

Initiative No. 1886

February 9, 2022

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-4378.1/22

ATTY/TYPIST: KB:akl

BRIEF DESCRIPTION:

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

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

INTRODUCTORY SECTION

NEW SECTION. **Sec. 1.** The people of the state of Washington find that:

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

(2) Studies conducted by nationally and internationally recognized medical institutions indicate that psilocybin has shown efficacy, tolerability, and safety in the treatment of a variety of behavioral health conditions, including but not limited to

addiction, depression, anxiety disorders, and end-of-life psychological distress;

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

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

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

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

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

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

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

NEW SECTION. **Sec. 2.** The people of the state of Washington declare that the purposes of this chapter are:

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

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

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

(4) After a program development period, to:

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Community psilocybin service facilitator" or "community facilitator" means all psilocybin service facilitators who do not meet the licensing requirements of a medical facilitator.

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

(4) "Integration session" means a meeting between a client and a psilocybin service facilitator that may occur in person or remotely after the client completes a threshold dose administration session.

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

(6) "Licensee" means a person that holds a license issued under section 23, 26, 30, or 97 of this act.

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

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

(9) "Medical psilocybin service facilitator" or "medical facilitator" means an individual who facilitates the provision of psilocybin services in this state and is duly authorized by law or

rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice and licensed in the state of Washington as: A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; or a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040.

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

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

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

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

(11) "Program development period" means the period beginning on January 1, 2023, and ending by July 4, 2024.

(12) "Psilocybin" means psilocybin or psilocin.

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

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

(i) Psilocybin-producing fungi; and

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

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

(15) "Psilocybin service center" means an establishment:

(a) At which administration sessions are held; and

(b) At which other psilocybin services may be provided.

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

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

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

(i) One threshold dose preparation session;

(ii) One threshold dose administration session;

(iii) One optional integration session that must be offered to each client;

(iv) One subperceptual dose preparation session; or

(v) One subperceptual dose follow-up session.

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

(19) "Secretary" means the secretary of health appointed under RCW 43.70.030.

(20) "Subperceptual dose" means a subthreshold dose of psilocybin.

(21) "Subperceptual dose follow-up session" means a meeting between a client and a psilocybin service facilitator that occurs in person or remotely after the client has been provided with a subperceptual dose of psilocybin.

(22) "Subperceptual dose preparation session" means a meeting between a client and a psilocybin service facilitator that must occur in person or remotely before the client is provided with subthreshold doses of psilocybin for off-premises use.

(23) "Threshold dose" means a dose of psilocybin that triggers a detectable biological effect in a client.

(24) "Threshold dose administration session" or "administration session" means a session held at a psilocybin service center at which a client consumes and experiences the effects of a psilocybin product under the supervision of a psilocybin service facilitator.

(25) "Threshold dose preparation session" means a meeting between a client and a psilocybin service facilitator that must occur in person or remotely before the client participates in a threshold dose administration session.

WASHINGTON PSILOCYBIN ADVISORY BOARD

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

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

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

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

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

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

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

(a) Any four of the following:

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

(ii) A local health officer;

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

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

- (v) An individual who is a member of, or who represents, a body that provides policy advice relating to health equity;
- (vi) An individual who is a member of, or who represents, a body that provides policy advice related to palliative care and quality of life;
- (vii) An individual who represents individuals who provide public health services directly to the public; or
- (viii) An individual who has expertise in the field of military veteran's health;
- (b) A person who has knowledge regarding the indigenous or religious use of psilocybin;
- (c) A psychologist licensed under chapter 18.83 RCW who has professional experience engaging in the diagnosis or treatment of a mental, emotional, or behavioral condition;
- (d) A physician licensed under chapter 18.71 RCW;
- (e) A naturopath licensed under chapter 18.36A RCW;
- (f) An expert in the field of public health who has a background in academia;
- (g) Any three of the following:
 - (i) A person who has professional experience conducting scientific research regarding the use of psychedelic compounds in clinical therapy;
 - (ii) A person who has experience in the field of mycology;
 - (iii) A person who has experience in the field of ethnobotany;
 - (iv) A person who has experience in the field of psychopharmacology; or
 - (v) A person who has experience in the field of harm reduction;
 - (h) A person designated by the liquor and cannabis board who has experience working with the cannabis central reporting system developed for tracking the transfer of marijuana items;
 - (i) The attorney general or the attorney general's designee;
 - (j) During the program development period, one of the chief petitioners of this act; and
 - (k) One, two, or three at large members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The health and safety warnings and other disclosures that should be made to the client before the client participates in a threshold dose administration session; and

(c) The contents of the subperceptual dose client information form that a client must complete and sign before the client is given subperceptual doses of psilocybin for off-premises use, giving particular consideration to:

(i) The information that should be solicited from the client to determine whether the client should be given subperceptual doses, including information that may identify potential risk factors and contraindications, and means of accommodating or mitigating them;

(ii) The information that should be solicited from the client to assist the psilocybin service center operator and the medical facilitator in meeting any public health and safety standards and industry best practices for the use of subperceptual doses; and

(iii) The health and safety warnings and other disclosures that should be made to the client before the client is given subperceptual doses of psilocybin;

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

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

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

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

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

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

- (d) Social and cultural considerations;
- (6) Recommendations to the department on the examinations that psilocybin service facilitators must pass;
- (7) Recommendations to the department on public health and safety standards and industry best practices for holding and completing an administration session, including:
 - (a) Under what circumstances group administration sessions should be available;
 - (b) Whether clients should be able to access common or outside areas on the premises of the psilocybin service center at which the threshold dose administration session is held;
 - (c) The circumstances under which a threshold dose administration session is considered complete; and
 - (d) The transportation needs of the client after the completion of the threshold dose administration session;
- (8) Development of a long-term strategic plan for ensuring that psilocybin services will become and remain a safe, accessible, and affordable wellness option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate;
- (9) Monitoring and studying federal laws, regulations, and policies regarding psilocybin;
- (10) Attempting to meet with the United States attorney's office for the Western and Eastern districts of Washington to discuss this chapter and potential federal enforcement policies regarding psilocybin in Washington after the expiration of the program development period; and
- (11) Recommendations on criteria for the social opportunity program under section 115 of this act that promote social equity and accessibility.

