

The Commonwealth of Massachusetts

INITIATIVE PETITION OF SARKO GERGERIAN AND OTHERS

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 16, 2024.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: — I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution “An Initiative Petition for a Law Relative to the Regulation and Taxation of Natural Psychedelic Substance,” signed by ten qualified voters and filed with this department on or before December 6, 2023, together with additional signatures of qualified voters in the number of 96,277, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

HOUSE No. 4255

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the regulation and taxation of natural psychedelic substances.

Be it enacted by the People, and by their authority, as follows:

1 SECTION 1. The purpose of this act is to establish a new, compassionate, culturally
2 responsible, and effective approach to natural psychedelic substances by: (a) establishing
3 regulated access for adults 21 years of age and older to natural psychedelic substances that show
4 therapeutic potential in increasing well-being and life satisfaction and improving mental health;
5 and (b) adopting a public health approach to natural psychedelic substances by removing
6 criminal penalties for limited personal use by adults 21 years of age and older. Its intent is to
7 remove the personal use of natural psychedelic substances from the illicit market and to provide
8 supervised, safe access in a therapeutic setting through a regulated and taxed system. To the
9 fullest extent possible, its terms are to be interpreted in accordance with the purpose and intent
10 set forth in this section.

11 SECTION 2. This act may be known as "The Natural Psychedelic Substances Act."

12 SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after
13 section 78 the following sections:

14 Section 79. Natural Psychedelic Substances Commission

15 (a) There shall be a Massachusetts natural psychedelic substances commission which
16 shall consist of 5 commissioners: 1 of whom shall be appointed by the governor and shall have a
17 background in psychedelic research and science; 1 of whom shall be appointed by the attorney
18 general and shall have a background in public safety; 1 of whom shall be appointed by the
19 treasurer and receiver general and shall have experience in corporate management, finance or
20 securities; and 2 of whom shall be appointed by a majority vote of the governor, attorney general
21 and treasurer and receiver general, 1 of whom shall have professional experience in oversight or
22 industry management, including the provision of services, in a regulated industry and 1 of whom
23 shall have a background related to Indigenous or traditional uses of natural psychedelic
24 substances. The treasurer and receiver general shall designate the chair of the commission. The
25 chair shall serve in that capacity throughout the term of appointment and until a successor shall
26 be appointed. Prior to appointment to the commission, a background investigation shall be
27 conducted into the financial stability, integrity and responsibility of a candidate, including the
28 candidate's reputation for good character and honesty. No person who has been convicted of a
29 felony shall be eligible to serve on the commission.

30 (b) Each commissioner shall be a resident of the commonwealth within 90 days of
31 appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for,
32 federal, state or local elected office; (ii) hold an appointed office in a federal, state or local
33 government; or (iii) serve as an official in a political party. Not more than 3 commissioners shall
34 be from the same political party.

35 (c) Each commissioner shall serve for a term of 5 years or until a successor is appointed
36 and shall be eligible for reappointment; provided, however, that no commissioner shall serve
37 more than 10 years. A person appointed to fill a vacancy in the office of a commissioner shall be
38 appointed in a like manner and shall serve for only the unexpired term of that commissioner.

39 (d) The governor, attorney general or treasurer and receiver general may remove a
40 commissioner who was appointed by that appointing authority if the commissioner: (i) is guilty
41 of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to
42 discharge the powers and duties of the office; (iv) commits gross misconduct; or (v) is convicted
43 of a felony. Before removal, the commissioner shall be provided with a written statement of the
44 reasons for removal and an opportunity to be heard.

45 (e) The governor, attorney general and treasurer and receiver general may, by majority
46 vote, remove a commissioner who was appointed by majority vote of the governor, attorney
47 general and treasurer and receiver general if the commissioner: (i) is guilty of malfeasance in
48 office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to discharge the
49 powers and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is
50 convicted of a felony. Before removal, the commissioner shall be provided with a written
51 statement of the reason for removal and an opportunity to be heard.

52 (f) Three commissioners shall constitute a quorum and the affirmative vote of 3
53 commissioners shall be required for an action of the commission. The chair or 3 members of the
54 commission may call a meeting; provided, however, that notice of all meetings shall be given to
55 each commissioner and to other persons who request such notice. The commission shall adopt

56 regulations establishing procedures, which may include electronic communications, by which a
57 request to receive notice shall be made and the method by which timely notice may be given.

58 (g) Commissioners shall receive salaries not greater than .75 of the salary of the secretary
59 of administration and finance under section 4 of chapter 7; provided, however, that the chair
60 shall receive a salary equal to the salary of the secretary of administration and finance.

61 Commissioners shall devote their full time and attention to the duties of their office.

62 (h) The commission shall annually elect 1 of its members to serve as secretary and 1 of
63 its members to serve as treasurer. The secretary shall keep a record of the proceedings of the
64 commission and shall be the custodian and keeper of the records of all books, documents and
65 papers filed by the commission and of its minute book. The secretary shall cause copies to be
66 made of all minutes and other records and documents of the commission and shall certify that
67 such copies are true copies and all persons dealing with the commission may rely upon such
68 certification.

69 (i) The chair shall have and exercise supervision and control over all the affairs of the
70 commission. The chair shall preside at all hearings at which the chair is present and shall
71 designate a commissioner to act as chair in the chair's absence. To promote efficiency in
72 administration, the chair shall make such division or re-division of the work of the commission
73 among the commissioners as the chair deems expedient.

74 (j) The commissioners shall, if so directed by the chair, participate in the hearing and
75 decision of any matter before the commission; provided, however, that at least 2 commissioners
76 shall participate in the hearing and decision of matters other than those of formal or
77 administrative character coming before the commission; and provided further, that any such

78 matter may be heard, examined and investigated by an employee of the commission designated
79 and assigned by the chair, with the concurrence of 1 other commissioner. Such employee shall
80 make a report in writing relative to the hearing, examination and investigation of every such
81 matter to the commission for its decision. For the purposes of hearing, examining and
82 investigating any such matter, such employee shall have all of the powers conferred upon a
83 commissioner by this section. For each hearing, the concurrence of a majority of the
84 commissioners participating in the decision shall be necessary.

