section 505 of
31 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
32 chapter 69.77 RCW to the extent conduct with respect to the substance
33 is pursuant to the exemption; or

34 (iv) any substance to the extent not intended for human
35 consumption before an exemption takes effect with respect to the
36 substance.

37 (i) "Deliver" or "delivery" means the actual or constructive
38 transfer from one person to another of a substance, whether or not
39 there is an agency relationship.

40 (j) "Department" means the department of health.

1 (k) "Designated provider" has the meaning provided in RCW
2 69.51A.010.

3 (l) "Dispense" means the interpretation of a prescription or
4 order for a controlled substance and, pursuant to that prescription
5 or order, the proper selection, measuring, compounding, labeling, or
6 packaging necessary to prepare that prescription or order for
7 delivery.

8 (m) "Dispenser" means a practitioner who dispenses.

9 (n) "Distribute" means to deliver other than by administering or
10 dispensing a controlled substance.

11 (o) "Distributor" means a person who distributes.

12 (p) "Drug" means (1) a controlled substance recognized as a drug
13 in the official United States pharmacopoeia/national formulary or the
14 official homeopathic pharmacopoeia of the United States, or any
15 supplement to them; (2) controlled substances intended for use in the
16 diagnosis, cure, mitigation, treatment, or prevention of disease in
17 individuals or animals; (3) controlled substances (other than food)
18 intended to affect the structure or any function of the body of
19 individuals or animals; and (4) controlled substances intended for
20 use as a component of any article specified in (1), (2), or (3) of
21 this subsection. The term does not include devices or their
22 components, parts, or accessories.

23 (q) "Drug enforcement administration" means the drug enforcement
24 administration in the United States Department of Justice, or its
25 successor agency.

26 (r) "Electronic communication of prescription information" means
27 the transmission of a prescription or refill authorization for a drug
28 of a practitioner using computer systems. The term does not include a
29 prescription or refill authorization verbally transmitted by
30 telephone nor a facsimile manually signed by the practitioner.

31 (s) "Immature plant or clone" means a plant or clone that has no
32 flowers, is less than twelve inches in height, and is less than
33 twelve inches in diameter.

34 (t) "Immediate precursor" means a substance:

35 (1) that the commission has found to be and by rule designates as
36 being the principal compound commonly used, or produced primarily for
37 use, in the manufacture of a controlled substance;

38 (2) that is an immediate chemical intermediary used or likely to
39 be used in the manufacture of a controlled substance; and

1 (3) the control of which is necessary to prevent, curtail, or
2 limit the manufacture of the controlled substance.

3 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
4 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
5 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
6 (42), and 69.50.210(c) the term includes any positional isomer; and
7 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
8 includes any positional or geometric isomer.

9 (v) "Lot" means a definite quantity of marijuana, marijuana
10 concentrates, useable marijuana, or marijuana-infused product
11 identified by a lot number, every portion or package of which is
12 uniform within recognized tolerances for the factors that appear in
13 the labeling.

14 (w) "Lot number" must identify the licensee by business or trade
15 name and Washington state unified business identifier number, and the
16 date of harvest or processing for each lot of marijuana, marijuana
17 concentrates, useable marijuana, or marijuana-infused product.

18 (x) "Manufacture" means the production, preparation, propagation,
19 compounding, conversion, or processing of a controlled substance,
20 either directly or indirectly or by extraction from substances of
21 natural origin, or independently by means of chemical synthesis, or
22 by a combination of extraction and chemical synthesis, and includes
23 any packaging or repackaging of the substance or labeling or
24 relabeling of its container. The term does not include the
25 preparation, compounding, packaging, repackaging, labeling, or
26 relabeling of a controlled substance:

27 (1) by a practitioner as an incident to the practitioner's
28 administering or dispensing of a controlled substance in the course
29 of the practitioner's professional practice; or

30 (2) by a practitioner, or by the practitioner's authorized agent
31 under the practitioner's supervision, for the purpose of, or as an
32 incident to, research, teaching, or chemical analysis and not for
33 sale.