POWERS AND DUTIES OF WASHINGTON DEPARTMENT OF HEALTH

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

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

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

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

(b) After the program development period:

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

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

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

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

(d) To exercise all powers incidental, convenient, or necessary to enable the department to administer or carry out this chapter or any other law of this state that charges the department with a duty,

function, or power related to psilocybin products and psilocybin services. Powers described in this subsection include, but are not limited to:

- (i) Issuing subpoenas;
- (ii) Compelling the attendance of witnesses;
- (iii) Administering oaths;
- (iv) Certifying official acts;
- (v) Taking depositions as provided by law;
- (vi) Compelling the production of books, payrolls, accounts, papers, records, documents, and testimony; and
- (vii) Establishing fees in addition to the application, licensing, and renewal fees described in sections 23, 26, 30, and 97 of this act, provided that any fee established by the department is reasonably calculated to not exceed the cost of the activity for which the fee is charged;

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

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

- (i) That is appealing to minors;
- (ii) That promotes excessive use;
- (iii) That promotes illegal activity;
- (iv) That violates the code of professional conduct for psilocybin service facilitators formulated by the department; or
- (v) That otherwise presents a significant risk to public health and safety.

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

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

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

PROGRAM DEVELOPMENT PERIOD

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

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

(2) By March 1, 2023, the Washington psilocybin advisory board shall hold its first meeting at a time and place specified by the department.

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

NEW SECTION. **Sec. 12.** (1) By June 30, 2023, and from time to time thereafter, the department must publish and distribute to the public available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in ameliorating behavioral health conditions,

including but not limited to addiction, depression, anxiety disorders, and end-of-life psychological distress.

(2) By July 4, 2024, the department shall adopt rules and establish forms necessary for the implementation of this chapter.

APPLICATION PROCESS AND LICENSES

NEW SECTION. **Sec. 13.** By July 10, 2024, the department shall begin receiving applications for the licensing of persons to:

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

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

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

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

(4) An applicant for a facilitator license or renewal of a medical or community facilitator license issued under section 30 of this act need not show the location of any premises.

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

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

- (a) Has not completed required education or training;
- (b) Has not passed an examination required by the department;
- (c) Is in the habit of using alcoholic beverages, habit-forming drugs, or controlled substances to excess, impairing their fitness to safely perform their duties;
- (d) Has made false statements to the department;
- (e) Demonstrates a lack of capacity or incompetency to carry on the management of the establishment proposed to be licensed;
- (f) Has been convicted of violating a federal law, state law, or local ordinance if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license;
- (g) Is not of good repute and moral character;
- (h) Does not have a good record of compliance with this chapter or any rule adopted under this chapter;
- (i) Is not the legitimate owner of the premises proposed to be licensed, or has not disclosed that other persons have ownership interests in the premises proposed to be licensed;
- (j) Has not demonstrated financial responsibility sufficient to adequately meet the requirements of the premises proposed to be licensed; or
- (k) Is unable to understand the laws of this state relating to psilocybin products, psilocybin services, or the rules adopted under this chapter.

(3) In determining whether to issue a license or a restricted license to an applicant, the department may not consider the prior conviction of the applicant or any owner, director, officer,

manager, employee, agent, or other representative of the applicant for:

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

(b) A felony conviction if the applicant meets the requirements in RCW 9.41.040 to have the applicant's right to possess a firearm restored; or

(c) The possession of a controlled substance, if:

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

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

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

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

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

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

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

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

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

(1) Is a personal privilege;

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

(3) Is revocable or suspendible as provided in section 64 of this act;

(4) Except for a license issued to a psilocybin service facilitator under section 30 of this act, is transferable from the premises for which the license was originally issued to another premises subject to the provisions of this chapter, applicable rules adopted under this chapter and applicable local ordinances;

(5) If the license was issued to an individual, expires upon the death of the licensee, except as provided under section 51 of this act;

(6) Does not constitute property;

(7) Is not alienable;

(8) Is not subject to attachment or execution;

(9) Does not descend by the laws of testate or intestate devolution.

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

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

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

NEW SECTION. **Sec. 19.** (1) Before receiving a license under section 23 or 26 of this act, an applicant shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The department may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(2) Except as provided in subsection (3) of this section, a city or county that receives a request for a land use compatibility statement under this section must act on that request within 21 days of:

(a) Receipt of the request, if the land use is allowable as an outright permitted use; or

(b) Final local permit approval, if the land use is allowable as a conditional use.

(3) A city or county that receives a request for a land use compatibility statement under this section is not required to act on that request during the period that the department discontinues licensing those premises pursuant to section 113(3) of this act.

(4) A city or county action concerning a land use compatibility statement under this section is not a land use decision under chapter 36.70C RCW.

LICENSEES IN GENERAL

NEW SECTION. **Sec. 20.** Licensees and licensee representatives may manufacture, deliver, and possess psilocybin products subject to this chapter. The manufacture, delivery, or possession of psilocybin products by a licensee or a licensee representative in compliance with this chapter does not constitute a criminal or civil offense under the laws of this state.

NEW SECTION. **Sec. 21.** An individual may not have a financial interest in:

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

NEW SECTION. **Sec. 22.** Subject to section 21 of this act:

- (1) A person may hold multiple service center operator licenses under section 26 of this act; and
- (2) A person may hold both a manufacturer license under section 23 of this act and a service center operator license under section 26 of this act at the same or different premises.

LICENSE TO MANUFACTURE PSILOCYBIN PRODUCTS

NEW SECTION. **Sec. 23.** (1) The manufacture of psilocybin products is subject to regulation by the department.