85 (k) The commission shall appoint an executive director. The executive director shall
86 serve at the pleasure of the commission, shall receive such salary as may be determined by the
87 commission, and shall devote full time and attention to the duties of the office. The executive
88 director shall be a person with skill and experience in management, shall be the executive and
89 administrative head of the commission and shall be responsible for administering and enforcing
90 the law relative to the commission and to each administrative unit thereof. The executive director
91 shall appoint and employ a chief financial and accounting officer and may, subject to the
92 approval of the commission, employ other employees, consultants, agents and advisors,
93 including legal counsel, and shall attend meetings of the commission. The chief financial and
94 accounting officer of the commission shall be in charge of its funds, books of account and
95 accounting records. No funds shall be transferred by the commission without the approval of the
96 commission and the signatures of the chief financial and accounting officer and the treasurer of
97 the commission. In the case of an absence or vacancy in the office of the executive director or in
98 the case of disability as determined by the commission, the commission may designate an acting
99 executive director to serve as executive director until the vacancy is filled or the absence or

100 disability ceases. The acting executive director shall have all of the powers and duties of the
101 executive director and shall have similar qualifications as the executive director.

102 (l) Chapters 268A and 268B shall apply to the commissioners and to employees of the
103 commission; provided, however, that the commission shall establish a code of ethics for all
104 members and employees that shall be more restrictive than said chapters 268A and 268B. A copy
105 of the code shall be filed with the state ethics commission. The code shall include provisions
106 reasonably necessary to carry out the purposes of this section and any other laws subject to the
107 jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts by
108 commissioners and employees from any natural psychedelic substance licensee, applicant, close
109 associate, affiliate or other person or entity subject to the jurisdiction of the commission; (ii)
110 prohibiting the participation by commissioners and employees in a particular matter as defined in
111 section 1 of said chapter 268A that affects the financial interest of a relative within the third
112 degree of consanguinity or a person with whom such commissioner or employee has a significant
113 relationship as defined in the code; and (iii) providing for recusal of a commissioner in a
114 licensing decision due to a potential conflict of interest.

115 (m) The Massachusetts natural psychedelic substances commission shall be a commission
116 for the purposes of section 3 of chapter 12.

117 (n) The commission shall, for the purposes of compliance with state finance law, operate
118 as a state agency as defined in section 1 of chapter 29 and shall be subject to the laws applicable
119 to agencies under the control of the governor; provided, however, that the instructions or actions
120 necessary for the department to manage fiscal operations in the state accounting system and meet
121 statewide and other governmental accounting and audit standards. The commission shall

122 properly classify its operating and capital expenditures, and shall not include any salaries of
123 employees in the commission's capital expenditures. Unless otherwise exempted by law or the
124 applicable central service agency, the commission shall participate in any other available
125 commonwealth central services including, but not limited to, the state payroll system pursuant to
126 section 31 of said chapter 29, and may purchase other goods and services provided by state
127 agencies in accordance with comptroller provisions. The comptroller may chargeback the
128 commission for the transition and ongoing costs for participation in the state accounting and
129 payroll systems and may retain and expend such costs without further appropriation for the
130 purposes of this section. The commission shall be subject to section 5D and subsection (f) of
131 section 6B of said chapter 29.

132 Section 80. Natural Psychedelic Substances Advisory Board

133 (a) There shall be a natural psychedelic substances advisory board to study and make
134 recommendations to the Massachusetts natural psychedelic substances commission on the
135 regulation and taxation of natural psychedelic substances. The board shall consist of: the
136 executive director of the Massachusetts natural psychedelic substances commission who shall
137 serve as chair; the secretary of health and human services or a designee; the commissioner of
138 revenue or a designee; the commissioner of public health or a designee; the colonel of the state
139 police or a designee; 5 persons appointed by the governor, 1 of whom shall be a person with
140 expertise in mental or behavioral health, 1 of whom shall be a person with expertise in natural
141 psychedelic substance therapy, 1 of whom shall be a person with expertise on issues confronting
142 veterans, 1 of whom shall be a person with expertise in developing and implementing evaluation
143 methodologies to assess the outcomes of a program, including its achievements, safety, quality,
144 and impact on individuals, and 1 person with expertise in Indigenous uses of natural psychedelic

145 substances; 5 persons appointed by the attorney general, 1 of whom shall be a person with
146 expertise in health care insurance or barriers in access to healthcare, 1 of whom shall be a person
147 with expertise in emergency medical services or first responders, 1 of whom shall be a person
148 with expertise in mycology and natural psychedelic substance cultivation, 1 of whom shall be a
149 person with expertise with experience in training psychedelic-assisted facilitators, and 1 person
150 with expertise in Indigenous uses of natural psychedelic substances; and 5 persons appointed by
151 the treasurer and receiver-general, 1 of whom shall be a person with expertise in harm reduction,
152 1 of whom shall be a person with expertise in municipal psychedelic policy, 1 of whom shall be
153 a person with expertise in natural psychedelic substance research, 1 of whom shall be a person
154 who is a peer recovery coach or a certified peer specialist with experience in peer support
155 training and certification in Massachusetts, and 1 person with expertise in Indigenous uses of
156 natural psychedelic substances. Members of the board shall serve for terms of 2 years or until a
157 successor is appointed and shall be eligible for reappointment. Members of the board shall serve
158 without compensation but shall be reimbursed for their expenses actually and necessarily
159 incurred in the discharge of their official duties. Members of the board shall not be state
160 employees under chapter 268A by virtue of their service on the board. To take action at a
161 meeting, a majority of the members of the board present and voting shall constitute a quorum.

