
SENATE BILL 5263

State of Washington

68th Legislature

2023 Regular Session

By Senators Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, C. Wilson, Kuderer, Keiser, Liias, and Van De Wege

1 AN ACT Relating to access to psilocybin services by individuals
2 21 years of age and older; amending RCW 7.48.310, 49.60.180,
3 18.130.010, 18.130.040, 18.130.040, 18.130.180, and 43.70.250;
4 reenacting and amending RCW 69.50.101 and 43.79A.040; adding a new
5 section to chapter 15.130 RCW; adding a new chapter to Title 18 RCW;
6 prescribing penalties; providing effective dates; providing an
7 expiration date; and declaring an emergency.

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

9 **INTRODUCTORY SECTION**

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

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

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

19 (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 a two-year 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 a two-year 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) "Administration session" means a session held at a psilocybin
29 service center or other permitted location at which a client consumes
30 and experiences the effects of a psilocybin product under the
31 supervision of a psilocybin service facilitator.

32 (2) "Client" means an individual who is provided psilocybin
33 services in this state.

34 (3) "Department" means the department of health.

35 (4) "Integration session" means a meeting between a client and a
36 psilocybin service facilitator that may occur after the client
37 completes an administration session.

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

5 (6) "Licensee" means a person that holds a license issued under
6 section 22, 25, 27, or 96 of this act.

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

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

18 (9) "Permitted location" means a safe and comfortable nonservice
19 center location approved by the department as a site where
20 administration sessions may be held. Permitted locations shall
21 include veterans organizations, houses of worship, private
22 residences, and outdoor spaces. Other permitted locations shall be
23 determined by the department but shall not include vehicles or public
24 spaces.

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

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

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

33 (c) For a location that the department has specifically licensed
34 for the operation of a psilocybin service center outside a building,
35 that portion of the location used to operate the psilocybin service
36 center and provide psilocybin services to clients.

37 (11) "Preparation session" means a remote or in-person meeting
38 between a client and a psilocybin service facilitator.

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

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

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

4 (i) Psilocybin-producing fungi; and

5 (ii) Mixtures or substances containing a detectable amount of
6 psilocybin.

7 (b) "Psilocybin products" does not include psilocybin services.

8 (15) "Psilocybin service center" means an entity licensed by the
9 department to acquire, possess, transfer, transport, deliver, supply,
10 sell, or dispense psilocybin products to authorized entities or
11 individuals, and to provide psilocybin services to clients within a
12 premises or at permitted locations.

13 (16) "Psilocybin service center operator" means a person that
14 operates a psilocybin service center in this state.

15 (17) "Psilocybin service facilitator" means an individual that
16 facilitates the provision of psilocybin services in this state.

17 (18) "Psilocybin service facilitator trainee" means a person
18 licensed by the department to provide psilocybin service facilitation
19 under the supervision of an approved supervisor while accumulating
20 the supervised experience hours for licensure as a psilocybin service
21 facilitator.

22 (19) (a) "Psilocybin services" means services provided to a client
23 before, during, and after the client's consumption of a psilocybin
24 product, including:

25 (i) One preparation session;

26 (ii) One administration session; and

27 (iii) One optional integration session that must be offered to
28 each client.

29 (b) "Psilocybin services" shall not constitute medical diagnosis
30 or treatment. Psilocybin services are a form of supported adult use
31 of psilocybin under the supervision of a licensed psilocybin service
32 facilitator.

33 (20) "Secretary" means the secretary of health appointed under
34 RCW 43.70.030.

35 (21) "Two-year program development period" means the period
36 beginning on September 1, 2023, and ending by September 1, 2025.

37 **WASHINGTON PSILOCYBIN ADVISORY BOARD**

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

5 (a) Members appointed by the governor as specified in subsection
6 (2) of this section;

7 (b) The secretary or the secretary's designee;

8 (c) The state health officer or a physician acting as the state
9 health officer's designee;

10 (d) A representative from the department who is familiar with
11 public health programs and public health activities in this state;
12 and

13 (e) A designee of the public health advisory board.

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

16 (a) Any four of the following:

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

19 (ii) A local health officer;

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

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

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

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

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

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

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

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

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

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

1 (g) Any three of the following:

2 (i) A person who has professional experience conducting
3 scientific research regarding the use of psychedelic compounds in
4 clinical therapy;

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

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

7 (iv) A person who has experience in the field of
8 psychopharmacology; or

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

10 (h) A person designated by the liquor and cannabis board who has
11 experience working with the cannabis central reporting system
12 developed for tracking the transfer of cannabis items;

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

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

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

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

24 (4) A majority of the voting members of the board constitutes a
25 quorum. Official adoption of advice or recommendations by the
26 Washington psilocybin advisory board requires the approval of a
27 majority of the voting members of the board.

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

30 (6) During the two-year program development period, the
31 Washington psilocybin advisory board shall meet at least once every
32 two calendar months at a time and place determined by the chair or a
33 majority of the voting members of the board. After the two-year
34 program development period, the board shall meet at least once every
35 calendar quarter at a time and place determined by the chair or a
36 majority of the voting members of the board. The board may meet at
37 other times and places specified by the call of the chair or of a
38 majority of the voting members of the board.

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

1 (8) The Washington psilocybin advisory board may establish
2 committees and subcommittees necessary for the operation of the
3 board.

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

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

12 (1) Recommendations to the department on available medical,
13 psychological, and scientific studies, social scientific research,
14 and other information relating to the safety of psilocybin and its
15 efficacy in ameliorating behavioral health conditions, including but
16 not limited to addiction, depression, anxiety disorders, and end-of-
17 life psychological distress, and the potential for psilocybin to
18 promote community, address trauma, and enhance physical and mental
19 wellness;

20 (2) Recommendations to the department on the requirements,
21 specifications, and guidelines for providing psilocybin services to a
22 client, including:

23 (a) Requirements, specifications, and guidelines for holding and
24 verifying the completion of a preparation session, an administration
25 session, and an integration session; and

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

29 (i) The information that should be solicited from the client to
30 determine whether the client should participate in the administration
31 session, including information that may identify potential risk
32 factors and contraindications, and means of accommodating or
33 mitigating them;

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

1 (iii) The health and safety warnings and other disclosures that
2 should be made to the client before the client participates in the
3 administration session;

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

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

10 (5) Recommendations to the department on the education and
11 training that psilocybin service facilitators must complete, giving
12 particular consideration to:

13 (a) Facilitation skills that are affirming, nonjudgmental,
14 culturally competent, and nondirective;

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

18 (c) The environment in which psilocybin services should occur;
19 and

20 (d) Social and cultural considerations;

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

23 (7) Recommendations as to the requirements to serve as a
24 qualified supervisor for psilocybin service facilitator trainees, and
25 appropriate circumstances in which supervised experience requirements
26 for trainees may be waived for certain applicants until a sufficient
27 supply of qualified supervisors is available;

28 (8) Recommendations to the department on public health and safety
29 standards and industry best practices for holding and completing an
30 administration session, including:

31 (a) Under what circumstances group administration sessions should
32 be available;

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

36 (c) The circumstances under which an administration session is
37 considered complete; and

38 (d) The transportation needs of the client after the completion
39 of the administration session;

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

5 (10) Monitoring and studying federal laws, regulations, and
6 policies regarding psilocybin;

7 (11) Attempting to meet with the United States attorney's office
8 for the Western and Eastern districts of Washington to discuss this
9 chapter and potential federal enforcement policies regarding
10 psilocybin in Washington after the expiration of the two-year program
11 development period; and

12 (12) Recommendations on criteria for the social opportunity
13 program under section 114 of this act that promote social equity and
14 accessibility.

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

16 NEW SECTION. **Sec. 8.** (1) The department has the duties,
17 functions, and powers specified under this chapter and the powers
18 necessary or proper to enable the department to carry out its duties,
19 functions, and powers under this chapter. The jurisdiction,
20 supervision, duties, functions, and powers of the department extend
21 to any person that produces, processes, transports, delivers, sells,
22 or purchases a psilocybin product in this state or that provides a
23 psilocybin service in this state. The department may sue and be sued.

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

26 (a) To examine, publish, and distribute to the public available
27 medical, psychological, and scientific studies, research, and other
28 information relating to the safety and efficacy of psilocybin in
29 treating mental health conditions, including but not limited to
30 addiction, depression, anxiety disorders, and end-of-life
31 psychological distress, and the potential for psilocybin to promote
32 community, address trauma, and enhance physical and mental wellness;

33 (b) After the two-year program development period:

34 (i) To regulate the manufacturing, transportation, delivery,
35 sale, and purchase of psilocybin products and the provision of
36 psilocybin services in this state in accordance with the provisions
37 of this chapter;

1 (ii) To issue, renew, suspend, revoke, or refuse to issue or
2 renew licenses for the manufacturing or sale of psilocybin products,
3 the provision of psilocybin services, or other licenses related to
4 the consumption of psilocybin products; and

5 (iii) To regulate the use of psilocybin products and psilocybin
6 services for other purposes as deemed necessary or appropriate by the
7 department;

8 (c) To adopt, amend, or repeal rules necessary to carry out the
9 intent and provisions of this chapter, including rules that the
10 department considers necessary to protect the public health and
11 safety;

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

18 (i) Issuing subpoenas;

19 (ii) Compelling the attendance of witnesses;

20 (iii) Administering oaths;

21 (iv) Certifying official acts;

22 (v) Taking depositions as provided by law;

23 (vi) Compelling the production of books, payrolls, accounts,
24 papers, records, documents, and testimony; and

25 (vii) Establishing fees in addition to the application,
26 licensing, and renewal fees described in sections 22, 25, 27, and 96
27 of this act, provided that any fee established by the department is
28 reasonably calculated to not exceed the cost of the activity for
29 which the fee is charged;

30 (e) To adopt rules prohibiting advertising psilocybin products to
31 the public;

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

34 (i) That is appealing to minors;

35 (ii) That promotes excessive use;

36 (iii) That promotes illegal activity;

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

39 (v) That otherwise presents a significant risk to public health
40 and safety.

1 (3) The department may not:

2 (a) Require that a psilocybin product be manufactured by means of
3 chemical synthesis;

4 (b) Prohibit the use of naturally grown mushrooms that meet
5 quality and safety standards; or

6 (c) Mandate the use of patented products or procedures.

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

10 (5) The jurisdiction, supervision, duties, functions, and powers
11 held by the department under this section are not shared by the
12 pharmacy quality assurance commission under chapter 18.64 RCW.

13 NEW SECTION. **Sec. 9.** The department may purchase, possess,
14 seize, transfer to a licensee, or dispose of psilocybin products as
15 is necessary for the department to ensure compliance with and enforce
16 the provisions of this chapter and any rule adopted under this
17 chapter.

18 **TWO-YEAR PROGRAM DEVELOPMENT PERIOD**

19 NEW SECTION. **Sec. 10.** The department may not issue any licenses
20 under this chapter during the two-year program development period,
21 except as otherwise provided by law.

22 NEW SECTION. **Sec. 11.** (1) By September 1, 2023, the governor
23 shall appoint the individuals specified in section 6(2) of this act
24 to the Washington psilocybin advisory board.

25 (2) By October 31, 2023, the Washington psilocybin advisory board
26 shall hold its first meeting at a time and place specified by the
27 department.