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

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

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

(c) Must, until July 4, 2026:

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

(ii) If the direct owner of the business operating or to be operated under the license is a partnership that is not a legal entity, provide proof that more than 50 percent of the partnership interests of the partnership are held, directly or indirectly, by

one or more individuals who have been residents of this state for two or more years; and

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

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

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

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

(4) The department shall adopt rules that:

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

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

(c) Require psilocybin products manufactured by psilocybin product manufacturers to be tested in accordance with section 96 of this act.

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

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

(b) Shall be deposited in the psilocybin control and regulation account established under section 69 of this act.

NEW SECTION. **Sec. 24.** (1) The department shall adopt rules that designate different types of manufacturing activities. A psilocybin product manufacturer may only engage in a type of manufacturing activity if the psilocybin product manufacturer has received an endorsement from the department for that type of manufacturing activity.

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

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

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

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

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

NEW SECTION. **Sec. 25.** The department may adopt rules restricting the quantities of psilocybin products at premises for which a license has been issued under section 23 of this act. In adopting rules under this section, the department may take into consideration the demand for psilocybin services in this state, the number of psilocybin product manufacturers applying for a license under section 23 of this act, the number of psilocybin product manufacturers that hold a license issued under section 23 of this act, and whether the availability of psilocybin products in this state is commensurate with the demand for psilocybin services.

LICENSE TO OPERATE PSILOCYBIN SERVICE CENTER

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

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

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

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

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

(c) Must, until July 4, 2026:

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

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

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

(d) Must ensure that the psilocybin service center is located in an area that is not:

(i) Within the limits of an incorporated city or town; and

(ii) Zoned exclusively for residential use;

(e) Except as provided under section 27 of this act, must ensure that the psilocybin service center is not located within 1,000 feet of:

(i) A public elementary or secondary school for which attendance is compulsory; or

(ii) A private or parochial elementary or secondary school, teaching children; and

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

(3) The department shall adopt rules that:

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

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

(c) Require psilocybin products sold by a psilocybin service center operator to be tested under section 96 of this act;

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

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

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

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

(b) Shall be deposited in the psilocybin control and regulation account established under section 69 of this act.

NEW SECTION. **Sec. 27.** Notwithstanding section 26(2)(e) of this act, a psilocybin service center may be located within 1,000 feet of a school if:

(1) The psilocybin service center is not located within 500 feet of:

(a) A public elementary or secondary school for which attendance is compulsory; or

(b) A private or parochial elementary or secondary school, teaching children; and

(2) The department determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center.

NEW SECTION. **Sec. 28.** If a school described in section 26(2)(e) of this act that has not previously been attended by children is established within 1,000 feet of a premises for which a license has been issued under section 26 of this act, the psilocybin service center operator located at that premises may remain at that location unless the department revokes the license of the psilocybin service center operator under section 64 of this act.

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

LICENSE TO FACILITATE PSILOCYBIN SERVICES

NEW SECTION. **Sec. 30.** (1) The facilitation of psilocybin services is subject to regulation by the department.

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

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

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

(c) Must, until July 4, 2026, provide proof that the applicant has been a resident of this state for two or more years;

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

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

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

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

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

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

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

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

(c) Must, until July 4, 2026, provide proof that the applicant has been a resident of this state for two or more years;

(d) Must be a licensed physician, physician assistant, osteopathic physician and surgeon, osteopathic physician assistant, registered nurse, advanced registered nurse practitioner, licensed practical nurse, or a naturopathic physician, licensed to distribute, dispense, or administer a controlled substance in the course of their professional practice in this state;

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

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

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

(5) The department shall adopt rules that:

(a) Require medical and community psilocybin service facilitators to annually renew a license issued under this section;

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

(c) Require medical and community psilocybin service facilitators to meet any public health and safety standards and industry best practices established by the department by rule.

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

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

(b) Shall be deposited in the psilocybin control and regulation account established under section 69 of this act.

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

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

NEW SECTION. **Sec. 31.** The department shall offer an examination for applicants for licenses to facilitate psilocybin services at least twice a year. An applicant who fails any part of the examination may retake the failed section in accordance with rules adopted by the department. In its discretion, the department may require different examinations for medical and community facilitators.

NEW SECTION. **Sec. 32.** The department may adopt rules establishing the circumstances under which the department may require a psilocybin service facilitator that holds a license issued under section 30 of this act to use an age verification scanner or any other equipment used to verify a person's age for the purpose of ensuring that the psilocybin service facilitator does not provide

psilocybin services to a person under 21 years of age. Information obtained under this section may not be retained after verifying a person's age and may not be used for any purpose other than verifying a person's age.

PSILOCYBIN SERVICES

NEW SECTION. **Sec. 33.** The department shall adopt by rule the requirements, specifications, and guidelines for:

- (1) Providing psilocybin services to a client;
- (2) Holding and verifying the completion of a threshold dose preparation session;
- (3) Having a client complete, sign, and deliver a threshold dose client information form to a psilocybin service center operator and a psilocybin service facilitator;
- (4) Holding and verifying the completion of a threshold dose administration session;
- (5) Holding and verifying the completion of an integration session;
- (6) Holding and verifying the completion of a subperceptual dose preparation session;
- (7) Having a client complete, sign, and deliver a subperceptual dose client information form to a psilocybin service center operator and a medical facilitator; and
- (8) Holding and verifying the completion of a subperceptual dose follow-up session.

NEW SECTION. **Sec. 34.** (1) Before a client participates in a threshold dose administration session, the client must attend a threshold dose preparation session with a psilocybin service facilitator.

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

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

(4) Before a medical facilitator gives a client subperceptual doses for off-premises consumption, the client must attend a subperceptual dose preparation session with a medical facilitator.

(5) A subperceptual dose preparation session may, but need not be, held at a psilocybin service center and may be held in person or remotely.

(6) If a subperceptual dose preparation session is completed in accordance with all applicable requirements, specifications, and guidelines, as determined by the department, the medical facilitator must certify, in a form and manner prescribed by the department, that the client completed the subperceptual dose preparation session.