162 (b) The advisory board shall:

163 (i) consider all matters submitted to it by the commission;

164 (ii) advise the commission on guidelines, rules and regulations including:

165 (A) accurate and culturally appropriate public health approaches regarding use, effect,
166 and risk reduction for natural psychedelic substances and the content and scope of educational
167 campaigns related to natural psychedelic substances;

168 (B) research related to the efficacy and regulation of natural psychedelic substances,
169 including recommendations related to product safety, harm reduction, and cultural responsibility;

170 (C) training programs, educational and experiential requirements, different tiers of
171 licensing, scope of practice, and qualifications for facilitators that protect participant safety,
172 increase access to services, and reduce barriers to licensure, giving consideration to existing
173 education and certification models in Massachusetts, including the peer support certification
174 model, and how to best protect existing veterans groups that use natural psychedelic substances
175 and members of other self-regulating communities;

176 (D) affordable, equitable, ethical, inclusive, and culturally responsible access to natural
177 psychedelic services and requirements to ensure access to regulated natural psychedelic
178 substances is affordable, equitable, ethical, inclusive, and culturally responsible;

179 (E) protecting traditional uses and practices related to natural psychedelic substances and
180 access voluntary training and best practices that advance safety and reduce harm of use that
181 remains outside the regulated system;

182 (F) requirements, methods, reporting, and publication of information pertaining to the
183 implementation and outcomes of this act, in order to comprehensively measure its success,
184 safety, quality, impact on individuals' well-being and public health;

185 (G) sustainability issues related to natural psychedelic substances and impact on
186 Indigenous cultures and document existing reciprocity efforts and continuing support measures
187 that are needed;

188 (H) potential future regulation and use of additional psychedelic substances with
189 therapeutic potential, beyond those included in this chapter; and

190 (I) appropriate amounts of plants or fungi containing natural psychedelic substances that
191 are equivalent to the personal use amounts set forth in section 5(b) of chapter 94J.

192 (c) The chair may appoint subcommittees in order to expedite the work of the board;
193 provided, however, that the chair shall appoint at a minimum:

194 (i) a subcommittee on public health to develop recommendations on public health issues;

195 (ii) a subcommittee on public safety to develop recommendations on law enforcement
196 and first responder training;

197 (iii) a subcommittee on natural psychedelic substance cultivation, distribution, and
198 administration to develop recommendations on testing and licensing;

199 (iv) a subcommittee on facilitator licensing, scope of practice, and training;

200 (v) a subcommittee on natural psychedelic research;

201 (vi) a subcommittee on implementation and outcomes to develop recommendations on
202 the requirements, methods, and reporting of information to measure the act's success, safety,
203 quality, and impact on individuals' well-being;

204 (vii) a subcommittee on program participation and equity to develop recommendations on
205 supporting women, minority and veteran-owned businesses, individuals with experience in the
206 traditional use of natural psychedelic substances, and cooperative ownership models; and

207 (viii) a subcommittee on the Indigenous and traditional uses of natural psychedelic
208 substances.

209 SECTION 4. The General Laws are hereby amended by inserting after chapter 64N the
210 following chapter:

211 CHAPTER 64O.

212 NATURAL PSYCHEDELIC SUBSTANCES TAX.

213 Section 1. Definitions. As used in this chapter, the following words shall, unless the
214 context clearly requires otherwise, have the following meanings:

215 (a) "Commissioner", the commissioner of revenue.

216 (b) "Natural psychedelic substances" as defined in chapter 94J of the General Laws.

217 Section 2. State excise imposition; rate; payment. An excise tax is hereby imposed upon
218 the sale of natural psychedelic substances to anyone other than a natural psychedelic substance
219 licensee at a rate of 15 percent of the total sales price received by the seller as a consideration for
220 the sale. The excise tax shall be levied in addition to state tax imposed upon the sale of property
221 or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by the
222 seller to the commissioner at the time provided for filing the return required by section 16 of
223 chapter 62C of the General Laws.

224 Section 3. Local tax option.

225 (a) Any city or town that accepts this section in the manner provided in section 4 of
226 chapter 4 of the General Laws may impose a local sales tax upon the sale or transfer of natural
227 psychedelic substance by a licensee operating within the city or town to anyone other than a
228 natural psychedelic substance licensee at a rate not greater than 2 percent of the total sales price
229 received by the seller for the sale of any natural psychedelic substance. The seller shall pay a
230 local sales tax imposed under this section to the commissioner at the same time and in the same
231 manner as the sales tax due to the commonwealth.

232 (b) All sums received by the commissioner under this section shall at least quarterly be
233 distributed, credited and paid by the state treasurer upon certification of the commissioner to
234 each city or town that has accepted this section in proportion to the amount of such sums
235 received in the city or town. Any city or town seeking to dispute the commissioner's calculation
236 of its distribution under this subsection shall notify the commissioner, in writing, not later than 1
237 year from the date the tax was distributed by the commissioner to the city or town.

238 (c) This section shall take effect in a city or town on the first day of the calendar quarter
239 following 30 days after its acceptance by the city or town or on the first day of a later calendar
240 quarter that the city or town may designate.

241 Section 4. Application of tax revenue. The commissioner shall deposit revenue collected
242 pursuant to this chapter, other than revenue collected pursuant to section 2 of chapter 64H of the
243 General Laws, in the Natural Psychedelic Substances Regulation Fund established by section 12
244 of chapter 94J of the General Laws and it shall be subject to appropriation.