28 (3) The Washington psilocybin advisory board must vote upon and
29 submit advice and recommendations to the department on a schedule to
30 be agreed upon between the department and the board relating to: The
31 department's rule-making duties under this chapter; and the
32 development of a long-term plan for ensuring that psilocybin services
33 will become and remain a safe, accessible, and affordable wellness
34 option for all persons 21 years of age or older in this state for
35 whom psilocybin may be appropriate. Advice and recommendations must

1 be made with respect for federal laws, regulations, and policies
2 regarding psilocybin.

3 NEW SECTION. **Sec. 12.** (1) By December 31, 2023, and from time
4 to time thereafter, the department must publish and distribute to the
5 public available medical, psychological, and scientific studies,
6 research, and other information relating to the safety and efficacy
7 of psilocybin in ameliorating behavioral health conditions, including
8 but not limited to addiction, depression, anxiety disorders, and end-
9 of-life psychological distress.

10 (2) By December 31, 2024, the department shall adopt rules and
11 establish forms necessary for the implementation of this chapter.

12 **APPLICATION PROCESS AND LICENSES**

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

- 15 (1) Manufacture psilocybin products;
16 (2) Operate a psilocybin service center;
17 (3) Facilitate psilocybin services; and
18 (4) Test psilocybin products.

19 NEW SECTION. **Sec. 14.** (1) Except as provided in subsection (2)
20 of this section, an applicant for a license or renewal of a license
21 issued under this chapter shall apply to the department in the form
22 required by the department by rule, showing the name and address of
23 the applicant, location of the premises that is to be operated under
24 the license, and other pertinent information required by the
25 department.

26 (2) The department may reject any application that is not
27 submitted in the form required by the department by rule. The
28 department shall give applicants an opportunity to be heard if an
29 application is rejected. A hearing under this subsection is not
30 subject to the requirements for contested case proceedings under
31 chapter 34.05 RCW.

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

1 (4) An applicant for a facilitator license, trainee license, or
2 renewal of a facilitator or trainee license issued under section 27
3 of this act need not show the location of any premises.

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

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

10 (a) Has not completed required education or training;

11 (b) Has not passed an examination required by the department;

12 (c) Is in the habit of using alcoholic beverages, habit-forming
13 drugs, or controlled substances to excess, impairing their fitness to
14 safely perform their duties;

15 (d) Has made false statements to the department;

16 (e) Demonstrates a lack of capacity or incompetency to carry on
17 the management of the establishment proposed to be licensed;

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

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

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

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

28 (j) Has not demonstrated financial responsibility sufficient to
29 adequately meet the requirements of the premises proposed to be
30 licensed; or

31 (k) Is unable to understand the laws of this state relating to
32 psilocybin products, psilocybin services, or the rules adopted under
33 this chapter.

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

38 (a) The manufacture of psilocybin or the manufacture of a
39 cannabis item; or

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

2 (i) The date of the conviction is two or more years before the
3 date of the application, unless the controlled substance was
4 psilocybin or cannabis, in which case no waiting period applies; or

5 (ii) The person has not been convicted more than once for the
6 possession of a controlled substance other than psilocybin or
7 cannabis.

8 NEW SECTION. **Sec. 16.** For the purpose of requesting a state or
9 nationwide criminal records check under RCW 18.130.064, the
10 department may require the fingerprints of any individual listed on
11 an application submitted under section 14 of this act. The powers
12 conferred on the department under this section include the power to
13 require the fingerprints of:

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

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

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

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

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

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

25 (1) Is a personal privilege;

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

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

31 (4) Except for a license issued to a psilocybin service
32 facilitator under section 27 of this act, is transferable from the
33 premises for which the license was originally issued to another
34 premises subject to the provisions of this chapter, applicable rules
35 adopted under this chapter and applicable local ordinances;

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

- 1 (6) Does not constitute property;
- 2 (7) Is not alienable;
- 3 (8) Is not subject to attachment or execution;
- 4 (9) Does not descend by the laws of testate or intestate
- 5 devolution; and
- 6 (10) Does not grant the right to operate in conflict with local
- 7 zoning ordinances and development regulations.

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

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

16 (3) The department may not license a premises that does not have
17 defined boundaries. The department may not require a premises to be
18 enclosed by a wall, fence, or other structure, but the department may
19 require a premises to be enclosed as a condition of issuing or
20 renewing a license. The department may not license a mobile premises.

21 **LICENSEES IN GENERAL**

22 NEW SECTION. **Sec. 19.** Licensees and licensee representatives
23 may manufacture, deliver, and possess psilocybin products subject to
24 this chapter. The manufacture, delivery, or possession of psilocybin
25 products by a licensee or a licensee representative in compliance
26 with this chapter does not constitute a criminal or civil offense
27 under the laws of this state.

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

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

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

- 33 (1) A person may hold multiple service center operator licenses
- 34 under section 25 of this act; and

1 (2) A person may hold both a manufacturer license under section
2 22 of this act and a service center operator license under section 25
3 of this act at the same or different premises.

4 **LICENSE TO MANUFACTURE PSILOCYBIN PRODUCTS**

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

7 (2) A psilocybin product manufacturer must have a manufacturer
8 license issued by the department for the premises at which the
9 psilocybin products are manufactured. To hold a manufacturer license
10 issued under this section, a psilocybin product manufacturer:

11 (a) Must apply for a license in the manner described in section
12 14 of this act;

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

15 (c) Must, until January 1, 2027:

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

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

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

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

34 (3)(a) If the applicant is not the owner of the premises at which
35 the psilocybin is to be manufactured, the applicant shall submit to
36 the department signed informed consent from the owner of the premises
37 to manufacture psilocybin at the premises.

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

3 (4) The department shall adopt rules that:

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

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

8 (c) Require psilocybin products manufactured by psilocybin
9 product manufacturers to be tested in accordance with section 95 of
10 this act.

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

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

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

16 NEW SECTION. **Sec. 23.** (1) The department shall adopt rules that
17 designate different types of manufacturing activities. A psilocybin
18 product manufacturer may only engage in a type of manufacturing
19 activity if the psilocybin product manufacturer has received an
20 endorsement from the department for that type of manufacturing
21 activity.

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

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

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

30 (5) A psilocybin product manufacturer licensee may hold multiple
31 endorsements.

32 (6) The department may deny a psilocybin product manufacturer's
33 request for an endorsement or revoke an existing endorsement if the
34 psilocybin product manufacturer cannot or does not meet the
35 requirements for the endorsement that is requested. If the department
36 denies or revokes approval, the psilocybin product manufacturer has a
37 right to a hearing under chapter 34.05 RCW.

1 NEW SECTION. **Sec. 24.** The department may adopt rules
2 restricting the quantities of psilocybin products at premises for
3 which a license has been issued under section 22 of this act. In
4 adopting rules under this section, the department may take into
5 consideration the demand for psilocybin services in this state, the
6 number of psilocybin product manufacturers applying for a license
7 under section 22 of this act, the number of psilocybin product
8 manufacturers that hold a license issued under section 22 of this
9 act, and whether the availability of psilocybin products in this
10 state is commensurate with the demand for psilocybin services.

11 **LICENSE TO OPERATE PSILOCYBIN SERVICE CENTER**

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

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

16 (2) A psilocybin service center operator must have a service
17 center operator license issued by the department for any premises at
18 which psilocybin services are provided. To hold a service center
19 operator license under this section, a psilocybin service center
20 operator:

21 (a) Must apply for a license in the manner described in section
22 14 of this act;

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

25 (c) Must, until January 1, 2027:

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

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

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

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

6 (3) The department shall adopt rules that:

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

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

11 (c) Require psilocybin products sold by a psilocybin service
12 center operator to be tested under section 95 of this act;

13 (d) Establish circumstances in which psilocybin services can be
14 safely and comfortably administered in the home of a client or other
15 location permitted by the department; and

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

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

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

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

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

34 **LICENSE TO FACILITATE PSILOCYBIN SERVICES**

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

1 (2) A psilocybin service facilitator must have a facilitator
2 license issued by the department. To hold a facilitator license
3 issued under this section, a psilocybin service facilitator must:

4 (a) Apply for a license in the manner described under section 14
5 of this act;

6 (b) Provide proof that the applicant is 21 years of age or older;

7 (c) Until January 1, 2026, provide proof that the applicant has
8 been a resident of this state for two or more years;

9 (d) Have a high school diploma or equivalent education;

10 (e) Submit evidence of completion of education and training
11 prescribed and approved by the department;

12 (f) Submit evidence of having completed 250 hours of supervised
13 training under a qualified supervisor, of which 48 hours must include
14 direct cotherapy alongside the supervising practitioner;

15 (g) Have passed an examination approved, administered, or
16 recognized by the department; and

17 (h) Meet the requirements of any rule adopted by the department
18 under subsection (5) of this section.

19 (3) A psilocybin service facilitator trainee must have a license
20 issued by the department. A trainee must complete all the
21 requirements for licensure as a facilitator except the supervised
22 training requirement. A trainee may work in paid employment in the
23 psilocybin industry in the capacity of a facilitator under the
24 supervision of a qualified supervisor. Qualified supervisors shall
25 include all persons who have been licensed as psilocybin service
26 facilitators for at least two years and other individuals as
27 determined by the department. Until a sufficient number of qualified
28 supervisors are available, the department shall waive the supervised
29 training requirement for individuals who it determines with the
30 advice of the psilocybin advisory board to have acquired sufficient
31 experience in psilocybin service facilitation through other means, in
32 order to allow those individuals to be licensed as psilocybin service
33 facilitators and to provide a supervision resource for trainees.

34 (4) The department may not require a psilocybin service
35 facilitator or psilocybin service facilitator trainee to have a
36 degree from a university, college, postsecondary institution, or
37 other institution of higher education.

38 (5) The department shall adopt rules that:

1 (a) Require a psilocybin service facilitator or psilocybin
2 service facilitator trainee to annually renew a license issued under
3 this section;

4 (b) Establish application, licensure, and renewal of licensure
5 fees for psilocybin service facilitators and psilocybin service
6 facilitator trainees; and

7 (c) Require a psilocybin service facilitator or psilocybin
8 service facilitator trainee to meet any public health and safety
9 standards and industry best practices established by the department
10 by rule.

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

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

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

16 (7) A psilocybin service facilitator or psilocybin service
17 facilitator trainee may be, but need not be, an employee, manager,
18 director, officer, partner, member, shareholder, or direct or
19 indirect owner of one or more psilocybin service centers.

20 (8) A license issued to a psilocybin service facilitator or
21 psilocybin service facilitator trainee under this section is not
22 limited to any one or more premises.

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

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

1 **PSILOCYBIN SERVICES**

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

4 (1) Providing psilocybin services to a client, including
5 maintaining the confidentiality of client information to the greatest
6 extent possible;

7 (2) Providing for group administration sessions where one or more
8 psilocybin service facilitators provide psilocybin services to more
9 than one patient as part of the same administration session;

10 (3) Holding and verifying the completion of a preparation
11 session;

12 (4) Having a client complete, sign, and deliver a client
13 information form to a psilocybin service center operator and a
14 psilocybin service facilitator;

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

17 (6) Holding and verifying the completion of an integration
18 session.