(7) If a subperceptual dose follow-up session is completed in accordance with all applicable requirements, specifications, and guidelines, as determined by the department, the medical facilitator must certify, in a form and manner prescribed by the department, that the client completed the subperceptual dose follow-up session.

NEW SECTION. **Sec. 35.** (1) Before a client participates in an administration session:

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

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

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

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

(2) The client information form:

(a) Must solicit from the client information necessary:

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

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

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

(3) Before a client is given a first subperceptual dose of psilocybin:

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

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

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

(ii) The medical facilitator responsible for giving the client subperceptual doses of psilocybin.

(4) The subperceptual dose client information form:

(a) Must solicit from the client information necessary:

(i) To enable a psilocybin service center operator and a medical facilitator to determine whether the client should be given subperceptual doses of psilocybin, including information that may identify risk factors and contraindications; and

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

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

(5) After a client is given their initial subperceptual dose for off-premises use, the medical facilitator supervising the client shall conduct a subperceptual dose follow-up session. In addition to any applicable requirements, specifications, and guidelines, as determined by the department, the purpose of the subperceptual dose follow-up session shall be:

(i) To answer client questions or concerns about the subperceptual dose;

(ii) To ensure the client is receiving the proper dosage of psilocybin; and

(iii) For the provider to ensure the client is using the subperceptual dose properly.

NEW SECTION. **Sec. 36.** (1) After a client completes a threshold dose preparation session and completes and signs a threshold dose client information form, the client may participate in a threshold dose administration session.

(2) A threshold dose administration session must be held at a psilocybin service center unless an exception is made under rules established by the department under section 26 of this act to accommodate a client who is medically unable to travel to a psilocybin service center.

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

(4) After a client completes a subthreshold dose preparation session and completes and signs a subthreshold dose client information form, the client may be given a subperceptual dose of psilocybin for off-premises consumption.

(5) (a) A client provided with a first subperceptual dose from a provider must participate in at least one subperceptual dose follow-up session before the client can be provided with additional subperceptual doses for off-premises consumption.

(b) A subperceptual dose follow-up session may be in person or remote and may, but need not be, held at a psilocybin service center.

(6) If a subperceptual dose follow-up session is completed in accordance with all applicable requirements, specifications, and guidelines, as determined by the department, the psilocybin service facilitator must certify, in a form and manner prescribed by the department, that the client completed the subperceptual dose follow-up session.

(7) Once a client completes a subperceptual dose follow-up session and the medical provider determines subperceptual doses are helpful for the client and the client is using the subperceptual doses in the intended manner, the provider may offer a client additional subperceptual doses without requiring a follow-up session. A medical provider may at any point require the client to participate in a subperceptual dose follow-up session before issuing the client further subperceptual doses of psilocybin.

NEW SECTION. **Sec. 37.** (1) After a client completes a threshold dose administration session, the psilocybin service facilitator who supervised the threshold dose administration session must offer the client an opportunity to participate in an integration session. The client may, but need not, participate in an integration session.

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

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

NEW SECTION. **Sec. 38.** (1) If any psilocybin related client information form is offered as evidence in any administrative or criminal prosecution of a licensee or licensee representative for sale or service of a psilocybin product to a client, the licensee or licensee representative is not guilty of any offense prohibiting a person from selling or serving a psilocybin product to a client unless it is demonstrated that a reasonable person would have determined that the responses provided by the client on the client information form were incorrect or altered.

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

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

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

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

NEW SECTION. **Sec. 39.** (1) Subject to other applicable law, a licensee or licensee representative may refuse to provide psilocybin services to a potential client for any or no reason.

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

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

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

NEW SECTION. **Sec. 40.** The department shall:

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

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

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

(i) Client safety; and

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

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

and

(d) Social and cultural considerations.

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

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

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

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

NEW SECTION. **Sec. 41.** (1) The department shall adopt by rule minimum standards of education and training requirements for psilocybin service facilitators.

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

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

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

NEW SECTION. **Sec. 42.** (1) The department may, after 72 hours' notice, make an examination of the books of a licensee for the purpose of determining compliance with this chapter and rules adopted under this chapter.

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

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

NEW SECTION. **Sec. 43.** If a licensee holds more than one license issued under this chapter for the same premises, the

department may require the premises to be segregated into separate areas for conducting the activities permitted under each license as is necessary to protect the public health and safety.

NEW SECTION. **Sec. 44.** As is necessary to protect the public health and safety, the department may require a licensee to maintain general liability insurance in an amount that the department determines is reasonably affordable and available for the purpose of protecting the licensee against damages resulting from a cause of action related to activities undertaken under the license held by the licensee.

NEW SECTION. **Sec. 45.** (1) The department must:

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

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

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

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

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

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

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

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

- (3) The system must be capable of tracking, at a minimum:
- (a) The manufacturing of psilocybin products;
 - (b) The sale of psilocybin products by a psilocybin service center operator to a client;
 - (c) The sale and purchase of psilocybin products between licensees, as permitted by this chapter;
 - (d) The transfer of psilocybin products between premises for which licenses have been issued under this chapter; and
 - (e) Any other information that the department determines is reasonably necessary to accomplish the duties, functions, and powers of the department under this chapter.

NEW SECTION. **Sec. 46.** Except as otherwise provided by law, the department has any power, and may perform any function, necessary for the department to prevent the diversion of psilocybin products from licensees to a source that is not operating legally under the laws of this state.

NEW SECTION. **Sec. 47.** In addition to any other disciplinary action available to the department under this chapter, the department may immediately restrict, suspend, or refuse to renew a license issued under this chapter if circumstances create probable cause for the department to conclude that a licensee has purchased or received a psilocybin product from an unlicensed source or that a licensee has sold, stored, or transferred a psilocybin product in a manner that is not permitted by the licensee's license.