245 SECTION 5. The General Laws are hereby amended by inserting after chapter 94I the
246 following chapter:

247 CHAPTER 94J.

248 REGULATED ACCESS TO NATURAL PSYCHEDELIC SUBSTANCES NOT
249 MEDICALLY PRESCRIBED

250 Section 1. Definitions. As used in this chapter, the following words shall, unless the
251 context clearly requires otherwise, have the following meanings:

252 (a) "Administration session" means a session held at a psychedelic therapy center or
253 another location as permitted by regulation adopted by the commission at which a participant
254 consumes, and experiences the effects of, a natural psychedelic substance under the supervision
255 of a facilitator or facilitators.

256 (b) "Advisory board" means the natural psychedelic substances advisory board,
257 established in section 80 of chapter 10 of the General Laws.

258 (c) "Commission" means the natural psychedelic substances commission established in
259 section 79 of chapter 10 of the General Laws.

260 (d) "Cultivate" means the growing and cultivating of natural psychedelic substances.

261 (e) "Facilitator" means a person licensed by the commission who:

262 (1) is 21 years of age or older;

263 (2) has agreed to provide natural psychedelic services to a participant; and

264 (3) has met the requirements established by the commission.

265 A facilitator may be paid compensation for natural psychedelic services or for natural
266 psychedelic substances and may provide natural psychedelic services to more than one
267 participant at a time in group administration sessions. A facilitator is not required to provide the
268 natural psychedelic substances.

269 (f) "Integration session" means a meeting between a participant and facilitator, or other
270 authorized person, that occurs after the participant has completed an administration session.

271 (g) "Natural psychedelic substance" means the following substances from a plant or
272 fungus and any plant, fungus or preparation containing those substances:

273 (1) Dimethyltryptamine;

274 (2) Mescaline;

275 (3) Ibogaine;

276 (4) Psilocybin; or

277 (5) Psilocyn.

278 "Natural psychedelic substance" does not mean a synthetic or synthetic analog of any of
279 these substances, nor does it mean peyote, including all parts of the plant classified botanically as
280 *Lophophora williamsii*, whether growing or not, its seeds, any extract from any part of the plant,
281 and every compound, salt, derivative, mixture, or preparation of the plant, or its seeds or extracts.

282 (h) "Natural psychedelic substance licensee" means an individual or an entity licensed by
283 the commission pursuant to this chapter.

284 (i) "Natural psychedelic services" means services provided by a facilitator or facilitators
285 or other authorized person to a participant before, during, and after the participant's consumption
286 of a natural psychedelic substance, including, at minimum:

287 (1) A preparation session;

288 (2) An administration session; and

289 (3) An integration session.

290 (j) "Participant" means a person 21 years of age or older who purchases or receives a
291 natural psychedelic substance from a natural psychedelic substance licensee for use in
292 conjunction with natural psychedelic services at an approved location and under the supervision
293 of a facilitator.

294 (k) "Preparation session" means a meeting between a participant and a facilitator, or other
295 authorized person, that occurs before the participant participates in the administration session.

296 (l) "Preparation" means a combination of substances from plants or fungi and other
297 ingredients, which is intended for use or consumption.

298 (m) "Process" means the separation of substances from plants or fungi using physical
299 separation or a solvent, and includes the combining of substances with other ingredients to make
300 preparations.

301 (n) "Psychedelic therapy center" means an entity licensed by the commission:

302 (1) That, as permitted pursuant to its license, purchases, acquires, cultivates, processes,
303 transports, tests, or sells one or more natural psychedelic substances or related supplies; or

304 provides natural psychedelic substances for natural psychedelic services at locations permitted
305 by the commission; or engages in one or more of these activities;

306 (2) Where administration sessions are held; or

307 (3) Where natural psychedelic services are provided by a facilitator.

308 A psychedelic therapy center may receive payment for natural psychedelic services,
309 natural psychedelic substances, or other related services and products.

310 Section 2. Limitations

311 (a) Operating under the influence. This chapter does not amend existing penalties for
312 operating, navigating or being in actual physical control of any motor vehicle, train, aircraft,
313 motorboat or other motorized form of transport or machinery while impaired by a natural
314 psychedelic substance or for consuming a natural psychedelic substance while operating,
315 navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or
316 other motorized form of transport or machinery.

317 (b) Transfer to or possession by a person under 21 years of age. This chapter shall not be
318 construed to permit the knowing transfer of any natural psychedelic substance, with or without
319 remuneration, to a person under 21 years of age or to allow a person under 21 years of age to
320 possess, use, purchase, obtain, cultivate, process, prepare, deliver or sell or otherwise transfer
321 any natural psychedelic substance.

322 (c) Retail sale of natural psychedelic substances. This chapter shall not be construed to
323 permit the sale of natural psychedelic substances to an individual for use at a location not

324 approved by the commission or for the purpose of consumption other than during an
325 administration session.

326 (d) Property. This chapter shall not be construed to:

327 (1) prevent a person from prohibiting or otherwise regulating the consumption, display,
328 cultivation, processing, or sale of natural psychedelic substances on or in property the person
329 owns, occupies or manages;

330 (2) prevent the commonwealth, a subdivision thereof or local government agency from
331 prohibiting or otherwise regulating the possession or consumption of natural psychedelic
332 substances within a building owned, leased or occupied by the commonwealth, a political
333 subdivision of the commonwealth or an agency of the commonwealth or a political subdivision
334 of the commonwealth; or

335 (3) authorize the possession or consumption of natural psychedelic substances on the
336 grounds of or within a public or private school where children attend classes in preschool
337 programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any
338 correctional facility.

339 (e) Employment. This chapter shall not require an employer to permit or accommodate
340 conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of
341 employers to enact and enforce workplace policies restricting the consumption of natural
342 psychedelic substances by employees.

343 (f) Negligent conduct. This chapter shall not amend existing penalties for conduct
344 involving the performance of any task while impaired by a natural psychedelic substance that

345 would constitute negligence or professional malpractice and shall not prevent the imposition of
346 any civil, criminal or other penalty for such conduct.