34 (y) "Marijuana" or "marihuana" means all parts of the plant
35 *Cannabis*, whether growing or not, with a THC concentration greater
36 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
37 extracted from any part of the plant; and every compound,
38 manufacture, salt, derivative, mixture, or preparation of the plant,
39 its seeds or resin. The term does not include:

1 (1) The mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or preparation of
4 the mature stalks (except the resin extracted therefrom), fiber, oil,
5 or cake, or the sterilized seed of the plant which is incapable of
6 germination; or

7 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
8 used for licensed hemp production under chapter 15.140 RCW.

9 (z) "Marijuana concentrates" means products consisting wholly or
10 in part of the resin extracted from any part of the plant *Cannabis*
11 and having a THC concentration greater than ten percent.

12 (aa) "Marijuana processor" means a person licensed by the board
13 to process marijuana into marijuana concentrates, useable marijuana,
14 and marijuana-infused products, package and label marijuana
15 concentrates, useable marijuana, and marijuana-infused products for
16 sale in retail outlets, and sell marijuana concentrates, useable
17 marijuana, and marijuana-infused products at wholesale to marijuana
18 retailers.

19 (bb) "Marijuana producer" means a person licensed by the board to
20 produce and sell marijuana at wholesale to marijuana processors and
21 other marijuana producers.

22 (cc) "Marijuana products" means useable marijuana, marijuana
23 concentrates, and marijuana-infused products as defined in this
24 section.

25 (dd) "Marijuana researcher" means a person licensed by the board
26 to produce, process, and possess marijuana for the purposes of
27 conducting research on marijuana and marijuana-derived drug products.

28 (ee) "Marijuana retailer" means a person licensed by the board to
29 sell marijuana concentrates, useable marijuana, and marijuana-infused
30 products in a retail outlet.

31 (ff) "Marijuana-infused products" means products that contain
32 marijuana or marijuana extracts, are intended for human use, are
33 derived from marijuana as defined in subsection (y) of this section,
34 and have a THC concentration no greater than ten percent. The term
35 "marijuana-infused products" does not include either useable
36 marijuana or marijuana concentrates.

37 (gg) "Narcotic drug" means any of the following, whether produced
38 directly or indirectly by extraction from substances of vegetable
39 origin, or independently by means of chemical synthesis, or by a
40 combination of extraction and chemical synthesis:

1 (1) Opium, opium derivative, and any derivative of opium or opium
2 derivative, including their salts, isomers, and salts of isomers,
3 whenever the existence of the salts, isomers, and salts of isomers is
4 possible within the specific chemical designation. The term does not
5 include the isoquinoline alkaloids of opium.

6 (2) Synthetic opiate and any derivative of synthetic opiate,
7 including their isomers, esters, ethers, salts, and salts of isomers,
8 esters, and ethers, whenever the existence of the isomers, esters,
9 ethers, and salts is possible within the specific chemical
10 designation.

11 (3) Poppy straw and concentrate of poppy straw.

12 (4) Coca leaves, except coca leaves and extracts of coca leaves
13 from which cocaine, ecgonine, and derivatives or ecgonine or their
14 salts have been removed.

15 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

16 (6) Cocaine base.

17 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
18 thereof.

19 (8) Any compound, mixture, or preparation containing any quantity
20 of any substance referred to in (1) through (7) of this subsection.

21 (hh) "Opiate" means any substance having an addiction-forming or
22 addiction-sustaining liability similar to morphine or being capable
23 of conversion into a drug having addiction-forming or addiction-
24 sustaining liability. The term includes opium, substances derived
25 from opium (opium derivatives), and synthetic opiates. The term does
26 not include, unless specifically designated as controlled under RCW
27 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
28 and its salts (dextromethorphan). The term includes the racemic and
29 levorotatory forms of dextromethorphan.

30 (ii) "Opium poppy" means the plant of the species *Papaver*
31 *somniferum* L., except its seeds.