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

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

24 (3) The initial preparation session must occur no more than 120
25 days before the client participates in their first administration
26 session. Thereafter, any subsequent preparation session need only be
27 completed every 12 months.

28 (4) If a preparation session is completed in accordance with all
29 applicable requirements, specifications, and guidelines, as
30 determined by the department, the psilocybin service facilitator must
31 certify, in a form and manner prescribed by the department, that the
32 client completed the preparation session.

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

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

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

3 (i) The psilocybin service center operator that operates the
4 psilocybin service center at which the administration session is to
5 be held; and

6 (ii) The psilocybin service facilitator that will supervise the
7 administration session.

8 (2) The client information form:

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

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

14 (ii) To assist the psilocybin service center operator and the
15 psilocybin service facilitator in meeting any public health and
16 safety standards and industry best practices during the
17 administration session; and

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

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

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

28 NEW SECTION. **Sec. 34.** (1) After a client completes an
29 administration session, the psilocybin service facilitator who
30 supervised the administration session must offer the client an
31 opportunity to participate in an integration session. The client may,
32 but need not, participate in an integration session.

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

35 (3) If an integration session is completed in accordance with all
36 applicable requirements, specifications, and guidelines, as
37 determined by the department, the psilocybin service facilitator must

1 certify, in a form and manner prescribed by the department, that the
2 client completed the integration session.

3 NEW SECTION. **Sec. 35.** (1) If a client information form is
4 offered as evidence in any administrative or criminal prosecution of
5 a licensee or licensee representative for sale or service of a
6 psilocybin product to a client, the licensee or licensee
7 representative is not guilty of any offense prohibiting a person from
8 selling or serving a psilocybin product to a client unless it is
9 demonstrated that a reasonable person would have determined that the
10 responses provided by the client on the client information form were
11 incorrect or altered.

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

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

18 (b) The licensee or licensee representative violated a provision
19 of this chapter or a department rule relative to the client
20 information form.

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

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

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

31 (b) A psilocybin service center operator and a psilocybin service
32 facilitator may not cease providing psilocybin services to a client
33 during an administration session after the client has consumed a
34 psilocybin product, except as authorized by the department by rule,
35 or as necessary in an emergency.

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

2 (1) Determine the qualifications, training, education, and
3 fitness of applicants for licenses to facilitate psilocybin services,
4 giving particular consideration to:

5 (a) Facilitation skills that are affirming, nonjudgmental,
6 culturally competent, and nondirective;

7 (b) Support skills for clients during an administration session,
8 including specialized skills for:

9 (i) Client safety; and

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

11 (c) The environment in which psilocybin services should occur;
12 and

13 (d) Social and cultural considerations.

14 (2) Formulate a code of professional conduct for psilocybin
15 service facilitators, giving particular consideration to a code of
16 ethics;

17 (3) Serve as the disciplinary authority for this chapter under
18 the uniform disciplinary act, chapter 18.130 RCW, which shall govern
19 uncertified practice, the issuance and denial of licenses, and the
20 discipline of persons certified under this chapter except as
21 explicitly provided in this chapter or by rules promulgated by the
22 department. The department may establish specific standards of
23 practice and professional responsibility for individuals licensed by
24 the department to facilitate psilocybin services;

25 (4) Select licensing examinations for licenses to facilitate
26 psilocybin services; and

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

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

32 (2) The department shall approve courses for psilocybin service
33 facilitators. To obtain approval of a course, the provider of a
34 course must submit an outline of instruction to the department. The
35 outline must include the approved courses, total hours of
36 instruction, hours of lectures in theory, and the hours of
37 instruction in application of practical skills.

38 (3) Psilocybin service facilitator training must be modular,
39 allowing the offering of comprehensive training programs and partial

1 training programs, so that a candidate may elect to piece together a
2 training curriculum among modules offered by different training
3 programs.

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

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

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

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

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

22 NEW SECTION. **Sec. 41.** As is necessary to protect the public
23 health and safety, the department may require a licensee to maintain
24 general liability insurance in an amount that the department
25 determines is reasonably affordable and available for the purpose of
26 protecting the licensee against damages resulting from a cause of
27 action related to activities undertaken under the license held by the
28 licensee.

29 NEW SECTION. **Sec. 42.** (1) The department shall develop rules
30 prescribing procedures for licensees under this chapter that allow
31 for the tracking of psilocybin products from the point of manufacture
32 to the point of sale to a client of a psilocybin service center,
33 which includes any intermediate sale or purchase of psilocybin
34 products between licensees, transfer of psilocybin products between
35 licensed premises, or other activities permitted by this chapter. The
36 purpose of these procedures is to:

1 (a) Prevent the diversion of psilocybin products to other states
2 or unauthorized users;

3 (b) Protect psilocybin products from substitution or tampering;

4 (c) Enable an accurate accounting of the production, processing,
5 and sale of psilocybin products;

6 (d) Ensure that laboratory testing results are accurately
7 reported; and

8 (e) Ensure compliance with other rules adopted under this chapter
9 and laws of this state related to psilocybin.

10 (2) The department is not required to direct the use of any
11 particular technology, platform, or system in rules promulgated under
12 this section. In developing rules, the department shall consider
13 factors including but not limited to cost, ease of administration by
14 licensees, ease of compliance monitoring, and the time available in
15 the two-year program development period and risk of causing delay to
16 implementation of the system.

17 (3) The department may enter into an agreement with the liquor
18 and cannabis board under which the board permits the department to
19 use the system developed and maintained by the board to track
20 cannabis products to track the transfer of psilocybin products
21 between premises for which the department has issued licenses under
22 this chapter if the department determines this method is suitable,
23 cost-effective, and not unduly burdensome. The department may enter
24 into an agreement to purchase or license a tracking system used in
25 another state, or it may develop its own system or set of procedures.

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

31 NEW SECTION. **Sec. 44.** In addition to any other disciplinary
32 action available to the department under chapter 18.130 RCW or this
33 chapter, the department may immediately restrict, suspend, or refuse
34 to renew a license issued under this chapter if circumstances create
35 probable cause for the department to conclude that a licensee has
36 purchased or received a psilocybin product from an unlicensed source
37 or that a licensee has sold, stored, or transferred a psilocybin
38 product in a manner that is not permitted by the licensee's license.

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

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

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

11 (2) The department may refuse to issue, or may suspend, revoke,
12 or refuse to renew, a license issued under this chapter if the
13 department determines that a person that has a financial interest in
14 the business operating or to be operated under the license committed
15 or failed to commit an act that would constitute grounds for the
16 department to refuse to issue, or to suspend, revoke, or refuse to
17 renew, the license if the person were the licensee or applicant for
18 the license.

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

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

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

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

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

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

34 (b) Revise or render void an order suspending or revoking the
35 permit.

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

1 this chapter or the rules adopted under this chapter. An order issued
2 under this subsection does not constitute a waiver of any other
3 requirement of this chapter or the rules of the department.

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

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

- 11 (a) The person's passport;
- 12 (b) The person's driver license, issued by the state of
13 Washington or another state of the United States;
- 14 (c) An identification card issued under RCW 46.20.035;
- 15 (d) A United States military identification card;
- 16 (e) An identification card issued by a federally recognized
17 Indian tribe; or
- 18 (f) Any other identification card issued by a state or territory
19 of the United States that bears a picture of the person, the name of
20 the person, the person's date of birth and a physical description of
21 the person.

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

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

28 NEW SECTION. **Sec. 53.** (1) A psilocybin service center operator,
29 a psilocybin service facilitator, or any employee of a psilocybin
30 service center operator or psilocybin service facilitator may not
31 disclose any information that may be used to identify a client, or
32 any communication made by a client during the course of providing
33 psilocybin services or selling psilocybin products to the client,
34 except:

- 35 (a) When the client or a person authorized to act on behalf of
36 the client gives consent to the disclosure;

1 (b) When the client initiates legal action or makes a complaint
2 against the psilocybin service center operator, the psilocybin
3 service facilitator, or the employee;

4 (c) When the communication reveals the intent to commit a crime
5 harmful to the client or others;

6 (d) When the communication reveals that a minor may have been a
7 victim of a crime or physical, sexual, or emotional abuse or neglect;
8 or

9 (e) When responding to an inquiry by the department made during
10 the course of an investigation into the conduct of the psilocybin
11 service center operator, the psilocybin service facilitator, or the
12 employee under this chapter.

13 (2) A psilocybin service center client shall have a right to
14 control their data and how it is used. Clients cannot be denied
15 service for declining to share personal or deidentified data outside
16 of psilocybin service centers or declining to participate in
17 research.

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

20 (1) Only at a psilocybin service center or other permitted
21 location; and

22 (2) Only under the supervision of a psilocybin service
23 facilitator.

24 NEW SECTION. **Sec. 55.** A psilocybin service facilitator may not
25 consume a psilocybin product during an administration session that
26 the psilocybin service facilitator is supervising.

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

30 (2) During an inspection of a premises for which a license has
31 been issued under this chapter, the department may require proof that
32 a person performing work at the premises is 21 years of age or older.
33 If the person does not provide the department with acceptable proof
34 of age upon request, the department may require the person to
35 immediately cease any activity and leave the premises until the
36 department receives acceptable proof of age. This subsection does not
37 apply to a person temporarily at the premises to make a service,

1 maintenance, or repair call or for other purposes independent of the
2 premises operations.

3 (3) If a person performing work has not provided proof of age
4 requested by the department under subsection (2) of this section, the
5 department may request that the licensee provide proof that the
6 person is 21 years of age or older. Failure of the licensee to
7 respond to a request made under this subsection by providing
8 acceptable proof of age for a person is prima facie evidence that the
9 licensee has allowed the person to perform work at the premises for
10 which a license has been issued under this chapter in violation of
11 the minimum age requirement.

12 NEW SECTION. **Sec. 57.** (1) A licensee may not use or allow the
13 use of a mark or label on the container of a psilocybin product that
14 is kept for sale if the mark or label does not precisely and clearly
15 indicate the nature of the container's contents or if the mark or
16 label in any way might deceive a person about the nature,
17 composition, quantity, age, or quality of the container's contents.

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

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

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

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

31 (2) A licensee may not maintain a noisy, lewd, disorderly, or
32 insanitary establishment or supply impure or otherwise deleterious
33 psilocybin products.

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

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

6 **DISCIPLINING LICENSEES**

7 NEW SECTION. **Sec. 61.** Individuals holding a license under this
8 chapter are subject to the uniform disciplinary act under chapter
9 18.130 RCW except as explicitly provided in this chapter or by rules
10 promulgated by the department. The department may revoke, suspend, or
11 restrict a license issued under this chapter or require a licensee or
12 licensee representative to undergo training if the department finds
13 or has reasonable ground to believe any of the following to be true:

- 14 (1) That the licensee or licensee representative:
- 15 (a) Has violated a provision of this chapter or a rule adopted
16 under this chapter, including any code of professional conduct or
17 code of ethics;
 - 18 (b) Has made any false representation or statement to the
19 department in order to induce or prevent action by the department;
 - 20 (c) Is insolvent, incompetent, or physically unable to carry on
21 the management of the establishment of the licensee;
 - 22 (d) Is in the habit of using alcoholic liquor, habit-forming
23 drugs, cannabis, psilocybin products, or controlled substances to
24 excess;
 - 25 (e) Has misrepresented to a person or the public any psilocybin
26 products sold by the licensee or licensee representative; or
 - 27 (f) Since the issuance of the license, has been convicted of a
28 felony, of violating any of the psilocybin products laws of this
29 state, general or local, or of any misdemeanor or violation of any
30 municipal ordinance committed on the premises for which the license
31 has been issued.
- 32 (2) That there is any other reason that, in the opinion of the
33 department, based on public convenience or necessity, warrants
34 revoking, suspending, or restricting the license.