347 (g) Adulteration and misbranding. This chapter shall not exempt natural psychedelic
348 substances from sections 186 to 195, inclusive, of chapter 94 of the General Laws, relating to the
349 adulteration and misbranding of food, drugs and various articles. A natural psychedelic substance
350 prepared in compliance with the regulations under this chapter shall not be considered an
351 adulterant or misbranded.

352 (h) Federal law. This chapter shall not be construed to:

353 (1) To require a person to violate a federal law; or

354 (2) To exempt a person from a federal law or obstruct the enforcement of a federal law.

355 Section 3. Local control

356 (a) A city or town may regulate the time, place, and manner of the operation of natural
357 psychedelic substance licensees pursuant to this chapter within its boundaries.

358 (b) A city or town may not ban or completely prohibit the establishment or operation of
359 natural psychedelic substance licensees operating in accordance with this chapter and
360 commission rules within its boundaries.

361 (c) A city or town may not ban or completely prohibit the provision of natural
362 psychedelic services offered in accordance with this chapter and commission rules.

363 (d) A city or town may not prohibit the transportation of natural psychedelic substances
364 through its jurisdiction on public roads by a licensee or as otherwise allowed by this chapter.

365 (e) No agreement between a city or town and a natural psychedelic substance licensee
366 shall require payment of a fee to that city or town that is not directly proportional and reasonably
367 related to the costs imposed upon the city or town by the operation of a natural psychedelic
368 substance licensee. Any cost to a city or town by the operation of a natural psychedelic substance
369 licensee shall be documented and considered a public record as defined by clause Twenty-Sixth
370 of section 7 of chapter 4 of the General Laws.

371 (f) A city or town may not adopt an ordinance or by-law that is unreasonably
372 impracticable or in conflict with this act, but may enact ordinances or by-laws that impose lesser
373 criminal or civil penalties related to natural psychedelic substances than provided by this act or
374 other state law.

375 Section 4. Licensing of Natural Psychedelic Substances and Services

376 (a) The natural psychedelic substances commission shall, in consultation with the natural
377 psychedelic substances advisory board and in accordance with chapter 30A of the General Laws,
378 adopt regulations consistent with this chapter for the administration, clarification and
379 enforcement of laws regulating and licensing the provision of natural psychedelic substances and
380 services. The regulations shall include rules to:

381 (l) License qualified persons or entities for the following activities related to one or more
382 natural psychedelic substances: cultivating, processing, transporting, testing, selling, operating a
383 premises where natural psychedelic services take place, and facilitating natural psychedelic
384 services that include:

385 (A) Establishing categories of licensure and registration that include, at minimum:

- 386 (i) a psychedelic therapy center license;
- 387 (ii) a facilitator license;
- 388 (iii) a cultivation, processing, or sales-only license that would allow for the provision
389 and sale of natural psychedelic substances to a participant at the premises of a separately licensed
390 psychedelic therapy center or approved location for use during an administration session at that
391 psychedelic therapy center or approved location; and
- 392 (iv) a testing license for the testing of natural psychedelic substances for concentration
393 and contaminants;
- 394 (B) Establishing license application, issuance, denial, renewal, suspension, and
395 revocation procedures; and
- 396 (C) Establishing application, licensing and renewal fees that shall be:
- 397 (i) sufficient, but shall not exceed the amount necessary, to cover the cost of
398 administering this chapter; and
- 399 (ii) for licensing and renewal fees, scaled based on either the volume of business of
400 the licensee or the gross annual revenue of the licensee.
- 401 (2) Establish the requirements governing the safe provision of natural psychedelic
402 services to participants that include:
- 403 (A) holding and verifying completion of a preparation session, an administration session,
404 and an integration session;

405 (B) health and safety warnings that must be provided to participants before natural
406 psychedelic services begin;

407 (C) educational materials that must be provided to participants before natural psychedelic
408 services begin;

409 (D) a safety screen provided by a facilitator that a participant must complete prior to an
410 administration session;

411 (E) the form that each facilitator and participant must sign before providing or receiving
412 natural psychedelic services verifying that the participant was provided accurate and complete
413 health information in accordance with commission rules, was informed of identified risk factors
414 and contraindications, and provided informed consent to receive natural psychedelic services;

415 (F) proper supervision during the administration session and safe transportation for the
416 participant when the session is complete;

417 (G) provisions for group administration sessions where one or more facilitators provide
418 natural psychedelic services to more than one participant as part of the same administration
419 session;

420 (H) provisions to allow a facilitator or a psychedelic therapy center to refuse to provide
421 natural psychedelic services to a participant;

422 (I) the requirements and standards for testing of natural psychedelic substances for
423 concentration and contaminants, to the extent available technology reasonably permits;

424 (J) the standards for advertising and marketing natural psychedelic substances and natural
425 psychedelic services;

426 (K) insurance requirements to the extent such policies are commercially available and not
427 cost-prohibitive; and

428 (L) age verification procedures to ensure that a participant is 21 years of age or older.

429 (3) Establish the requirements governing the licensing and practice of facilitators, that
430 include:

431 (A) the scope of practice for facilitators;

432 (B) the qualifications, education, and training requirements that facilitators must meet
433 before providing natural psychedelic services, that shall:

434 (i) be tiered to require varying levels of education and training depending on the
435 participants the facilitator will be working with and the services the facilitator will be providing;

436 (ii) include education and training on participant safety; contraindications; mental
437 health; mental state; physical health; physical state; social and cultural considerations; physical
438 environment; preparation; integration; and ethics;

439 (iii) allow for limited waivers of education and training requirements based on an
440 applicant's prior experience, training, or skill, including, but not limited to, with natural
441 psychedelic substances;

442 (iv) not impose unreasonable financial or logistical barriers that make obtaining a
443 facilitator license commercially unreasonable for low-income people; and

444 (v) not require a professional license or professional degree other than a facilitator
445 license granted pursuant to this section for the first tier of licensing.