NEW SECTION. **Sec. 48.** (1) The department may require a licensee or applicant for a license under this chapter to submit, in a form and manner prescribed by the department, to the department a sworn statement showing:

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

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

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

NEW SECTION. **Sec. 49.** (1) Notwithstanding the lapse, suspension, or revocation of a license issued under this chapter, the department may:

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

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

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

NEW SECTION. **Sec. 50.** (1) Notwithstanding the lapse, suspension, or revocation of a permit issued under section 66 of this act, the department may:

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

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

(2) In cases involving the proposed denial of a permit issued under section 66 of this act, the applicant may not withdraw the applicant's application.

NEW SECTION. **Sec. 51.** The department may, by rule or order, provide for the manner and conditions under which:

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

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

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

CONDUCT OF LICENSEES

NEW SECTION. **Sec. 52.** A psilocybin product manufacturer that holds a license under section 23 of this act may not manufacture psilocybin products outdoors.

NEW SECTION. **Sec. 53.** (1) A psilocybin product manufacturer that holds a license under section 23 or 26 of this act:

(a) May deliver psilocybin products only to or on a premises for which a license has been issued under section 23 or 26 of this act; and

(b) May receive psilocybin products only from a psilocybin product manufacturer that holds a license under section 23 of this act.

(2) A psilocybin service center operator that holds a license under section 26 of this act:

(a) May deliver psilocybin products only to or on a premises for which a license has been issued under section 26 of this act; and

(b) May receive psilocybin products only from a psilocybin product manufacturer that holds a license under section 23 of this act or a psilocybin service center operator that holds a license under section 26 of this act.

(3) The sale of psilocybin products to a client by a psilocybin service center operator that holds a license issued under section 26 of this act must be restricted to the premises for which the license has been issued.

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

NEW SECTION. **Sec. 54.** A licensee or licensee representative may not sell or deliver a psilocybin product to a person under 21 years of age.

NEW SECTION. **Sec. 55.** (1) Subject to subsection (2) of this section, a licensee or licensee representative, before selling or providing a psilocybin product to another person, must require the person to produce one of the following pieces of identification:

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

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

(3) A client may not be required to procure for the purpose of acquiring or purchasing a psilocybin product a piece of

identification other than a piece of identification described in subsection (1) of this section.

NEW SECTION. **Sec. 56.** A psilocybin service center operator, a psilocybin service facilitator, or any employee of a psilocybin service center operator or psilocybin service facilitator may not disclose any information that may be used to identify a client, or any communication made by a client during the course of providing psilocybin services or selling psilocybin products to the client, except:

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

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

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

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

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

NEW SECTION. **Sec. 57.** A client may purchase, possess, and consume a psilocybin product:

(1) Only under the supervision of a psilocybin service facilitator;

(2) Only at a psilocybin service center unless:

(a) An exception is made under rules established by the department under section 26 of this act to accommodate a client who is medically unable to travel to a psilocybin service center; or

(b) The psilocybin products are provided to a client by a medical facilitator for subperceptual usage authorized under this chapter.

NEW SECTION. **Sec. 58.** A psilocybin service facilitator may not consume a psilocybin product during an administration session that the psilocybin service facilitator is supervising.

NEW SECTION. **Sec. 59.** (1) A licensee may not employ a person under 21 years of age at a premises for which a license has been issued under this chapter.

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

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

NEW SECTION. **Sec. 60.** (1) A licensee may not use or allow the use of a mark or label on the container of a psilocybin product that is kept for sale if the mark or label does not precisely and clearly

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

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

NEW SECTION. **Sec. 61.** (1) A psilocybin product may not be sold or offered for sale within this state unless the psilocybin product complies with the minimum standards prescribed by this chapter.

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

NEW SECTION. **Sec. 62.** (1) A person may not make false representations or statements to the department in order to induce or prevent action by the department.

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

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

NEW SECTION. **Sec. 63.** A license issued under this chapter serves the purpose of exempting the person that holds the license from the criminal laws of this state for possession, delivery, or manufacture of psilocybin products, provided that the person complies with all state laws and rules applicable to licensees.

DISCIPLINING LICENSEES

NEW SECTION. **Sec. 64.** The department may revoke, suspend, or restrict a license issued under this chapter or require a licensee or licensee representative to undergo training if the department

finds or has reasonable ground to believe any of the following to be true:

(1) That the licensee or licensee representative:

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

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

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

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

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

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

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

EMPLOYEES AND OTHER WORKERS

NEW SECTION. **Sec. 65.** (1) An individual who performs work for or on behalf of a licensee must have a valid permit issued by the department under section 66 of this act if the individual participates in:

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

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

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

(d) The verification of any document described in section 55 of this act.

(2) A licensee must verify that an individual has a valid permit issued under section 66 of this act before allowing the individual to perform any work described in subsection (1) of this section at the premises for which the license has been issued.

NEW SECTION. **Sec. 66.** (1) The department shall issue permits to qualified applicants to perform work described in section 65 of this act. The department shall adopt rules establishing:

(a) The qualifications for performing work described in section 65 of this act;

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

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

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

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

(i) Checking identification;

(ii) Detecting intoxication;

(iii) Handling psilocybin products;

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

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

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

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

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

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

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

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

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

(a) Is convicted of a felony or is convicted of an offense under this chapter, except that the authority may not consider a conviction for an offense under this chapter if the applicant meets the requirements under RCW 9.41.040 to have the right to possess a firearm restored;

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

(c) Makes a false statement to the department.

(5) A permit issued under this section is a personal privilege and permits work described under section 65 of this act only for the individual who holds the permit.

NEW SECTION. **Sec. 67.** For the purpose of requesting a state or nationwide criminal records check under RCW 18.130.064, the department may require the fingerprints of any individual listed on an application submitted under section 66 of this act.

NEW SECTION. **Sec. 68.** (1) It is an unlawful employment practice for a licensee to discharge, demote, suspend, or in any manner discriminate or retaliate against an employee of the licensee with regard to promotion, compensation, or other terms, conditions, or privileges of employment on the basis that the employee has in good faith reported information to the department that the employee believes is evidence of a violation of this chapter or a rule adopted under this chapter.