32 (jj) "Person" means individual, corporation, business trust,
33 estate, trust, partnership, association, joint venture, government,
34 governmental subdivision or agency, or any other legal or commercial
35 entity.

36 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

37 (ll) "Poppy straw" means all parts, except the seeds, of the
38 opium poppy, after mowing.

39 (mm) "Practitioner" means:

1 (1) A physician under chapter 18.71 RCW; a physician assistant
2 under chapter 18.71A RCW; an osteopathic physician and surgeon under
3 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
4 who is certified by the optometry board under RCW 18.53.010 subject
5 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
6 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
7 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
8 registered nurse practitioner, or licensed practical nurse under
9 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
10 who is licensed under RCW 18.36A.030 subject to any limitations in
11 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
12 investigator under this chapter, licensed, registered or otherwise
13 permitted insofar as is consistent with those licensing laws to
14 distribute, dispense, conduct research with respect to or administer
15 a controlled substance in the course of their professional practice
16 or research in this state.

17 (2) A pharmacy, hospital or other institution licensed,
18 registered, or otherwise permitted to distribute, dispense, conduct
19 research with respect to or to administer a controlled substance in
20 the course of professional practice or research in this state.

21 (3) A physician licensed to practice medicine and surgery, a
22 physician licensed to practice osteopathic medicine and surgery, a
23 dentist licensed to practice dentistry, a podiatric physician and
24 surgeon licensed to practice podiatric medicine and surgery, a
25 licensed physician assistant or a licensed osteopathic physician
26 assistant specifically approved to prescribe controlled substances by
27 his or her state's medical commission or equivalent and his or her
28 supervising physician, an advanced registered nurse practitioner
29 licensed to prescribe controlled substances, or a veterinarian
30 licensed to practice veterinary medicine in any state of the United
31 States.

32 (nn) "Prescription" means an order for controlled substances
33 issued by a practitioner duly authorized by law or rule in the state
34 of Washington to prescribe controlled substances within the scope of
35 his or her professional practice for a legitimate medical purpose.

36 (oo) "Production" includes the manufacturing, planting,
37 cultivating, growing, or harvesting of a controlled substance.

38 (pp) "Qualifying patient" has the meaning provided in RCW
39 69.51A.010.

1 (qq) "Recognition card" has the meaning provided in RCW
2 69.51A.010.

3 (rr) "Retail outlet" means a location licensed by the board for
4 the retail sale of marijuana concentrates, useable marijuana, and
5 marijuana-infused products.

6 (ss) "Secretary" means the secretary of health or the secretary's
7 designee.

8 (tt) "State," unless the context otherwise requires, means a
9 state of the United States, the District of Columbia, the
10 Commonwealth of Puerto Rico, or a territory or insular possession
11 subject to the jurisdiction of the United States.

12 (uu) "THC concentration" means percent of delta-9
13 tetrahydrocannabinol content per dry weight of any part of the plant
14 *Cannabis*, or per volume or weight of marijuana product, or the
15 combined percent of delta-9 tetrahydrocannabinol and
16 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
17 regardless of moisture content.

18 (vv) "Ultimate user" means an individual who lawfully possesses a
19 controlled substance for the individual's own use or for the use of a
20 member of the individual's household or for administering to an
21 animal owned by the individual or by a member of the individual's
22 household.

23 (ww) "Useable marijuana" means dried marijuana flowers. The term
24 "useable marijuana" does not include either marijuana-infused
25 products or marijuana concentrates.

26 (xx) "Youth access" means the level of interest persons under the
27 age of twenty-one may have in a vapor product, as well as the degree
28 to which the product is available or appealing to such persons, and
29 the likelihood of initiation, use, or addiction by adolescents and
30 young adults.