446 (C) procedures and policies that allow for paid compensation for natural psychedelic
447 services and natural psychedelic substances;

448 (D) procedures and policies that allow for the provision of natural psychedelic services to
449 more than one participant at a time in group administration sessions;

450 (E) oversight and supervision requirements for facilitators, including professional
451 responsibility standards and continuing education requirements;

452 (F) a complaint, review, and disciplinary process for facilitators who engage in
453 misconduct; and

454 (G) recordkeeping, privacy, and confidentiality requirements for facilitators, provided
455 such record keeping does not result in the disclosure to the public or any government agency of
456 personally identifiable information of participants.

457 (4) Establish the requirements governing the licensing and operation of psychedelic
458 therapy centers and other licensees, that include:

459 (A) oversight requirements for natural psychedelic substance licensees;

460 (B) recordkeeping, privacy, and confidentiality requirements for natural psychedelic
461 substance licensees, provided such record keeping does not result in the disclosure to the public
462 or any government agency of personally identifiable information of participants;

463 (C) security requirements for natural psychedelic substance licensees, including
464 requirements for protection of each licensed psychedelic therapy center location by a fully
465 operational security alarm system;

466 (D) procedures and policies that allow for natural psychedelic substance licensees to
467 receive payment for services and natural psychedelic substances provided;

468 (E) procedures and policies to ensure statewide access to psychedelic therapy centers and
469 natural psychedelic services;

470 (F) rules that prohibit an individual from having a financial interest in more than 5
471 psychedelic therapy centers;

472 (G) rules that allow for natural psychedelic substance licensees to share the same
473 premises with other natural psychedelic substance licensees or to share the same premises with
474 health-care facilities, so that a participant may receive natural psychedelic substances from one
475 natural psychedelic substance licensee and complete the administration session at a separately-
476 owned and approved location;

477 (H) rules that allow a psychedelic therapy center to provide natural psychedelic services
478 to a participant on a separate psychedelic therapy center's premise, a licensed health-care facility,
479 a private residence, or other location allowed by the commission; and

480 (I) rules that allow for approval of locations not owned by a psychedelic therapy center
481 where natural psychedelic services may be provided by licensed facilitators, including but not
482 limited to, health-care facilities and private residences.

483 (5) Establish procedures, policies, and programs to ensure that natural psychedelic
484 substances licensing and the provision of natural psychedelic services is equitable and inclusive
485 and to promote the licensing of and the provision of natural psychedelic services to persons from
486 low-income communities; to persons who face barriers to access to health care; to persons who

487 have a history of traditional or Indigenous use of natural psychedelic substances; and to persons
488 who are veterans that include, but are not limited to:

489 (A) reduced fees for licensure and facilitator training programs and other support services
490 for applicants which may include loans and grants;

491 (B) incentivizing the provision of natural psychedelic services at a reduced cost to low-
492 income individuals;

493 (C) incentivizing geographic and cultural diversity in licensing and the provision and
494 availability of natural psychedelic services; and

495 (D) a process for annually reviewing the effectiveness of such policies and programs
496 promulgated under this subdivision.

497 (6) Gather and publish, on an annual basis, adequate information to facilitate research
498 concerning the implementation, safety, equity, quality and outcomes of this chapter, following
499 sound data and privacy protocols, without revealing any identifiable details pertaining to
500 individual participants.

501 (7) Adopt, amend, and repeal rules as necessary to implement this chapter and to protect
502 the public health and safety.

503 (b) The commission shall administer the laws and regulations relating to natural
504 psychedelic substance licensees in this chapter.

505 (c) Upon receiving a complete application for a license under this chapter, the
506 commission shall have 120 days to issue its decision on such application.

507 (d) The commission may suspend or revoke a natural psychedelic substances license
508 under regulations made pursuant to this chapter upon written notice of a violation and, if
509 applicable, an opportunity to cure any violation within 30 days of such notice. All natural
510 psychedelic substance licensees shall be entitled to an adjudicatory hearing pursuant to chapter
511 30A of the General Laws prior to suspension of a license for longer than 5 days or the revocation
512 of a license.

513 (e) The commission shall enforce the laws and regulations relating to the cultivation,
514 processing, preparing, delivery, storage, sale, facilitation, and testing of natural psychedelic
515 substances and the provision of natural psychedelic services. The commission shall conduct
516 investigations of compliance with this chapter and shall perform regular inspections of licensees
517 and the books and records of licensees as necessary to enforce this chapter. The commission
518 shall cooperate with appropriate state and local organizations to provide training to law
519 enforcement officers of the commonwealth and its political subdivisions.

520 (f) The commission shall hold a public hearing before the adoption, amendment or repeal
521 of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the
522 General Laws and to standard rules of adjudicatory procedure established pursuant to section 9
523 of chapter 30A of the General Laws.

524 (g) The commission shall annually publish a full report of its actions during each year
525 containing a comprehensive description of its activities and a statement of revenue and expenses
526 of the commission.

527 (h) The commission shall deposit all license, registration and monetary penalties
528 collected pursuant to this chapter in the Natural Psychedelic Substances Regulation Fund
529 established by section 12 of this chapter.

530 (i) In carrying out its duties under this chapter, the commission shall consult with the
531 natural psychedelic substances advisory board and may also consult with other state agencies or
532 any other individual or entity the commission finds necessary.

533 Section 5. Personal use of natural psychedelic substances

534 (a) Notwithstanding any other general or special law to the contrary, except as otherwise
535 provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted,
536 penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or
537 denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

538 (1) Possessing, using, processing, or testing not more than a personal use amount of a
539 natural psychedelic substance;

540 (2) Possessing, cultivating, or processing plants or fungi capable of producing a natural
541 psychedelic substance and possessing the natural psychedelic substance produced from those
542 plants or fungi so long as:

543 (A) the plants or fungi being cultivated do not cumulatively exceed an area of more than
544 12 feet wide by 12 feet long in one or more cultivation areas in or on the grounds of the
545 residence of the person cultivating the natural psychedelic substance and are secured from access
546 by persons under 21 years of age; and

547 (B) any natural psychedelic substances produced in excess of a personal use amount are
548 kept in or on the grounds of the residence of the person cultivating the natural psychedelic
549 substance and are secured from access by persons under 21 years of age.