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

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

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

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

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

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

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

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

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

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

PSILOCYBIN CONTROL AND REGULATION FUND

NEW SECTION. **Sec. 69.** The psilocybin control and regulation account is created in the custody of the state treasurer. All receipts from fees collected and civil penalties issued under this chapter must be deposited into the account. Expenditures may be used only for the purpose of administration and enforcement of this

chapter. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

PROHIBITED CONDUCT

NEW SECTION. **Sec. 70.** (1) Except as authorized by the department by rule, or as necessary in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a premises licensed under this chapter that is posted or otherwise identified as being prohibited to the use of persons under 21 years of age.

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

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

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

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

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

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

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

NEW SECTION. **Sec. 71.** (1) A person may not produce any piece of identification in connection with psilocybin-related activities under this chapter that falsely indicates the person's age.

(2) Violation of this section is a misdemeanor.

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

NEW SECTION. **Sec. 72.** (1) A person may not sell, give, or otherwise make available a psilocybin product to a person who is visibly intoxicated.

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

NEW SECTION. **Sec. 73.** (1) A psilocybin product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.

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

CIVIL ENFORCEMENT

NEW SECTION. **Sec. 74.** For purposes of this chapter, the provisions of RCW 43.70.090 apply to subpoenas issued by the department and its authorized agents.

NEW SECTION. **Sec. 75.** In addition to any other liability or penalty provided by law, the department may impose for each violation of a provision of this chapter or a rule adopted under this chapter a civil penalty that does not exceed \$5,000 for each violation. The department shall impose civil penalties under this section in the manner provided by RCW 43.70.095. Moneys collected under this section shall be deposited in the psilocybin control and regulation account established under section 69 of this act.

CRIMINAL ENFORCEMENT

NEW SECTION. **Sec. 76.** The law enforcement officers of this state may enforce this chapter and assist the department in detecting violations of this chapter and apprehending offenders. A law enforcement officer who has notice, knowledge, or reasonable ground of suspicion of a violation of this chapter shall immediately notify the prosecuting attorney who has jurisdiction over the violation and furnish the prosecuting attorney who has jurisdiction over the violation with names and addresses of any witnesses to the violation or other information related to the violation.

NEW SECTION. **Sec. 77.** The county courts, prosecuting attorneys, and municipal authorities, immediately upon the conviction of a licensee of a violation of this chapter, or of a violation of any other law of this state or of a city or county located in this state an element of which is the possession,

delivery, or manufacture of a psilocybin product, shall notify the department of the conviction.

NEW SECTION. **Sec. 78.** Subject to chapter 7.80 RCW, violation of a rule adopted under this chapter is a class 2 civil infraction.

REGULATION BY CITIES AND COUNTIES OF PSILOCYBIN PRODUCTS

NEW SECTION. **Sec. 79.** This chapter is designed to operate uniformly throughout the state and is paramount and superior to and fully replaces and supersedes any municipal charter amendment or local ordinance inconsistent with this chapter. Amendments and ordinances that are inconsistent with this chapter are repealed.

NEW SECTION. **Sec. 80.** The authority to require a license for the manufacturing or sale of psilocybin products in this state, or for the provision of psilocybin services in this state, is vested solely in the legislature.

NEW SECTION. **Sec. 81.** (1) The governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under this chapter if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 26 of this act from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 26 of this act.

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

(a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under section 23 of this act may manufacture psilocybin products;

(b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under section 26 of this act may provide psilocybin services;

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

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

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

NEW SECTION. **Sec. 82.** (1) The authority to impose a tax or fee on the manufacturing or sale of psilocybin products in this state, or on the provision of psilocybin services in this state, is vested solely in the legislature.

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

NEW SECTION. **Sec. 83.** (1) The governing body of a city or county may repeal an ordinance that prohibits the establishment of any one or more of the following in the area subject to the jurisdiction of the city or in the unincorporated area subject to the jurisdiction of the county:

(a) Psilocybin product manufacturers that hold a license issued under section 23 of this act;

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

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

(2) If the governing body of a city or county repeals an ordinance under this section, the governing body must provide the text of the ordinance to the department, in a form and manner

prescribed by the department, if the ordinance concerns a premises for which a license has been issued under this chapter.

POWERS AND DUTIES OF STATE AGENCIES AND OFFICERS AND GOVERNOR

NEW SECTION. **Sec. 84.** The liquor and cannabis board shall assist and cooperate with the department and the department of agriculture to the extent necessary to carry out the duties of the departments under this chapter.

NEW SECTION. **Sec. 85.** The department of agriculture shall assist and cooperate with the department to the extent necessary for the department to carry out the duties under this chapter.

NEW SECTION. **Sec. 86.** The department of agriculture may possess, test, and dispose of psilocybin products.

NEW SECTION. **Sec. 87.** (1) The department, the department of agriculture, and the liquor and cannabis board may not refuse to perform any duty under this chapter on the basis that manufacturing, distributing, dispensing, possessing, or using psilocybin products is prohibited by federal law.

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

NEW SECTION. **Sec. 88.** A person may not sue the department, the department of agriculture, the liquor and cannabis board, a member of the liquor and cannabis board, or any employee of these entities, for performing or omitting to perform any duty, function, or power of the entity set forth under this chapter or in any other law of this state requiring these entities to perform a duty, function, or power related to psilocybin products.

NEW SECTION. **Sec. 89.** Subject to any applicable provisions of RCW 10.105.010, RCW 69.50.505, and chapter 34.05 RCW, any state officer, board, commission, corporation, institution, department, or other state body, and any local officer, board, commission, institution, department, or other local government body, that is authorized by the statutory laws of this state to perform a duty, function, or power with respect to a psilocybin product, may purchase, possess, seize, or dispose of the psilocybin product as the state officer, board, commission, corporation, institution, department, or other state body, or the local officer, board, commission, institution, department, or other local government body, considers necessary to ensure compliance with and enforce the applicable statutory law or any rule adopted under the applicable statutory law.