35 **EMPLOYEES AND OTHER WORKERS**

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

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

7 (b) The possession, manufacturing, securing, or selling of
8 psilocybin products at the premises for which the license has been
9 issued;

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

13 (d) The verification of any document described in section 52 of
14 this act.

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

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

22 (a) The qualifications for performing work described in section
23 62 of this act;

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

25 (c) Procedures for applying for and renewing a permit issued
26 under this section; and

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

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

33 (i) Checking identification;

34 (ii) Detecting intoxication;

35 (iii) Handling psilocybin products;

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

37 (v) The content of this chapter and rules adopted under this
38 chapter; or

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

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

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

7 (i) As part of a final order suspending a permit issued under
8 this section, the department may require a permit holder to
9 successfully complete the course as a condition of lifting the
10 suspension; and

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

14 (3) The department shall conduct a criminal records check under
15 RCW 18.130.064 on an individual applying for a permit under this
16 section.

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

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

24 (b) Violates any provision of this chapter or any rule adopted
25 under this chapter; or

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

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

30 NEW SECTION. **Sec. 64.** 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 63 of this act.

34 NEW SECTION. **Sec. 65.** (1) It is an unlawful employment practice
35 for a licensee to discharge, demote, suspend, or in any manner
36 discriminate or retaliate against an employee of the licensee with
37 regard to promotion, compensation, or other terms, conditions, or
38 privileges of employment on the basis that the employee has in good

1 faith reported information to the department that the employee
2 believes is evidence of a violation of this chapter or a rule adopted
3 under this chapter.

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

8 (3) RCW 4.24.500 through 4.24.520 apply to complaints and
9 notifications or reports of improper conduct, incidents, or services
10 under this chapter. The identity of the whistleblower must remain
11 confidential unless the department determines that the complaint,
12 initiation, notification, or report was not made or done in good
13 faith.

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

17 (5) A whistleblower who is not an employee and who as a result of
18 being a whistleblower has been subjected to reprisal or retaliatory
19 action may initiate a civil action in a court of competent
20 jurisdiction to either enjoin further violations or recover actual
21 damages sustained by the whistleblower, or both, and recover the cost
22 of the suit including reasonable attorneys' fees. The court shall
23 award reasonable attorneys' fees in favor of the respondent if the
24 civil action was initiated by a whistleblower who is not an employee
25 and the court finds that the respondent has not engaged in the
26 alleged reprisal or retaliatory action and that the complaint was
27 frivolous, unreasonable, or groundless.

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

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

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

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

38 (a) "Reprisal or retaliatory action" means but is not limited to:
39 Denial of adequate staff to perform duties; frequent staff changes;
40 frequent and undesirable office changes; refusal to assign meaningful

1 work; unwarranted and unsubstantiated report of misconduct under
2 Title 18 RCW; letters of reprimand or unsatisfactory performance
3 evaluations; demotion; reduction in pay; denial of promotion;
4 suspension; dismissal; denial of employment; a supervisor or superior
5 encouraging coworkers to behave in a hostile manner toward the
6 whistleblower; and the revocation, suspension, or reduction of
7 medical staff membership or privileges without following a medical
8 staff sanction process that is consistent with RCW 7.71.050.

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

14 **PSILOCYBIN CONTROL AND REGULATION FUND**

15 NEW SECTION. **Sec. 66.** The psilocybin control and regulation
16 account is created in the custody of the state treasurer. All
17 receipts from fees collected and civil penalties issued under this
18 chapter must be deposited into the account. Expenditures may be used
19 only for the purpose of administration and enforcement of this
20 chapter. Only the secretary or the secretary's designee may authorize
21 expenditures from the account. The account is subject to allotment
22 procedures under chapter 43.88 RCW, but an appropriation is not
23 required for expenditures.

24 **PROHIBITED CONDUCT**

25 NEW SECTION. **Sec. 67.** (1) Except as authorized by the
26 department by rule, or as necessary in an emergency, a person under
27 21 years of age may not enter or attempt to enter any portion of a
28 premises licensed under this chapter that is posted or otherwise
29 identified as being prohibited to the use of persons under 21 years
30 of age.

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

33 (3) The prohibitions of this section do not apply to a person
34 under 21 years of age who is acting under the direction of the
35 department or under the direction of state or local law enforcement
36 agencies for the purpose of investigating possible violations of laws

1 prohibiting sales of psilocybin products to persons who are under 21
2 years of age.

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

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

10 (i) The person contacted emergency medical services or a law
11 enforcement agency in order to obtain medical assistance for another
12 person who was in need of medical assistance because that person
13 consumed a psilocybin product and the evidence of the violation was
14 obtained as a result of the person's having contacted emergency
15 medical services or a law enforcement agency; or

16 (ii) The person was in need of medical assistance because the
17 person consumed a psilocybin product and the evidence of the
18 violation was obtained as a result of the person's having sought or
19 obtained the medical assistance.

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

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

27 (2) Violation of this section is a class I civil infraction.

28 (3) If a piece of identification is offered as evidence in any
29 administrative or criminal prosecution of a licensee or licensee
30 representative for sale or service of a psilocybin product to a
31 person under 21 years of age, the licensee or licensee representative
32 is not guilty of any offense prohibiting a person from selling or
33 serving a psilocybin product to a person under 21 years of age unless
34 it is demonstrated that a reasonable person would have determined
35 that the identification exhibited by the person under 21 years of age
36 was altered, or that the identification exhibited by the person under
37 21 years of age did not accurately describe the person to whom the
38 psilocybin product was sold or served.

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

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

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

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

10 **CIVIL ENFORCEMENT**

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

14 NEW SECTION. **Sec. 72.** In addition to any other liability or
15 penalty provided by law, the department may impose for each violation
16 of a provision of this chapter or a rule adopted under this chapter a
17 civil penalty that does not exceed \$5,000 for each violation. The
18 department shall impose civil penalties under this section in the
19 manner provided by RCW 43.70.095. Moneys collected under this section
20 shall be deposited in the psilocybin control and regulation account
21 established under section 66 of this act.

22 **CRIMINAL ENFORCEMENT**

23 NEW SECTION. **Sec. 73.** The law enforcement officers of this
24 state may enforce this chapter and assist the department in detecting
25 violations of this chapter and apprehending offenders. A law
26 enforcement officer who has notice, knowledge, or reasonable ground
27 of suspicion of a violation of this chapter shall immediately notify
28 the prosecuting attorney who has jurisdiction over the violation and
29 furnish the prosecuting attorney who has jurisdiction over the
30 violation with names and addresses of any witnesses to the violation
31 or other information related to the violation.

32 NEW SECTION. **Sec. 74.** The county courts, prosecuting attorneys,
33 and municipal authorities, immediately upon the conviction of a

1 licensee of a violation of this chapter, or of a violation of any
2 other law of this state or of a city or county located in this state
3 an element of which is the possession, delivery, or manufacture of a
4 psilocybin product, shall notify the department of the conviction.

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

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

8 NEW SECTION. **Sec. 76.** This chapter is designed to operate
9 uniformly throughout the state and is paramount and superior to and
10 fully replaces and supersedes any municipal charter amendment or
11 local ordinance inconsistent with this chapter. Amendments and
12 ordinances that are inconsistent with this chapter are repealed.

13 NEW SECTION. **Sec. 77.** The authority to require a license for
14 the manufacturing or sale of psilocybin products in this state, or
15 for the provision of psilocybin services in this state, is vested
16 solely in the legislature.

17 NEW SECTION. **Sec. 78.** (1) The governing body of a city or
18 county may adopt ordinances that impose reasonable regulations on the
19 operation of businesses located at premises for which a license has
20 been issued under this chapter if the premises are located in the
21 area subject to the jurisdiction of the city or county.

22 (2) For purposes of this section, "reasonable regulations"
23 includes:

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

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

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

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

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

1 (3) A city or county that adopts an ordinance may not require a
2 psilocybin service center or psilocybin manufacturer to be located at
3 a distance greater than 1,000 feet from a public, private, or
4 parochial elementary or secondary school, or at a distance greater
5 than 500 feet from a public, private, or parochial school if there is
6 a physical or geographic barrier capable of preventing children from
7 traversing to the premises of the psilocybin service center or
8 psilocybin manufacturer.

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

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

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

19 NEW SECTION. **Sec. 80.** (1) The governing body of a city or
20 county may repeal an ordinance that imposes reasonable regulations on
21 any one or more of the following in the area subject to the
22 jurisdiction of the city or in the unincorporated area subject to the
23 jurisdiction of the county:

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

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

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

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

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

35 NEW SECTION. **Sec. 81.** The liquor and cannabis board shall
36 assist and cooperate with the department and the department of

1 agriculture to the extent necessary to carry out the duties of the
2 departments under this chapter.

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

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

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

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

17 NEW SECTION. **Sec. 85.** A person may not sue the department, the
18 department of agriculture, the liquor and cannabis board, a member of
19 the liquor and cannabis board, or any employee of these entities, for
20 performing or omitting to perform any duty, function, or power of the
21 entity set forth under this chapter or in any other law of this state
22 requiring these entities to perform a duty, function, or power
23 related to psilocybin products.

24 NEW SECTION. **Sec. 86.** Subject to any applicable provisions of
25 RCW 10.105.010 and 69.50.505 and chapter 34.05 RCW, any state
26 officer, board, commission, corporation, institution, department, or
27 other state body, and any local officer, board, commission,
28 institution, department, or other local government body, that is
29 authorized by the statutory laws of this state to perform a duty,
30 function, or power with respect to a psilocybin product, may
31 purchase, possess, seize, or dispose of the psilocybin product as the
32 state officer, board, commission, corporation, institution,
33 department, or other state body, or the local officer, board,
34 commission, institution, department, or other local government body,
35 considers necessary to ensure compliance with and enforce the

1 applicable statutory law or any rule adopted under the applicable
2 statutory law.

3 NEW SECTION. **Sec. 87.** In case of invasion, disaster,
4 insurrection, or riot, or imminent danger of invasion, disaster,
5 insurrection, or riot, the governor may, for the duration of the
6 invasion, disaster, insurrection, or riot, or imminent danger,
7 immediately and without notice suspend, in the area involved, any
8 license or permit issued under this chapter.