31 **Sec. 117.** RCW 49.60.180 and 2020 c 52 s 10 are each amended to
32 read as follows:

33 It is an unfair practice for any employer:

34 (1) To refuse to hire any person because of age, sex, marital
35 status, sexual orientation, race, creed, color, national origin,
36 citizenship or immigration status, honorably discharged veteran or
37 military status, or the presence of any sensory, mental, or physical
38 disability or the use of a trained dog guide or service animal by a
39 person with a disability, unless based upon a bona fide occupational

1 qualification: PROVIDED, That the prohibition against discrimination
2 because of such disability shall not apply if the particular
3 disability prevents the proper performance of the particular worker
4 involved: PROVIDED, That this section shall not be construed to
5 require an employer to establish employment goals or quotas based on
6 sexual orientation.

7 (2) To discharge or bar any person from employment because of
8 age, sex, marital status, sexual orientation, race, creed, color,
9 national origin, citizenship or immigration status, honorably
10 discharged veteran or military status, use of psilocybin services as
11 sanctioned under chapter 69.--- RCW (the new chapter created in
12 section 120 of this act) in the absence of visible impairment at
13 work, or the presence of any sensory, mental, or physical disability
14 or the use of a trained dog guide or service animal by a person with
15 a disability.

16 (3) To discriminate against any person in compensation or in
17 other terms or conditions of employment because of age, sex, marital
18 status, sexual orientation, race, creed, color, national origin,
19 citizenship or immigration status, honorably discharged veteran or
20 military status, or the presence of any sensory, mental, or physical
21 disability or the use of a trained dog guide or service animal by a
22 person with a disability: PROVIDED, That it shall not be an unfair
23 practice for an employer to segregate washrooms or locker facilities
24 on the basis of sex, or to base other terms and conditions of
25 employment on the sex of employees where the commission by regulation
26 or ruling in a particular instance has found the employment practice
27 to be appropriate for the practical realization of equality of
28 opportunity between the sexes.

29 (4) To print, or circulate, or cause to be printed or circulated
30 any statement, advertisement, or publication, or to use any form of
31 application for employment, or to make any inquiry in connection with
32 prospective employment, which expresses any limitation,
33 specification, or discrimination as to age, sex, marital status,
34 sexual orientation, race, creed, color, national origin, citizenship
35 or immigration status, honorably discharged veteran or military
36 status, or the presence of any sensory, mental, or physical
37 disability or the use of a trained dog guide or service animal by a
38 person with a disability, or any intent to make any such limitation,
39 specification, or discrimination, unless based upon a bona fide

1 occupational qualification: PROVIDED, Nothing contained herein shall
2 prohibit advertising in a foreign language.

3 **Sec. 118.** RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5
4 are each reenacted and amended to read as follows:

5 (1) Money in the treasurer's trust fund may be deposited,
6 invested, and reinvested by the state treasurer in accordance with
7 RCW 43.84.080 in the same manner and to the same extent as if the
8 money were in the state treasury, and may be commingled with moneys
9 in the state treasury for cash management and cash balance purposes.

10 (2) All income received from investment of the treasurer's trust
11 fund must be set aside in an account in the treasury trust fund to be
12 known as the investment income account.

13 (3) The investment income account may be utilized for the payment
14 of purchased banking services on behalf of treasurer's trust funds
15 including, but not limited to, depository, safekeeping, and
16 disbursement functions for the state treasurer or affected state
17 agencies. The investment income account is subject in all respects to
18 chapter 43.88 RCW, but no appropriation is required for payments to
19 financial institutions. Payments must occur prior to distribution of
20 earnings set forth in subsection (4) of this section.

21 (4)(a) Monthly, the state treasurer must distribute the earnings
22 credited to the investment income account to the state general fund
23 except under (b), (c), and (d) of this subsection.