NEW SECTION. **Sec. 90.** In case of invasion, disaster, insurrection, or riot, or imminent danger of invasion, disaster, insurrection, or riot, the governor may, for the duration of the invasion, disaster, insurrection, or riot, or imminent danger, immediately and without notice suspend, in the area involved, any license or permit issued under this chapter.

OTHER PROVISIONS

NEW SECTION. **Sec. 91.** (1) Psilocybin-producing fungi is:

- (a) An agricultural commodity for the purposes of RCW 84.34.020 and an accessory use for the purposes of RCW 36.70A.177;
- (b) A crop for purposes of "farmland" and "farm product" as those terms are defined under RCW 7.48.310; and
- (c) An agricultural activity for the purposes of RCW 7.48.305.

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

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

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

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

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

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

(5) This section applies to psilocybin product manufacturers that hold a license under section 23 of this act.

NEW SECTION. **Sec. 92.** (1) The department of agriculture may not exercise authority over psilocybin products or a licensee, except as provided by the department in rule.

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

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

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

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

NEW SECTION. **Sec. 93.** A contract is not unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using psilocybin products is prohibited by federal law.

NEW SECTION. **Sec. 94.** The department shall maintain a telephone hotline, website, or other effective means of communication for the following persons to inquire if an address is

the location of a premises for which a license has been issued under this chapter or is the location of a premises for which an application for licensure has been submitted under section 14 of this act:

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

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

and

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

NEW SECTION. **Sec. 95.** (1) Subject to subsection (2) of this section, information is exempt from public disclosure under chapter 42.56 RCW if the information is:

(a) Personally identifiable information;

(b) The address of a premises for which a license has been issued or for which an applicant has proposed licensure under section 23, 26, or 97 of this act;

(c) Related to the security plan or the operational plan for a premises for which a license has been issued or for which an applicant has proposed licensure under section 23, 26, or 97 of this act; or

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

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

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

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

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

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

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

TESTING OF PSILOCYBIN PRODUCTS

NEW SECTION. **Sec. 96.** (1) As is necessary to protect the public health and safety, and in consultation with the liquor and cannabis board and the department of agriculture, the department shall adopt rules:

(a) Establishing standards for testing psilocybin products;

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

(i) Microbiological contaminants;

(ii) Pesticides;

(iii) Other contaminants;

(iv) Solvents or residual solvents; and

(v) Psilocybin concentration;

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

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

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

(3) In adopting rules under this chapter, the department may require a psilocybin product manufacturer that holds a license under Code Rev/KB:akl

section 23 of this act to test psilocybin products before selling or transferring the psilocybin products.

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

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

(6) The testing of psilocybin products as required by this section must be conducted by a laboratory licensed by the department under section 97 of this act and accredited by the department under section 100 of this act.

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

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

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

NEW SECTION. **Sec. 97.** (1) A laboratory that conducts testing of psilocybin products as required by section 96 of this act must have a license to operate at the premises at which the psilocybin products are tested.

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

(a) Qualifications to be licensed under this section, including that an applicant for licensure under this section must be accredited by the department as described in section 100 of this act;

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

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

(d) Procedures for:

(i) Tracking psilocybin products to be tested;

(ii) Documenting and reporting test results; and

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

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

(4) The department may inspect a premises licensed under this section to ensure compliance with sections 96 through 104 of this act and rules adopted under sections 96 through 104 of this act.

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

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

(7) Fees collected under this section must be deposited in the psilocybin control and regulation account established under section 69 of this act.

NEW SECTION. **Sec. 98.** For the purpose of requesting a state or nationwide criminal records check under RCW 18.130.064, the department may require the fingerprints of any individual listed on an application submitted under section 97 of this act. The powers conferred on the department under this section include the power to require the fingerprints of:

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

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

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

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

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

NEW SECTION. **Sec. 99.** (1) The department may require a licensee or applicant for a license under section 97 of this act to submit, in a form and manner prescribed by the department, to the department a sworn statement showing:

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

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

(2) The department may refuse to issue, or may suspend, revoke, or refuse to renew, a license issued under section 97 of this act if the department determines that a person that has a financial interest in the business operating or to be operated under the license committed or failed to commit an act that would constitute grounds for the department to refuse to issue, or to suspend, revoke, or refuse to renew, the license if the person were the licensee or applicant for the license.

NEW SECTION. **Sec. 100.** (1) A laboratory that conducts testing of psilocybin products as required by section 96 of this act must be accredited and meet other qualifications as established by the department under this section.

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

(a) Complete an application;

(b) Undergo an onsite inspection; and

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

(3) The department may inspect premises licensed under section 97 of this act to ensure compliance with sections 96 through 104 of this act and rules adopted under sections 96 through 104 of this act.

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

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

NEW SECTION. **Sec. 101.** Subject to chapter 34.05 RCW, if an applicant or licensee violates a provision of sections 96 through 104 of this act or a rule adopted to implement sections 96 through 104 of this act, the department may refuse to issue or renew, or may suspend or revoke, a license issued under section 23, 26, 30, or 97 of this act.

NEW SECTION. **Sec. 102.** (1) Notwithstanding the lapse, suspension, or revocation of a license issued under section 97 of this act, the department may:

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

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

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

NEW SECTION. **Sec. 103.** (1) In addition to any other liability or penalty provided by law, the department may impose for each violation of sections 96 through 104 of this act, or a rule adopted to implement sections 96 through 104 of this act, a civil penalty that does not exceed \$500 for each day that the violation occurs.

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

(3) Moneys collected under this section must be deposited in the psilocybin control and regulation account established under section 69 of this act.