9 **CLIENT BILL OF RIGHTS**

10 NEW SECTION. **Sec. 88.** Clients receiving psilocybin services in
11 Washington have the following rights:

12 (1) To be treated with dignity and respect while receiving
13 psilocybin services;

14 (2) To receive culturally competent care;

15 (3) To be free from physical, sexual, psychological, and
16 financial abuse before, during, and after receiving psilocybin
17 services;

18 (4) To be fully informed of, and helped to understand, the risks
19 associated with psilocybin services;

20 (5) To make decisions autonomously, free of coercion and undue
21 influence;

22 (6) To be fully informed of the benefits and risks associated
23 with psilocybin services;

24 (7) To privacy and confidentiality and to control how their
25 information is processed and used;

26 (8) To decline to participate in research or share information
27 with third parties, except as required by law;

28 (9) To a full accounting and explanation of all psilocybin
29 service facilitator conflicts of interest and the costs associated
30 with receiving psilocybin services before receiving those services;

31 (10) To have belongings stored securely while receiving
32 psilocybin services;

33 (11) To be monitored and supported by a licensed psilocybin
34 service facilitator for the duration of psilocybin services until it
35 is safe for the client to be transported home, transferred to the
36 care of a responsible friend or family member, or released on their
37 own recognizance;

1 (12) To access services that are welcoming to people with
2 disabilities;

3 (13) To discuss this bill of rights with licensed psilocybin
4 service facilitators and psilocybin service center operators without
5 facing discrimination or retaliation; and

6 (14) To report violations of this bill of rights to the
7 Washington department of health, or other appropriate governing body,
8 without facing discrimination or retaliation.

9 **OTHER PROVISIONS**

10 NEW SECTION. **Sec. 89.** (1) Psilocybin-producing fungi is:

11 (a) An agricultural commodity for the purposes of RCW 84.34.020
12 and an accessory use for the purposes of RCW 36.70A.177;

13 (b) A crop for purposes of "farmland" and "farm product" as those
14 terms are defined under RCW 7.48.310; and

15 (c) An agricultural activity for the purposes of RCW 7.48.305.

16 (2) The following are not permitted uses on land designated for
17 exclusive farm use:

18 (a) A new dwelling used in conjunction with a psilocybin-
19 producing fungi crop;

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

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

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

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

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

33 NEW SECTION. **Sec. 90.** (1) The department of agriculture may not
34 exercise authority over psilocybin products or a licensee, except as
35 provided by the department in rule.

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

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

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

6 (c) Apply or enforce RCW 15.130.140 and 15.130.200 through
7 15.130.230 to psilocybin products.

8 NEW SECTION. **Sec. 91.** A contract is not unenforceable on the
9 basis that manufacturing, distributing, dispensing, possessing, or
10 using psilocybin products is prohibited by federal law.

11 NEW SECTION. **Sec. 92.** The department shall maintain a telephone
12 hotline, website, or other effective means of communication for the
13 following persons to inquire if an address is the location of a
14 premises for which a license has been issued under this chapter or is
15 the location of a premises for which an application for licensure has
16 been submitted under section 14 of this act:

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

18 (2) A person designated by the department of natural resources;
19 and

20 (3) A person designated by the water master of any water
21 district.

22 NEW SECTION. **Sec. 93.** (1) A physician, physician assistant,
23 advanced registered nurse practitioner, psychologist, social worker,
24 mental health counselor, or marriage and family therapist shall not
25 be subject to arrest, prosecution, or penalty in any manner, or
26 denied any right or privilege including, but not limited to, civil
27 penalty or disciplinary action by the department, the Washington
28 medical commission, or any other business or occupational or
29 professional licensing board or bureau, solely for providing written
30 recommendations, in the course of a bona fide patient relationship
31 and after the health professional has completed a full assessment of
32 the patient's medical history, or for otherwise stating that, in the
33 person's professional opinion, a patient is likely to receive
34 therapeutic or palliative benefit from the use of psilocybin to
35 alleviate the patient's medical or behavioral health condition or
36 associated symptoms. Nothing in this section prevents a professional
37 licensing board from sanctioning a professional for failing to

1 properly evaluate a patient's medical or behavioral health condition
2 or otherwise violating the standard of care for evaluating medical or
3 behavioral health conditions.

4 (2) A client of a psilocybin service center is not subject to
5 arrest, prosecution, or penalty in any manner, or denied any right or
6 privilege including, but not limited to, civil penalty or
7 disciplinary action by a business or occupational or professional
8 licensing board or bureau, merely for the use of psilocybin in
9 accordance with this chapter.

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

16 NEW SECTION. **Sec. 94.** (1) Subject to subsection (2) of this
17 section, information is exempt from public disclosure under chapter
18 42.56 RCW if the information is:

19 (a) Personally identifiable information;

20 (b) The address of a premises for which a license has been issued
21 or for which an applicant has proposed licensure under section 22,
22 25, or 96 of this act;

23 (c) Related to the security plan or the operational plan for a
24 premises for which a license has been issued or for which an
25 applicant has proposed licensure under section 22, 25, or 96 of this
26 act; or

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

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

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

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

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

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

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

6 **TESTING OF PSILOCYBIN PRODUCTS**

7 NEW SECTION. **Sec. 95.** (1) As is necessary to protect the public
8 health and safety, and in consultation with the liquor and cannabis
9 board and the department of agriculture, the department shall adopt
10 rules:

11 (a) Establishing standards for testing psilocybin products;

12 (b) Identifying appropriate tests for psilocybin products,
13 depending on the type of psilocybin product and the manner in which
14 the psilocybin product was manufactured, that are necessary to
15 protect the public health and safety, which may include, but not be
16 limited to, tests for:

17 (i) Microbiological contaminants;

18 (ii) Pesticides;

19 (iii) Other contaminants;

20 (iv) Solvents or residual solvents; and

21 (v) Psilocybin concentration;

22 (c) Establishing procedures for determining batch sizes and for
23 sampling psilocybin products; and

24 (d) Establishing different minimum standards for different
25 varieties of psilocybin products.

26 (2) In addition to the testing requirements established under
27 subsection (1) of this section, the department may require psilocybin
28 products to be tested in accordance with any applicable law of this
29 state, or any applicable rule adopted under a law of this state,
30 related to the production and processing of food products or
31 commodities.

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

36 (4) The department may conduct random testing of psilocybin
37 products for the purpose of determining whether a licensee subject to

1 testing under subsection (3) of this section is in compliance with
2 this section.

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

8 (6) The testing of psilocybin products as required by this
9 section must be conducted by a laboratory licensed by the department
10 under section 96 of this act and accredited by the department under
11 section 99 of this act.

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

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

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

18 NEW SECTION. **Sec. 96.** (1) A laboratory that conducts testing of
19 psilocybin products as required by section 95 of this act must have a
20 license to operate at the premises at which the psilocybin products
21 are tested.

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

24 (a) Qualifications to be licensed under this section, including
25 that an applicant for licensure under this section must be accredited
26 by the department as described in section 99 of this act;

27 (b) Processes for applying for and renewing a license under this
28 section;

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

31 (d) Procedures for:

32 (i) Tracking psilocybin products to be tested;

33 (ii) Documenting and reporting test results; and

34 (iii) Disposing of samples of psilocybin products that have been
35 tested.

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

37 (4) The department may inspect a premises licensed under this
38 section to ensure compliance with sections 95 through 103 of this act
39 and rules adopted under sections 95 through 103 of this act.

1 (5) Subject to the applicable provisions of chapter 34.05 RCW,
2 the department may refuse to issue or renew, or may suspend or
3 revoke, a license issued under this section for violation of a
4 provision of this chapter or a rule adopted under a provision of this
5 chapter.

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

9 (7) Fees collected under this section must be deposited in the
10 psilocybin control and regulation account established under section
11 66 of this act.

12 NEW SECTION. **Sec. 97.** For the purpose of requesting a state or
13 nationwide criminal records check under RCW 18.130.064, the
14 department may require the fingerprints of any individual listed on
15 an application submitted under section 96 of this act. The powers
16 conferred on the department under this section include the power to
17 require the fingerprints of:

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

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

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

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

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

28 NEW SECTION. **Sec. 98.** (1) The department may require a licensee
29 or applicant for a license under section 96 of this act to submit, in
30 a form and manner prescribed by the department, to the department a
31 sworn statement showing:

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

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

1 (2) The department may refuse to issue, or may suspend, revoke,
2 or refuse to renew, a license issued under section 96 of this act if
3 the department determines that a person that has a financial interest
4 in the business operating or to be operated under the license
5 committed or failed to commit an act that would constitute grounds
6 for the department to refuse to issue, or to suspend, revoke, or
7 refuse to renew, the license if the person were the licensee or
8 applicant for the license.

9 NEW SECTION. **Sec. 99.** (1) A laboratory that conducts testing of
10 psilocybin products as required by section 95 of this act must be
11 accredited and meet other qualifications as established by the
12 department under this section.

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

16 (a) Complete an application;

17 (b) Undergo an onsite inspection; and

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

21 (3) The department may inspect premises licensed under section 96
22 of this act to ensure compliance with sections 95 through 103 of this
23 act and rules adopted under sections 95 through 103 of this act.

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

28 (5) In establishing fees for laboratories that test psilocybin
29 products, the department must establish fees that are reasonably
30 calculated to pay the expenses incurred by the department under this
31 section in accrediting laboratories that test psilocybin products.

32 NEW SECTION. **Sec. 100.** Subject to chapter 34.05 RCW, if an
33 applicant or licensee violates a provision of sections 95 through 103
34 of this act or a rule adopted to implement sections 95 through 103 of
35 this act, the department may refuse to issue or renew, or may suspend
36 or revoke, a license issued under section 22, 25, 27, or 96 of this
37 act.

1 NEW SECTION. **Sec. 101.** (1) Notwithstanding the lapse,
2 suspension, or revocation of a license issued under section 96 of
3 this act, the department may:

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

6 (b) Revise or render void an order suspending or revoking the
7 license.

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

11 NEW SECTION. **Sec. 102.** (1) In addition to any other liability
12 or penalty provided by law, the department may impose for each
13 violation of sections 95 through 103 of this act, or a rule adopted
14 to implement sections 95 through 103 of this act, a civil penalty
15 that does not exceed \$500 for each day that the violation occurs.

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

18 (3) Moneys collected under this section must be deposited in the
19 psilocybin control and regulation account established under section
20 66 of this act.

21 NEW SECTION. **Sec. 103.** A person who holds a license under
22 section 96 of this act, and an employee of or other person who
23 performs work for a person who holds a license under section 96 of
24 this act, are exempt from the criminal laws of this state for
25 possession, delivery, or manufacture of psilocybin, aiding and
26 abetting another in the possession, delivery, or manufacture of
27 psilocybin, or any other criminal offense in which possession,
28 delivery, or manufacture of psilocybin is an element, while
29 performing activities related to testing as described in sections 95
30 through 103 of this act.

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

32 NEW SECTION. **Sec. 104.** (1) As is necessary to protect the
33 public health and safety, and in consultation with the department of
34 agriculture and the liquor and cannabis board, the department shall
35 adopt rules establishing standards for the labeling of psilocybin
36 products, including but not limited to:

1 (a) Ensuring that psilocybin products have labeling that
2 communicates:

3 (i) Health and safety warnings;

4 (ii) If applicable, activation time;

5 (iii) Potency;

6 (iv) If applicable, serving size and the number of servings
7 included in a psilocybin product; and

8 (v) Content of the psilocybin product; and

9 (b) Labeling that is in accordance with applicable state food
10 labeling requirements for the same type of food product or potable
11 liquid when the food product or potable liquid does not contain
12 psilocybin.