24 (b) The following accounts and funds must receive their
25 proportionate share of earnings based upon each account's or fund's
26 average daily balance for the period: The 24/7 sobriety account, the
27 Washington promise scholarship account, the Gina Grant Bull memorial
28 legislative page scholarship account, the Rosa Franklin legislative
29 internship program scholarship (~~(account)~~) account, the Washington
30 advanced college tuition payment program account, the Washington
31 college savings program account, the accessible communities account,
32 the Washington achieving a better life experience program account,
33 the community and technical college innovation account, the
34 agricultural local fund, the American Indian scholarship endowment
35 fund, the foster care scholarship endowment fund, the foster care
36 endowed scholarship trust fund, the contract harvesting revolving
37 account, the Washington state combined fund drive account, the
38 commemorative works account, the county enhanced 911 excise tax
39 account, the county road administration board emergency loan account,

1 the toll collection account, the developmental disabilities endowment
2 trust fund, the energy account, the fair fund, the family and medical
3 leave insurance account, the fish and wildlife federal lands
4 revolving account, the natural resources federal lands revolving
5 account, the food animal veterinarian conditional scholarship
6 account, the forest health revolving account, the fruit and vegetable
7 inspection account, the educator conditional scholarship account, the
8 game farm alternative account, the GET ready for math and science
9 scholarship account, the Washington global health technologies and
10 product development account, the grain inspection revolving fund, the
11 Washington history day account, the industrial insurance rainy day
12 fund, the juvenile accountability incentive account, the law
13 enforcement officers' and firefighters' plan 2 expense fund, the
14 local tourism promotion account, the low-income home rehabilitation
15 revolving loan program account, the multiagency permitting team
16 account, the northeast Washington wolf-livestock management account,
17 the produce railcar pool account, the public use general aviation
18 airport loan revolving account, the regional transportation
19 investment district account, the rural rehabilitation account, the
20 Washington sexual assault kit account, the stadium and exhibition
21 center account, the youth athletic facility account, the self-
22 insurance revolving fund, the children's trust fund, the Washington
23 horse racing commission Washington bred owners' bonus fund and
24 breeder awards account, the Washington horse racing commission class
25 C purse fund account, the individual development account program
26 account, the Washington horse racing commission operating account,
27 the life sciences discovery fund, the Washington state library-
28 archives building account, the reduced cigarette ignition propensity
29 account, the center for deaf and hard of hearing youth account, the
30 school for the blind account, the Millersylvania park trust fund, the
31 public employees' and retirees' insurance reserve fund, the school
32 employees' benefits board insurance reserve fund, the public
33 employees' and retirees' insurance account, the school employees'
34 insurance account, the long-term services and supports trust account,
35 the radiation perpetual maintenance fund, the Indian health
36 improvement reinvestment account, the department of licensing tuition
37 recovery trust fund, the student achievement council tuition recovery
38 trust fund, the tuition recovery trust fund, the industrial insurance
39 premium refund account, the mobile home park relocation fund, the
40 natural resources deposit fund, the Washington state health insurance

1 pool account, the federal forest revolving account, the psilocybin
2 control and regulation account, and the library operations account.

3 (c) The following accounts and funds must receive eighty percent
4 of their proportionate share of earnings based upon each account's or
5 fund's average daily balance for the period: The advance right-of-way
6 revolving fund, the advanced environmental mitigation revolving
7 account, the federal narcotics asset forfeitures account, the high
8 occupancy vehicle account, the local rail service assistance account,
9 and the miscellaneous transportation programs account.

10 (d) Any state agency that has independent authority over accounts
11 or funds not statutorily required to be held in the custody of the
12 state treasurer that deposits funds into a fund or account in the
13 custody of the state treasurer pursuant to an agreement with the
14 office of the state treasurer shall receive its proportionate share
15 of earnings based upon each account's or fund's average daily balance
16 for the period.

17 (5) In conformance with Article II, section 37 of the state
18 Constitution, no trust accounts or funds shall be allocated earnings
19 without the specific affirmative directive of this section.

20 NEW SECTION. **Sec. 119.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 120.** Sections 1 through 113 of this act
25 constitute a new chapter in Title 69 RCW.

26 NEW SECTION. **Sec. 121.** Section 6 of this act is necessary for
27 the immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect immediately.

30 NEW SECTION. **Sec. 122.** Section 116 of this act takes effect
31 July 1, 2022.

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