NEW SECTION. **Sec. 104.** A person who holds a license under section 97 of this act, and an employee of or other person who performs work for a person who holds a license under section 97 of this act, are exempt from the criminal laws of this state for possession, delivery, or manufacture of psilocybin, aiding and abetting another in the possession, delivery, or manufacture of psilocybin, or any other criminal offense in which possession, delivery, or manufacture of psilocybin is an element, while performing activities related to testing as described in sections 96 through 104 of this act.

PACKAGING, LABELING, AND DOSAGE OF PSILOCYBIN PRODUCTS

NEW SECTION. **Sec. 105.** (1) As is necessary to protect the public health and safety, and in consultation with the department of agriculture and the liquor and cannabis board, the department shall adopt rules establishing standards for the labeling of psilocybin products, including but not limited to:

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

- (i) Health and safety warnings;
- (ii) If applicable, activation time;
- (iii) Potency;

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

(v) Content of the psilocybin product; and

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

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

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

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

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

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

NEW SECTION. **Sec. 106.** (1) The department may by rule require a licensee to submit a label intended for use on a psilocybin product for preapproval by the department before the licensee may sell or transfer a psilocybin product bearing the label. The department must determine whether a label submitted under this section complies with section 105 of this act and any rule adopted under section 105 of this act.

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

NEW SECTION. **Sec. 107.** (1) As is necessary to protect the public health and safety, and in consultation with the department of

agriculture and the liquor and cannabis board, the department must adopt rules establishing standards for the packaging of psilocybin products, including but not limited to ensuring that psilocybin products are not marketed in a manner that:

(a) Is untruthful or misleading; or

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

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

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

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

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

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

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

NEW SECTION. **Sec. 108.** (1) The department may by rule require a licensee to submit packaging intended for a psilocybin product for preapproval by the department before the licensee may sell or transfer a psilocybin product packaged in the packaging. The department must determine whether packaging submitted under this section complies with section 107 of this act and any rule adopted under section 107 of this act.

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

NEW SECTION. **Sec. 109.** (1) The department must adopt rules establishing:

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

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

(2) In adopting rules under this chapter, the department must require all psilocybin products sold or transferred by a psilocybin service center that holds a license under section 26 of this act to meet the concentration standards and packaging standards adopted by rule under this section.

NEW SECTION. **Sec. 110.** To ensure compliance with sections 105 through 112 of this act and any rule adopted under sections 105 through 112 of this act, the department may inspect the premises of a person that holds a license under section 23 or 26 of this act.

NEW SECTION. **Sec. 111.** Subject to chapter 34.05 RCW, if the applicant or licensee violates sections 105 through 112 of this act or a rule adopted to implement sections 105 through 112 of this act, the department may refuse to issue or renew, or may suspend or revoke, a license issued under section 23, 26, or 30 of this act.

NEW SECTION. **Sec. 112.** (1) In addition to any other liability or penalty provided by law, the department may impose for each violation of a provision of sections 105 through 112 of this act, or a rule adopted under a provision of sections 105 through 112 of this act, a civil penalty that does not exceed \$500 for each day that the violation occurs.

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

(3) Moneys collected under this section must be deposited in the psilocybin control and regulation account established under section 69 of this act.

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

NEW SECTION. **Sec. 113.** (1) The governing body of a city or county may adopt ordinances that prohibit or allow the establishment of any one or more of the following in the area subject to the jurisdiction of the city or in the unincorporated area subject to the jurisdiction of the county:

(a) Psilocybin product manufacturers that hold a license issued under section 23 of this act;

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

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

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance to the department.

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

(4) Notwithstanding any other provisions of law, a city or county that adopts an ordinance under this section that prohibits the establishment of an entity described in subsection (1) of this section may not impose a tax or fee on the manufacturing or sale of psilocybin products.

NEW SECTION. **Sec. 114.** An employer in the state of Washington may not discriminate against an employee for receiving psilocybin services as sanctioned under this chapter absent the employee's visible impairment at work and may not test an employee for the presence of psilocybin unless they exhibit clear, observable symptoms of impairment.

NEW SECTION. **Sec. 115.** (1) The legislature finds that in the interest of establishing a legal psilocybin industry that is equitable and accessible to all, it is appropriate to establish a social opportunity program for the psilocybin industry to help remedy the harms resulting from historical injustice and the disproportionate and targeted enforcement of drug-related laws on poor and marginalized communities.

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

(a) Identify geographic areas that are distressed areas;

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

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

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

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

(3) For purposes of this section:

(a) "Distressed area" means an area:

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

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

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

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

(b) "Social opportunity applicant" means:

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

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

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

Sec. 116. RCW 7.48.310 and 2009 c 200 s 3 are each amended to read as follows:

For the purposes of RCW 7.48.305 only:

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

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

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

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

(5) "Forest practice" means any activity conducted on or directly pertaining to forestland, as that term is defined in RCW 76.09.020, and relating to growing, harvesting, or processing timber. The term "forest practices" includes, but is not limited to, road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, brush control, and owning land where trees may passively grow until one of the preceding activities is deemed timely by the owner.

NEW SECTION. **Sec. 117.** A new section is added to chapter 15.130 RCW to read as follows:

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

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

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

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

Sec. 118. RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(2) Psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers, or possesses psilocybin, psilocin, or psilocybin products in accordance with the provisions of chapter 69.--- RCW (the new chapter created in section 122 of this act) and rules adopted under that chapter.

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

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

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

(2) The term does not include:

(i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) "Immediate precursor" means a substance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Poppy straw and concentrate of poppy straw.

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

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

(6) Cocaine base.

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

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

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

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

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

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

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

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under

chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 119. RCW 49.60.180 and 2020 c 52 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin,

citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, use of psilocybin services as sanctioned under chapter 69.--- RCW (the new chapter created in section 122 of this act) in the absence of visible impairment at work, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

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

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of

application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 120. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(account)~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the

regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, the psilocybin control and regulation account, and the library operations account.

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

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

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

NEW SECTION. **Sec. 121.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 122.** Sections 1 through 115 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 123.** Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 124.** Section 118 of this act takes effect January 1, 2023.

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