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

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

20 (a) May establish different labeling standards for different
21 varieties and types of psilocybin products;

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

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

26 (4) In adopting rules under this chapter, the department must
27 allow the psilocybin service facilitator to consult with the client
28 to work out a dosage that is appropriate for the client, and may not
29 impose a maximum dosage of psilocybin that is less than 50
30 milligrams.

31 NEW SECTION. **Sec. 105.** (1) The department may by rule require a
32 licensee to submit a label intended for use on a psilocybin product
33 for preapproval by the department before the licensee may sell or
34 transfer a psilocybin product bearing the label. The department must
35 determine whether a label submitted under this section complies with
36 section 104 of this act and any rule adopted under section 104 of
37 this act.

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

4 NEW SECTION. **Sec. 106.** (1) As is necessary to protect the
5 public health and safety, and in consultation with the department of
6 agriculture and the liquor and cannabis board, the department must
7 adopt rules establishing standards for the packaging of psilocybin
8 products, including but not limited to ensuring that psilocybin
9 products are not marketed in a manner that:

10 (a) Is untruthful or misleading; or

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

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

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

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

22 (b) May consider the effect on the environment of requiring
23 certain packaging;

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

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

28 NEW SECTION. **Sec. 107.** (1) The department may by rule require a
29 licensee to submit packaging intended for a psilocybin product for
30 preapproval by the department before the licensee may sell or
31 transfer a psilocybin product packaged in the packaging. The
32 department must determine whether packaging submitted under this
33 section complies with section 106 of this act and any rule adopted
34 under section 106 of this act.

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

1 NEW SECTION. **Sec. 108.** (1) The department must adopt rules
2 establishing:

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

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

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

12 NEW SECTION. **Sec. 109.** To ensure compliance with sections 104
13 through 111 of this act and any rule adopted under sections 104
14 through 111 of this act, the department may inspect the premises of a
15 person that holds a license under section 22 or 25 of this act.

16 NEW SECTION. **Sec. 110.** Subject to chapter 34.05 RCW, if the
17 applicant or licensee violates sections 104 through 111 of this act
18 or a rule adopted to implement sections 104 through 111 of this act,
19 the department may refuse to issue or renew, or may suspend or
20 revoke, a license issued under section 22, 25, or 27 of this act.

21 NEW SECTION. **Sec. 111.** (1) In addition to any other liability
22 or penalty provided by law, the department may impose for each
23 violation of a provision of sections 104 through 111 of this act, or
24 a rule adopted under a provision of sections 104 through 111 of this
25 act, a civil penalty that does not exceed \$500 for each day that the
26 violation occurs.

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

29 (3) Moneys collected under this section must be deposited in the
30 psilocybin control and regulation account established under section
31 66 of this act.

32 **AUTHORITY OF CITIES AND COUNTIES TO PROHIBIT ESTABLISHMENT OF**
33 **PSILOCYBIN RELATED BUSINESSES**

34 NEW SECTION. **Sec. 112.** (1) If the governing body of a city or
35 county adopts an ordinance that imposes reasonable regulations on the

1 establishment of psilocybin product manufacturers, psilocybin service
2 center operators, or other entities licensed under this chapter in
3 the area subject to the jurisdiction of the city or in the
4 unincorporated area subject to the jurisdiction of the county, the
5 governing body must provide the text of the ordinance to the
6 department.

7 (2) Upon receiving notice of an ordinance under subsection (1) of
8 this section, the department must discontinue licensing those
9 premises to which the prohibition applies.

10 NEW SECTION. **Sec. 113.** An employer in the state of Washington
11 may not discriminate against an employee for receiving psilocybin
12 services as sanctioned under this chapter absent the employee's
13 visible impairment at work and may not test an employee for the
14 presence of psilocybin unless they exhibit clear, observable symptoms
15 of impairment.

16 NEW SECTION. **Sec. 114.** (1) The legislature finds that in the
17 interest of establishing a legal psilocybin industry that is
18 equitable, inclusive, and accessible, and promoting the licensing and
19 provision of services to persons from distressed areas, persons who
20 have a traditional or indigenous history with natural medicines, and
21 persons who are veterans, it is appropriate to establish a social
22 opportunity program for the psilocybin industry to help remedy the
23 harms resulting from trauma, historical injustice, and the
24 disproportionate and targeted enforcement of drug-related laws on
25 poor and marginalized communities.

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

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

31 (b) Establish other appropriate criteria to identify social
32 opportunity applicants by rule;

33 (c) Provide technical assistance to social opportunity applicants
34 either through direct assistance or by methods such as establishing a
35 partnership network of entities available to support social
36 opportunity applicants;

37 (d) Provide reduced license fees for social opportunity
38 applicants at discount rates to be determined by the department by

1 rule following consultation with the Washington psilocybin advisory
2 board. Discounted rates established under this section are exempt
3 from the provisions of RCW 43.70.250 and the provision of discounted
4 rates for social opportunity applicants shall not increase the fee
5 level borne by other applicants calculated in accordance with RCW
6 43.70.250 without consideration of the effect of the social
7 opportunity program;

8 (e) Establish or facilitate the provision of scholarship funding
9 for psilocybin service facilitator training; and

10 (f) If applicable, create eligibility for social opportunity
11 applicants to receive points towards a license application score.

12 (3) For purposes of this section:

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

14 (i) That is categorized as a distressed area by the Washington
15 state employment security department or bureau of labor statistics;
16 or

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

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

21 (B) At least 20 percent of the households in the area receive
22 assistance under the federal supplemental nutrition assistance
23 program.

24 (b) "Social opportunity applicant" means:

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

28 (ii) An entity in which at least 51 percent of the ownership and
29 control is by individuals who are veterans;

30 (iii) An entity which petitions for acceptance as a social
31 opportunity applicant and this petition is accepted by the
32 department;

33 (iv) An entity with more than 10 full-time employees and more
34 than half of its employees reside in a distressed area; or

35 (v) An entity that meets other criteria established by the
36 department by rule.

37 **Sec. 115.** RCW 7.48.310 and 2009 c 200 s 3 are each amended to
38 read as follows:

39 For the purposes of RCW 7.48.305 only:

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

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

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

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

36 (5) "Forest practice" means any activity conducted on or directly
37 pertaining to forestland, as that term is defined in RCW 76.09.020,
38 and relating to growing, harvesting, or processing timber. The term
39 "forest practices" includes, but is not limited to, road and trail
40 construction, final and intermediate harvesting, precommercial

1 thinning, reforestation, fertilization, prevention and suppression of
2 diseases and insects, salvage of trees, brush control, and owning
3 land where trees may passively grow until one of the preceding
4 activities is deemed timely by the owner.

5 NEW SECTION. **Sec. 116.** A new section is added to chapter 15.130
6 RCW to read as follows:

7 In exercising its authority under this chapter, the department of
8 health may not:

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

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

14 (3) Apply or enforce RCW 15.130.140 and 15.130.200 through
15 15.130.230 to psilocybin products.

16 **Sec. 117.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted
17 and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

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

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

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

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

32 (d) "Cannabis" means all parts of the plant *Cannabis*, whether
33 growing or not, with a THC concentration greater than 0.3 percent on
34 a dry weight basis; the seeds thereof; the resin extracted from any
35 part of the plant; and every compound, manufacture, salt, derivative,
36 mixture, or preparation of the plant, its seeds or resin. The term
37 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 (e) "Cannabis 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 (f) "Cannabis processor" means a person licensed by the board to
13 process cannabis into cannabis concentrates, useable cannabis, and
14 cannabis-infused products, package and label cannabis concentrates,
15 useable cannabis, and cannabis-infused products for sale in retail
16 outlets, and sell cannabis concentrates, useable cannabis, and
17 cannabis-infused products at wholesale to cannabis retailers.

18 (g) "Cannabis producer" means a person licensed by the board to
19 produce and sell cannabis at wholesale to cannabis processors and
20 other cannabis producers.

21 (h) "Cannabis products" means useable cannabis, cannabis
22 concentrates, and cannabis-infused products as defined in this
23 section.

24 (i) "Cannabis researcher" means a person licensed by the board to
25 produce, process, and possess cannabis for the purposes of conducting
26 research on cannabis and cannabis-derived drug products.

27 (j) "Cannabis retailer" means a person licensed by the board to
28 sell cannabis concentrates, useable cannabis, and cannabis-infused
29 products in a retail outlet.

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

36 (l) "CBD concentration" has the meaning provided in RCW
37 69.51A.010.

38 (m) "CBD product" means any product containing or consisting of
39 cannabidiol.

40 (n) "Commission" means the pharmacy quality assurance commission.

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

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

6 (2) Psilocybin or psilocin, but only if and to the extent that a
7 person manufactures, delivers, or possesses psilocybin, psilocin, or
8 psilocybin products in accordance with the provisions of chapter
9 18.--- RCW (the new chapter created in section 126 of this act) and
10 rules adopted under that chapter.

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

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

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

24 (2) The term does not include:

25 (i) a controlled substance;

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

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

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

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

39 (r) "Department" means the department of health.

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

3 (t) "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 (u) "Dispenser" means a practitioner who dispenses.

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

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

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

26 (z) "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 (aa) "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 (bb) "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 (cc) "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 (dd) "Lot" means a definite quantity of cannabis, cannabis
10 concentrates, useable cannabis, or cannabis-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 (ee) "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 cannabis, cannabis
17 concentrates, useable cannabis, or cannabis-infused product.

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

38 (1) Opium, opium derivative, and any derivative of opium or opium
39 derivative, including their salts, isomers, and salts of isomers,
40 whenever the existence of the salts, isomers, and salts of isomers is

1 possible within the specific chemical designation. The term does not
2 include the isoquinoline alkaloids of opium.

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

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

9 (4) Coca leaves, except coca leaves and extracts of coca leaves
10 from which cocaine, ecgonine, and derivatives or ecgonine or their
11 salts have been removed.

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

13 (6) Cocaine base.

14 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
15 thereof.

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

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

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

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

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

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

36 (mm) "Practitioner" means:

37 (1) A physician under chapter 18.71 RCW; a physician assistant
38 under chapter 18.71A RCW; an osteopathic physician and surgeon under
39 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
40 who is certified by the optometry board under RCW 18.53.010 subject

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

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

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

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

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

34 (pp) "Qualifying patient" has the meaning provided in RCW
35 69.51A.010.

36 (qq) "Recognition card" has the meaning provided in RCW
37 69.51A.010.

38 (rr) "Retail outlet" means a location licensed by the board for
39 the retail sale of cannabis concentrates, useable cannabis, and
40 cannabis-infused products.

1 (ss) "Secretary" means the secretary of health or the secretary's
2 designee.

3 (tt) "State," unless the context otherwise requires, means a
4 state of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a territory or insular possession
6 subject to the jurisdiction of the United States.

7 (uu) "THC concentration" means percent of delta-9
8 tetrahydrocannabinol content per dry weight of any part of the plant
9 *Cannabis*, or per volume or weight of cannabis product, or the
10 combined percent of delta-9 tetrahydrocannabinol and
11 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
12 regardless of moisture content.

13 (vv) "Ultimate user" means an individual who lawfully possesses a
14 controlled substance for the individual's own use or for the use of a
15 member of the individual's household or for administering to an
16 animal owned by the individual or by a member of the individual's
17 household.

18 (ww) "Useable cannabis" means dried cannabis flowers. The term
19 "useable cannabis" does not include either cannabis-infused products
20 or cannabis concentrates.