550 (3) Assisting another person who is 21 years of age or older in any of the acts described
551 in this section; and

552 (4) Giving away or otherwise transferring without remuneration not more than a personal
553 use amount of a natural psychedelic substance to a person 21 years of age or older, so long as the
554 transfer is not advertised or promoted to the public and is not part of a business promotion or
555 other commercial activity.

556 (b) For purposes of this chapter, "personal use amount" means the following amounts of
557 natural psychedelic substances per person:

558 (1) One (1) gram of dimethyltryptamine;

559 (2) Eighteen (18) grams of mescaline;

560 (3) Thirty (30) grams of ibogaine;

561 (4) One (1) gram of psilocybin; and

562 (5) One (1) gram of psilocyn.

563 "Personal use amount" does not include the weight of any material of which the
564 substance is a part or to which the substance is added, dissolved, held in solution, or suspended,
565 or ingredients or material combined with substances specified in this subsection from plants or
566 fungi as part of a preparation.

567 (c) Notwithstanding any other general or special law to the contrary, except as otherwise
568 provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or
569 otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for
570 allowing property the person owns, occupies or manages to be used for any of the activities
571 conducted lawfully under this chapter or for enrolling or employing a person who engages in
572 natural psychedelic substance-related activities lawfully under this chapter.

573 (d) Absent clear, convincing and articulable evidence that the person's actions related to
574 any natural psychedelic substance have created an unreasonable danger to the safety of a minor
575 child, neither the presence of natural psychedelic substance components or metabolites in a
576 person's bodily fluids nor conduct permitted under this chapter related to natural psychedelic
577 substances by a person charged with the well-being of a child shall form the sole or primary
578 basis for substantiation, service plans, removal or termination or for denial of custody, visitation,
579 or any other parental right or responsibility.

580 (e) The use of natural psychedelic substances shall not disqualify a person from any
581 needed medical procedure or medical treatment or any other lawful health related service.

582 (f) Nothing in this chapter shall restrict the sale, possession, display, or cultivation of
583 living plants that were lawful prior to the enactment of this section.

584 (g) Engaging in natural psychedelic substance-related activities as permitted under this
585 chapter shall not, by itself, be the basis to deny eligibility for any public assistance program,
586 unless required by federal law.

587 (h) Nothing in this section shall be construed to allow a person to cultivate, process, or
588 prepare a natural psychedelic substance in an inherently hazardous manner.

589 (i) Nothing in this section shall be construed to preclude any actions by a natural
590 psychedelic substance licensee consistent with commission rule.

591 Section 6. Natural psychedelic substance paraphernalia authorized

592 Notwithstanding any general or special law to the contrary, except as otherwise provided
593 in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized,
594 sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for
595 possessing, purchasing or otherwise obtaining or manufacturing paraphernalia used for natural
596 psychedelic substance-related activities or for selling or otherwise transferring paraphernalia
597 used for natural psychedelic substance-related activities to a person who is 21 years of age or
598 older.

599 Section 7. Lawful operation of natural psychedelic substance licensees

600 (a) Notwithstanding any other general or special law to the contrary, except as otherwise
601 provided in this chapter, actions and conduct permitted pursuant to a natural psychedelic
602 substance license issued by the commission or otherwise permitted by commission rule, or by
603 those who allow property to be used pursuant to a natural psychedelic substance license issued
604 by the commission or as otherwise permitted by commission rule, are not unlawful and shall not
605 be an offense under state law, or the laws of any locality within the state, or be subject to a civil
606 fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or
607 privilege, or to seize or forfeit assets under state law or the laws of any locality within the state.

608 (b) Nothing in this section shall be construed or interpreted to prevent the commission
609 from enforcing its rules against a natural psychedelic substance licensee or to limit a state or
610 local law enforcement agency's ability to investigate unlawful activity in relation to a licensee.

611 Section 8. Contracts pertaining to natural psychedelic substances enforceable

612 It is the public policy of the commonwealth that contracts related to natural psychedelic
613 substances under this chapter shall be enforceable. A contract entered into by a natural
614 psychedelic substance licensee or its agents as permitted pursuant to a valid license issued by the
615 commission, or by those who allow property to be used by a natural psychedelic substance
616 licensee or its agents as permitted pursuant to a valid license issued by the commission or as
617 permitted by commission rule, shall not be unenforceable or void exclusively because the actions
618 or conduct permitted pursuant to the license is prohibited by federal law.

619 Section 9. Provision of professional services

620 A person engaged in a profession or occupation subject to licensure shall not be subject
621 to disciplinary action by a professional licensing board solely for providing professional services
622 related to activity permitted under this chapter that is not subject to criminal penalty under the
623 laws of the commonwealth. This section does not permit a person to engage in malpractice or to
624 violate the standards of professional practice for which a person is licensed.

625 Section 10. Insurance

626 Unless required by federal law, mental health, substance use disorder, or behavioral
627 health services otherwise covered under MassHealth shall not be denied on the basis that they are
628 covered in conjunction with natural psychedelic services or that natural psychedelic substances
629 are prohibited by federal law. No insurance or insurance provider is required to cover the cost of
630 a natural psychedelic substance itself.

631 Section 11. Penalties

632 (a) Restrictions on access by persons under 21. A person who violates section 5(a)(2) of
633 this chapter by failing to secure plants, fungi, or natural psychedelic substances from access by
634 persons under 21 years of age shall be punished by a civil penalty of not more than \$100 and
635 forfeiture of the natural psychedelic substance.