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

26 **Sec. 118.** RCW 49.60.180 and 2020 c 52 s 10 are each amended to
27 read as follows:

28 It is an unfair practice for any employer:

29 (1) To refuse to hire any person because of age, sex, marital
30 status, sexual orientation, race, creed, color, national origin,
31 citizenship or immigration status, honorably discharged veteran or
32 military status, or the presence of any sensory, mental, or physical
33 disability or the use of a trained dog guide or service animal by a
34 person with a disability, unless based upon a bona fide occupational
35 qualification: PROVIDED, That the prohibition against discrimination
36 because of such disability shall not apply if the particular
37 disability prevents the proper performance of the particular worker
38 involved: PROVIDED, That this section shall not be construed to

1 require an employer to establish employment goals or quotas based on
2 sexual orientation.

3 (2) To discharge or bar any person from employment because of
4 age, sex, marital status, sexual orientation, race, creed, color,
5 national origin, citizenship or immigration status, honorably
6 discharged veteran or military status, use of psilocybin services as
7 sanctioned under chapter 18.--- RCW (the new chapter created in
8 section 126 of this act) in the absence of visible impairment at
9 work, or the presence of any sensory, mental, or physical disability
10 or the use of a trained dog guide or service animal by a person with
11 a disability.

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

25 (4) To print, or circulate, or cause to be printed or circulated
26 any statement, advertisement, or publication, or to use any form of
27 application for employment, or to make any inquiry in connection with
28 prospective employment, which expresses any limitation,
29 specification, or discrimination as to age, sex, marital status,
30 sexual orientation, race, creed, color, national origin, citizenship
31 or immigration status, honorably discharged veteran or military
32 status, or the presence of any sensory, mental, or physical
33 disability or the use of a trained dog guide or service animal by a
34 person with a disability, or any intent to make any such limitation,
35 specification, or discrimination, unless based upon a bona fide
36 occupational qualification: PROVIDED, Nothing contained herein shall
37 prohibit advertising in a foreign language.

1 **Sec. 119.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8,
2 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to
3 read as follows:

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

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

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

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

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

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

1 fund, the natural resources deposit fund, the Washington state health
2 insurance pool account, the federal forest revolving account, the
3 psilocybin control and regulation account, and the library operations
4 account.

5 (c) The following accounts and funds must receive 80 percent of
6 their proportionate share of earnings based upon each account's or
7 fund's average daily balance for the period: The advance right-of-way
8 revolving fund, the advanced environmental mitigation revolving
9 account, the federal narcotics asset forfeitures account, the high
10 occupancy vehicle account, the local rail service assistance account,
11 and the miscellaneous transportation programs account.

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

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

22 **Sec. 120.** RCW 18.130.010 and 1994 sp.s. c 9 s 601 are each
23 amended to read as follows:

24 It is the intent of the legislature to strengthen and consolidate
25 disciplinary and licensure procedures for the licensed health and
26 health-related professions and businesses by providing a uniform
27 disciplinary act with standardized procedures for the licensure of
28 health care professionals and psilocybin service facilitators under
29 chapter 18.--- RCW (the new chapter created in section 126 of this
30 act) and the enforcement of laws the purpose of which is to assure
31 the public of the adequacy of professional competence and conduct in
32 the healing arts and wellness professions.

33 It is also the intent of the legislature that all health and
34 health-related professions newly credentialed by the state come under
35 the Uniform Disciplinary Act.

36 Further, the legislature declares that the addition of public
37 members on all health care commissions and boards can give both the
38 state and the public, which it has a statutory responsibility to

1 protect, assurances of accountability and confidence in the various
2 practices of health care.

3 **Sec. 121.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
4 read as follows:

5 (1) This chapter applies only to the secretary and the boards and
6 commissions having jurisdiction in relation to the professions
7 licensed under the chapters specified in this section. This chapter
8 does not apply to any business or profession not licensed under the
9 chapters specified in this section.

10 (2) (a) The secretary has authority under this chapter in relation
11 to the following professions:

12 (i) Dispensing opticians licensed and designated apprentices
13 under chapter 18.34 RCW;

14 (ii) Midwives licensed under chapter 18.50 RCW;

15 (iii) Ocularists licensed under chapter 18.55 RCW;

16 (iv) Massage therapists and businesses licensed under chapter
17 18.108 RCW;

18 (v) Dental hygienists licensed under chapter 18.29 RCW;

19 (vi) Acupuncturists or acupuncture and Eastern medicine
20 practitioners licensed under chapter 18.06 RCW;

21 (vii) Radiologic technologists certified and X-ray technicians
22 registered under chapter 18.84 RCW;

23 (viii) Respiratory care practitioners licensed under chapter
24 18.89 RCW;

25 (ix) Hypnotherapists and agency affiliated counselors registered
26 and advisors and counselors certified under chapter 18.19 RCW;

27 (x) Persons licensed as mental health counselors, mental health
28 counselor associates, marriage and family therapists, marriage and
29 family therapist associates, social workers, social work associates—
30 advanced, and social work associates—independent clinical under
31 chapter 18.225 RCW;

32 (xi) Persons registered as nursing pool operators under chapter
33 18.52C RCW;

34 (xii) Nursing assistants registered or certified or medication
35 assistants endorsed under chapter 18.88A RCW;

36 (xiii) Dietitians and nutritionists certified under chapter
37 18.138 RCW;

1 (xiv) Substance use disorder professionals, substance use
2 disorder professional trainees, or co-occurring disorder specialists
3 certified under chapter 18.205 RCW;

4 (xv) Sex offender treatment providers and certified affiliate sex
5 offender treatment providers certified under chapter 18.155 RCW;

6 (xvi) Persons licensed and certified under chapter 18.73 RCW or
7 RCW 18.71.205;

8 (xvii) Orthotists and prosthetists licensed under chapter 18.200
9 RCW;

10 (xviii) Surgical technologists registered under chapter 18.215
11 RCW;

12 (xix) Recreational therapists under chapter 18.230 RCW;

13 (xx) Animal massage therapists certified under chapter 18.240
14 RCW;

15 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

16 (xxii) Home care aides certified under chapter 18.88B RCW;

17 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

18 (xxiv) Reflexologists certified under chapter 18.108 RCW;

19 (xxv) Medical assistants-certified, medical assistants-
20 hemodialysis technician, medical assistants-phlebotomist, forensic
21 phlebotomist, and medical assistants-registered certified and
22 registered under chapter 18.360 RCW; (~~and~~)

23 (xxvi) Behavior analysts, assistant behavior analysts, and
24 behavior technicians under chapter 18.380 RCW; and

25 (xxvii) Psilocybin service facilitators under chapter 18.--- RCW
26 (the new chapter created in section 126 of this act).

27 (b) The boards and commissions having authority under this
28 chapter are as follows:

29 (i) The podiatric medical board as established in chapter 18.22
30 RCW;

31 (ii) The chiropractic quality assurance commission as established
32 in chapter 18.25 RCW;

33 (iii) The dental quality assurance commission as established in
34 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
35 licenses and registrations issued under chapter 18.260 RCW, and
36 certifications issued under chapter 18.350 RCW;

37 (iv) The board of hearing and speech as established in chapter
38 18.35 RCW;

39 (v) The board of examiners for nursing home administrators as
40 established in chapter 18.52 RCW;

1 (vi) The optometry board as established in chapter 18.54 RCW
2 governing licenses issued under chapter 18.53 RCW;

3 (vii) The board of osteopathic medicine and surgery as
4 established in chapter 18.57 RCW governing licenses issued under
5 chapter 18.57 RCW;

6 (viii) The pharmacy quality assurance commission as established
7 in chapter 18.64 RCW governing licenses issued under chapters 18.64
8 and 18.64A RCW;

9 (ix) The Washington medical commission as established in chapter
10 18.71 RCW governing licenses and registrations issued under chapters
11 18.71 and 18.71A RCW;

12 (x) The board of physical therapy as established in chapter 18.74
13 RCW;

14 (xi) The board of occupational therapy practice as established in
15 chapter 18.59 RCW;

16 (xii) The nursing care quality assurance commission as
17 established in chapter 18.79 RCW governing licenses and registrations
18 issued under that chapter;

19 (xiii) The examining board of psychology and its disciplinary
20 committee as established in chapter 18.83 RCW;

21 (xiv) The veterinary board of governors as established in chapter
22 18.92 RCW;

23 (xv) The board of naturopathy established in chapter 18.36A RCW,
24 governing licenses and certifications issued under that chapter; and

25 (xvi) The board of denturists established in chapter 18.30 RCW.

26 (3) In addition to the authority to discipline license holders,
27 the disciplining authority has the authority to grant or deny
28 licenses. The disciplining authority may also grant a license subject
29 to conditions.

30 (4) All disciplining authorities shall adopt procedures to ensure
31 substantially consistent application of this chapter, the uniform
32 disciplinary act, among the disciplining authorities listed in
33 subsection (2) of this section.

34 **Sec. 122.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
35 read as follows:

36 (1) This chapter applies only to the secretary and the boards and
37 commissions having jurisdiction in relation to the professions
38 licensed under the chapters specified in this section. This chapter

1 does not apply to any business or profession not licensed under the
2 chapters specified in this section.

3 (2) (a) The secretary has authority under this chapter in relation
4 to the following professions:

5 (i) Dispensing opticians licensed and designated apprentices
6 under chapter 18.34 RCW;

7 (ii) Midwives licensed under chapter 18.50 RCW;

8 (iii) Ocularists licensed under chapter 18.55 RCW;

9 (iv) Massage therapists and businesses licensed under chapter
10 18.108 RCW;

11 (v) Dental hygienists licensed under chapter 18.29 RCW;

12 (vi) Acupuncturists or acupuncture and Eastern medicine
13 practitioners licensed under chapter 18.06 RCW;

14 (vii) Radiologic technologists certified and X-ray technicians
15 registered under chapter 18.84 RCW;

16 (viii) Respiratory care practitioners licensed under chapter
17 18.89 RCW;

18 (ix) Hypnotherapists and agency affiliated counselors registered
19 and advisors and counselors certified under chapter 18.19 RCW;

20 (x) Persons licensed as mental health counselors, mental health
21 counselor associates, marriage and family therapists, marriage and
22 family therapist associates, social workers, social work associates—
23 advanced, and social work associates—independent clinical under
24 chapter 18.225 RCW;

25 (xi) Persons registered as nursing pool operators under chapter
26 18.52C RCW;

27 (xii) Nursing assistants registered or certified or medication
28 assistants endorsed under chapter 18.88A RCW;

29 (xiii) Dietitians and nutritionists certified under chapter
30 18.138 RCW;

31 (xiv) Substance use disorder professionals, substance use
32 disorder professional trainees, or co-occurring disorder specialists
33 certified under chapter 18.205 RCW;

34 (xv) Sex offender treatment providers and certified affiliate sex
35 offender treatment providers certified under chapter 18.155 RCW;

36 (xvi) Persons licensed and certified under chapter 18.73 RCW or
37 RCW 18.71.205;

38 (xvii) Orthotists and prosthetists licensed under chapter 18.200
39 RCW;

1 (xviii) Surgical technologists registered under chapter 18.215
2 RCW;

3 (xix) Recreational therapists under chapter 18.230 RCW;

4 (xx) Animal massage therapists certified under chapter 18.240
5 RCW;

6 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

7 (xxii) Home care aides certified under chapter 18.88B RCW;

8 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

9 (xxiv) Reflexologists certified under chapter 18.108 RCW;

10 (xxv) Medical assistants-certified, medical assistants-
11 hemodialysis technician, medical assistants-phlebotomist, forensic
12 phlebotomist, and medical assistants-registered certified and
13 registered under chapter 18.360 RCW;

14 (xxvi) Behavior analysts, assistant behavior analysts, and
15 behavior technicians under chapter 18.380 RCW; (~~and~~)

16 (xxvii) Birth doulas certified under chapter 18.47 RCW; and
17 (xxviii) Psilocybin service facilitators under chapter 18.--- RCW
18 (the new chapter created in section 126 of this act).

19 (b) The boards and commissions having authority under this
20 chapter are as follows:

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
27 licenses and registrations issued under chapter 18.260 RCW, and
28 certifications issued under chapter 18.350 RCW;

29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;

31 (v) The board of examiners for nursing home administrators as
32 established in chapter 18.52 RCW;

33 (vi) The optometry board as established in chapter 18.54 RCW
34 governing licenses issued under chapter 18.53 RCW;

35 (vii) The board of osteopathic medicine and surgery as
36 established in chapter 18.57 RCW governing licenses issued under
37 chapter 18.57 RCW;

38 (viii) The pharmacy quality assurance commission as established
39 in chapter 18.64 RCW governing licenses issued under chapters 18.64
40 and 18.64A RCW;

1 (ix) The Washington medical commission as established in chapter
2 18.71 RCW governing licenses and registrations issued under chapters
3 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

6 (xi) The board of occupational therapy practice as established in
7 chapter 18.59 RCW;

8 (xii) The nursing care quality assurance commission as
9 established in chapter 18.79 RCW governing licenses and registrations
10 issued under that chapter;

11 (xiii) The examining board of psychology and its disciplinary
12 committee as established in chapter 18.83 RCW;

13 (xiv) The veterinary board of governors as established in chapter
14 18.92 RCW;

15 (xv) The board of naturopathy established in chapter 18.36A RCW,
16 governing licenses and certifications issued under that chapter; and

17 (xvi) The board of denturists established in chapter 18.30 RCW.

18 (3) In addition to the authority to discipline license holders,
19 the disciplining authority has the authority to grant or deny
20 licenses. The disciplining authority may also grant a license subject
21 to conditions.

22 (4) All disciplining authorities shall adopt procedures to ensure
23 substantially consistent application of this chapter, the uniform
24 disciplinary act, among the disciplining authorities listed in
25 subsection (2) of this section.

26 **Sec. 123.** RCW 18.130.180 and 2021 c 157 s 7 are each amended to
27 read as follows:

28 The following conduct, acts, or conditions constitute
29 unprofessional conduct for any license holder under the jurisdiction
30 of this chapter:

31 (1) (a) The commission of any act involving moral turpitude,
32 dishonesty, or corruption relating to the practice of the person's
33 profession, whether the act constitutes a crime or not. If the act
34 constitutes a crime, conviction in a criminal proceeding is not a
35 condition precedent to disciplinary action. Upon such a conviction,
36 however, the judgment and sentence is conclusive evidence at the
37 ensuing disciplinary hearing of the guilt of the license holder of
38 the crime described in the indictment or information, and of the
39 person's violation of the statute on which it is based. For the

1 purposes of this section, conviction includes all instances in which
2 a plea of guilty or nolo contendere is the basis for the conviction
3 and all proceedings in which the sentence has been deferred or
4 suspended. Nothing in this section abrogates rights guaranteed under
5 chapter 9.96A RCW;

6 (b) This subsection (1) does not apply to federal laws,
7 regulations, and policies prohibiting actions relating to psilocybin
8 which are permitted under chapter 18.--- RCW (the new chapter created
9 in section 126 of this act);

10 (2) Misrepresentation or concealment of a material fact in
11 obtaining a license or in reinstatement thereof;

12 (3) All advertising which is false, fraudulent, or misleading;

13 (4) Incompetence, negligence, or malpractice which results in
14 injury to a patient or which creates an unreasonable risk that a
15 patient may be harmed. The use of a nontraditional treatment by
16 itself shall not constitute unprofessional conduct, provided that it
17 does not result in injury to a patient or create an unreasonable risk
18 that a patient may be harmed;

19 (5) Suspension, revocation, or restriction of the individual's
20 license to practice any health care profession by competent authority
21 in any state, federal, or foreign jurisdiction, a certified copy of
22 the order, stipulation, or agreement being conclusive evidence of the
23 revocation, suspension, or restriction;

24 (6) Except when authorized by RCW (~~18.130.345~~) 69.41.095 or
25 relating to activities related to psilocybin permitted under chapter
26 18.--- RCW (the new chapter created in section 126 of this act), the
27 possession, use, prescription for use, or distribution of controlled
28 substances or legend drugs in any way other than for legitimate or
29 therapeutic purposes, diversion of controlled substances or legend
30 drugs, the violation of any drug law, or prescribing controlled
31 substances for oneself;

32 (7) Violation of any state or federal statute or administrative
33 rule regulating the profession in question, including any statute or
34 rule defining or establishing standards of patient care or
35 professional conduct or practice, except for federal laws,
36 regulations, and policies prohibiting actions relating to psilocybin
37 which are permitted under chapter 18.--- RCW (the new chapter created
38 in section 126 of this act);

39 (8) Failure to cooperate with the disciplining authority by:

- 1 (a) Not furnishing any papers, documents, records, or other
2 items;
- 3 (b) Not furnishing in writing a full and complete explanation
4 covering the matter contained in the complaint filed with the
5 disciplining authority;
- 6 (c) Not responding to subpoenas issued by the disciplining
7 authority, whether or not the recipient of the subpoena is the
8 accused in the proceeding; or
- 9 (d) Not providing reasonable and timely access for authorized
10 representatives of the disciplining authority seeking to perform
11 practice reviews at facilities utilized by the license holder;
- 12 (9) Failure to comply with an order issued by the disciplining
13 authority or a stipulation for informal disposition entered into with
14 the disciplining authority;
- 15 (10) Aiding or abetting an unlicensed person to practice when a
16 license is required;
- 17 (11) Violations of rules established by any health agency;
- 18 (12) Practice beyond the scope of practice as defined by law or
19 rule;
- 20 (13) Misrepresentation or fraud in any aspect of the conduct of
21 the business or profession;
- 22 (14) Failure to adequately supervise auxiliary staff to the
23 extent that the consumer's health or safety is at risk;
- 24 (15) Engaging in a profession involving contact with the public
25 while suffering from a contagious or infectious disease involving
26 serious risk to public health;
- 27 (16) Promotion for personal gain of any unnecessary or
28 inefficacious drug, device, treatment, procedure, or service;
- 29 (17) Conviction of any gross misdemeanor or felony relating to
30 the practice of the person's profession. For the purposes of this
31 subsection, conviction includes all instances in which a plea of
32 guilty or nolo contendere is the basis for conviction and all
33 proceedings in which the sentence has been deferred or suspended.
34 Nothing in this section abrogates rights guaranteed under chapter
35 9.96A RCW;
- 36 (18) The procuring, or aiding or abetting in procuring, a
37 criminal abortion;
- 38 (19) The offering, undertaking, or agreeing to cure or treat
39 disease by a secret method, procedure, treatment, or medicine, or the
40 treating, operating, or prescribing for any health condition by a

1 method, means, or procedure which the licensee refuses to divulge
2 upon demand of the disciplining authority;

3 (20) The willful betrayal of a practitioner-patient privilege as
4 recognized by law;

5 (21) Violation of chapter 19.68 RCW or a pattern of violations of
6 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
7 or 74.09.325(8);

8 (22) Interference with an investigation or disciplinary
9 proceeding by willful misrepresentation of facts before the
10 disciplining authority or its authorized representative, or by the
11 use of threats or harassment against any patient or witness to
12 prevent them from providing evidence in a disciplinary proceeding or
13 any other legal action, or by the use of financial inducements to any
14 patient or witness to prevent or attempt to prevent him or her from
15 providing evidence in a disciplinary proceeding;

16 (23) Current misuse of:

17 (a) Alcohol;

18 (b) Controlled substances, excluding actions permitted under
19 chapter 18.--- RCW (the new chapter created in section 126 of this
20 act); or

21 (c) Legend drugs;

22 (24) Abuse of a client or patient or sexual contact with a client
23 or patient;

24 (25) Acceptance of more than a nominal gratuity, hospitality, or
25 subsidy offered by a representative or vendor of medical or health-
26 related products or services intended for patients, in contemplation
27 of a sale or for use in research publishable in professional
28 journals, where a conflict of interest is presented, as defined by
29 rules of the disciplining authority, in consultation with the
30 department, based on recognized professional ethical standards;

31 (26) Violation of RCW 18.130.420;

32 (27) Performing conversion therapy on a patient under age
33 eighteen;

34 (28) Violation of RCW 18.130.430.

35 **Sec. 124.** RCW 43.70.250 and 2019 c 415 s 966 are each amended to
36 read as follows:

37 (1) It shall be the policy of the state of Washington that the
38 cost of each professional, occupational, or business licensing

1 program be fully borne by the members of that profession, occupation,
2 or business.

3 (2) The secretary shall from time to time establish the amount of
4 all application fees, license fees, registration fees, examination
5 fees, permit fees, renewal fees, and any other fee associated with
6 licensing or regulation of professions, occupations, or businesses
7 administered by the department. Any and all fees or assessments, or
8 both, levied on the state to cover the costs of the operations and
9 activities of the interstate health professions licensure compacts
10 with participating authorities listed under chapter 18.130 RCW shall
11 be borne by the persons who hold licenses issued pursuant to the
12 authority and procedures established under the compacts. In fixing
13 said fees, the secretary shall set the fees for each program at a
14 sufficient level to defray the costs of administering that program
15 and the cost of regulating licensed volunteer medical workers in
16 accordance with RCW 18.130.360, except as provided in RCW 18.79.202,
17 and as needed to implement the social opportunity program under
18 section 114 of this act. In no case may the secretary increase a
19 licensing fee for an ambulatory surgical facility licensed under
20 chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he
21 or she commence the adoption of rules to increase a licensing fee
22 during the 2019-2021 fiscal biennium.

23 (3) All such fees shall be fixed by rule adopted by the secretary
24 in accordance with the provisions of the administrative procedure
25 act, chapter 34.05 RCW.

26 NEW SECTION. **Sec. 125.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 126.** Sections 1 through 114 of this act
31 constitute a new chapter in Title 18 RCW.

32 NEW SECTION. **Sec. 127.** Section 6 of this act is necessary for
33 the immediate preservation of the public peace, health, or safety, or
34 support of the state government and its existing public institutions,
35 and takes effect immediately.

1 NEW SECTION. **Sec. 128.** Section 117 of this act takes effect
2 August 1, 2023.

3 NEW SECTION. **Sec. 129.** Section 121 of this act expires October
4 1, 2023.

5 NEW SECTION. **Sec. 130.** Section 122 of this act takes effect
6 October 1, 2023.

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