636 (b) Restrictions on possession in excess of the personal use amount. A person who is at
637 least 21 years of age and who possesses an amount of a natural psychedelic substance that is
638 more than the personal use amount but not more than double the personal use amount, except as
639 permitted by section 5(a)(2) of this chapter, shall be subject to a civil penalty of not more than
640 \$100 and forfeiture of the natural psychedelic substance, but shall not be subject to any other
641 form of criminal or civil punishment or disqualification solely for this conduct.

642 (c) Restrictions on public consumption of natural psychedelic substances. No person shall
643 consume any natural psychedelic substance in a public place. A person who violates this
644 subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not
645 apply to a person who consumes a natural psychedelic substance at a location licensed or
646 approved by the commission to provide natural psychedelic services.

647 (d) Possession by a person under 21 years of age. A person under 21 years of age who
648 possesses not more than a personal use amount of a natural psychedelic substance shall be
649 punished by a civil penalty of not more than \$100 and shall complete a drug awareness program
650 established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal
651 guardian of any offender under the age of 18 shall be notified in accordance with section 32N of
652 chapter 94C of the General Laws and the failure within I year of the offense of such an offender

653 to complete a drug awareness program may be a basis for delinquency proceedings for persons
654 under the age of 17 at the time of the person's offense.

655 (e) Enforcement. Civil penalties imposed pursuant to this section shall be enforced by
656 utilizing the non-criminal disposition procedures provided in section 32N of chapter 94C of the
657 General Laws.

658 Section 12. Natural Psychedelic Substances Regulation Fund

659 (a) There shall be established and set up on the books of the commonwealth a separate
660 fund, to be known as the Natural Psychedelic Substances Regulation Fund. It shall, subject to
661 appropriation, consist of all monies received on account of the commonwealth as a result of
662 applications for and licensing under this chapter, all civil penalties received for violations of this
663 chapter, revenue generated by the state tax imposed by section 2 of chapter 64O of the General
664 Laws and interest earned or other income on balances in the fund.

665 (b) Subject to appropriation, the fund shall be expended first for the implementation,
666 administration and enforcement of this chapter by the commission.

667 SECTION 6. Notwithstanding any general or special law to the contrary, in making
668 initial appointments to the natural psychedelic substances commission established in section 79
669 of chapter 10 of the General Laws, of the members to be appointed by majority agreement of the
670 governor, the attorney general, and the treasurer and receiver general, 1 commissioner shall be
671 appointed for a term of 3 years and 1 shall be appointed for a term of 4 years. The commissioner
672 to be appointed by the treasurer and receiver general shall serve for a term of 5 years, the
673 commissioners to be appointed by the attorney general shall serve for a term of 6 years and the
674 commissioner appointed by the governor shall serve for a term of 7 years. Commissioners shall

675 be appointed by March 1, 2025; provided, however, that no person shall be allowed to serve on
676 the commission prior to the completion of a background investigation check pursuant to said
677 section 79 of said chapter 10.

678 SECTION 7. Notwithstanding any general or special law to the contrary, the initial
679 appointments to the natural psychedelic substance advisory board established in section 80 of
680 chapter 10 of the General Laws shall be made by March 1, 2025.

681 The advisory board shall meet at least quarterly until January 1, 2028, and thereafter at a
682 frequency of its choosing.

683 SECTION 8. The natural psychedelic substances commission shall promulgate
684 regulations under section 4 of chapter 94J of the General Laws concerning at least one natural
685 psychedelic substance not later than April 1, 2026, provided that regulations concerning all
686 natural psychedelic substances are promulgated not later than April 1, 2028.

687 SECTION 9. The natural psychedelic substances commission shall begin accepting
688 applications for licensure under section 4 of chapter 94J of the General Laws not later than
689 September 30, 2026.

690 SECTION 10. This act shall take effect on December 15, 2024.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
<u>SARKO GERGERIAN</u>	<u>93 PLEASANT STREET</u>	<u>WINTHROP</u>
<u>FRANKLIN KING, IV</u>	<u>19 ARBOROUGH ROAD</u>	<u>BOSTON</u>
<u>BRIAN MCGEENEY</u>	<u>115 MOSS HILL ROAD</u>	<u>BOSTON</u>
<u>MEREDITH LL MOGHIMI</u>	<u>14 SULLIVAN STREET, # 2</u>	<u>BOSTON</u>
<u>JENNIFER S. FRUTCHY</u>	<u>43 LARCHWOOD DRIVE</u>	<u>CAMBRIDGE</u>
<u>EDWARD W. FORD</u>	<u>43 LARCHWOOD DRIVE</u>	<u>CAMBRIDGE</u>
<u>CASEY LEAVER</u>	<u>215 TREMONT STREET</u>	<u>MANSFIELD</u>
<u>ADAM FINE</u>	<u>81 WABAN AVENUE</u>	<u>NEWTON</u>
<u>DAVID M. ULLIAN</u>	<u>174 HOWARD STREET</u>	<u>MELROSE</u>
<u>STEVEN CROTEAU</u>	<u>408 DOUGLAS STREET</u>	<u>UXBRIDGE</u>

CERTIFICATE OF THE ATTORNEY GENERAL.

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

RE: Initiative Petition No. 23-13: An Act relative to the regulation and
taxation of natural psychedelic substances

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

ANDREA JOY CAMPBELL,
Attorney General.

Summary of 23-13

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances.

This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over.

This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, recordkeeping, education and training, health and safety requirements, testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances.

This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances.

The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law.

Using the psychedelic substances as permitted by this proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child.

This proposed law would not affect existing laws regarding the operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local

governments could continue to restrict the possession and use of these psychedelic substances in public buildings or at schools.

This proposed law would take effect on December 15, 2024.