

HOUSE No. 1858

The Commonwealth of Massachusetts

PRESENTED BY:

Marc T. Lombardo, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to removing criminal penalties for limited psilocybin possession.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Timothy Morris</i>	<i>15 Winter Street Billerica MA 01876</i>	<i>1/7/2025</i>

HOUSE No. 1858

By Representative Lombardo of Billerica (by request), a petition (accompanied by bill, House, No. 1858) of Timothy Morris relative to removing criminal penalties for limited psilocybin possession. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to removing criminal penalties for limited psilocybin possession.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This Act shall be known and may be cited as the “Psilocybin Possession
2 Decriminalization and Community Support Act of 2025.”

3 SECTION 2. Chapter 94C of the General Laws is hereby amended by inserting after
4 section 32N the following section:

5 Section 32O. (a) As used in this section, the following words shall have the following
6 meanings:

7 “Psilocybin and psilocin”, the compounds classified as 3-(2-dimethylaminoethyl)-4-
8 phosphoryloxy-indole and 3-(2-dimethylaminoethyl)-indol-4-ol respectively, including their
9 salts, isomers, and salts of isomers.

10 "Qualifying organization", a nonprofit organization that: (i) has an annual operating
11 budget not exceeding five hundred thousand dollars (\$500,000) in the fiscal year prior to grant

application; (ii) is based within and primarily serves the community in which it operates; (iii) is not a subsidiary or controlled affiliate of any organization with an annual budget exceeding one million dollars (\$1,000,000); and (iv) has a demonstrated history of providing harm reduction, public health, or community support services.

"Psilocybin Fines Trust Fund", the dedicated account established under subsection (g) of this section.

(b) Notwithstanding any general or special law to the contrary, the possession of one gram or less of psilocybin and psilocin, excluding the weight of any material such as water, fungal material, or other substances of which the controlled substance is a part or to which it is added, dissolved, held in solution, or suspended, shall be subject only to: (i) a civil penalty of one hundred dollars (\$100); and (ii) forfeiture of said substance. No other form of criminal or civil punishment or disqualification shall be imposed.

(c) The following individuals shall be exempt from civil penalties and forfeiture under this section:

(1) Military veterans;

(2) First responders;

(3) Individuals with documented:

(i) Mental health conditions including but not limited to post-traumatic stress disorder, depression, anxiety disorders, obsessive-compulsive disorder, eating disorders, or substance use disorder;

- (ii) Physical conditions including but not limited to traumatic brain injury, cluster headaches, neurological disorders, chronic pain conditions, or autoimmune disorders;
- (iii) Terminal illness or life-threatening conditions;
- (iv) End-of-life psychological distress;
- (4) Individuals participating in clinical research involving psilocybin or psilocin;
- (5) Indigenous persons using psilocybin or psilocin for traditional or ceremonial purposes;
- (6) Individuals providing end-of-life care or supporting someone with a terminal illness;
- (7) Healthcare professionals researching or working with psychedelic medicines;
- (8) Individuals whose use is connected to research approved by an institutional review board at an accredited educational or research institution, including but not limited to researchers, research staff, study participants, and students;
- (9) Individuals authorized under any future legislation for medical or therapeutic use;
- (10) Any individual who demonstrates to the court by a preponderance of evidence that their use of psilocybin or psilocin is for therapeutic, spiritual, or personal growth purposes.

Courts shall: (i) interpret exemption eligibility broadly in favor of the individual; (ii) accept a range of documentation including but not limited to: medical records, letters from healthcare providers, mental health professionals, or spiritual advisors, personal attestations with supporting context, veterans' documentation, and documentation of participation in relevant support groups or communities; (iii) maintain confidentiality of all submitted documentation;

(iv) process exemption requests within 30 days; and (v) provide written explanation if denying an exemption request. No individual shall be required to waive medical privacy rights to obtain an exemption.

(d) An offender under the age of twenty-one shall: (i) complete a drug awareness program meeting the criteria set forth in Section 32M of this Chapter; and (ii) complete ten hours of community service. The parents or legal guardian of any offender under eighteen shall be notified in accordance with Section 32N of this Chapter. Failure to complete these requirements within one year shall result in: (i) a civil penalty of one thousand dollars (\$1,000); and (ii) joint and several liability of parents or legal guardians for payment.

(e) Except as specifically provided in section 24L of chapter 90, neither the Commonwealth nor any political subdivision may: (i) deny student financial aid; (ii) deny public housing or financial assistance; (iii) deny professional or occupational licensing; (iv) deny the right to operate a motor vehicle; or (v) use possession as sole basis for denial of custody, visitation, or parental rights absent clear evidence of danger to a minor. Records of civil penalties under this section shall not

constitute: (i) criminal offender record information; (ii) evaluative information; or (iii) intelligence information.

(f) Law enforcement shall: (i) issue standardized civil citation; (ii) submit copy to clerk magistrate within 24 hours; and (iii) forward forfeited substances to state laboratory for analysis. Clerk magistrates shall: (i) enter citation in civil docket; (ii) schedule hearing if requested; and (iii) forward collected penalties to State Treasurer for deposit in Psilocybin Fines Trust Fund quarterly.

(g) There is hereby established on the books of the Commonwealth a separate fund to be known as the Psilocybin Fines Trust Fund. The fund shall consist of: (i) all civil penalties collected pursuant to this section; (ii) any interest earned on money in the fund; and (iii) any appropriations, grants, or donations made to the fund. The Department of Public Health shall administer the fund to: (i) implement and oversee the Community Harm Reduction Grant Program; and (ii) cover reasonable administrative costs not exceeding 5% of annual collections.

(h) The Department shall establish a grant program to distribute funds to qualifying organizations for:

- (1) Harm reduction services and education;
- (2) Community outreach and support programs;
- (3) Public health education and awareness;
- (4) Substance testing services;
- (5) Crisis intervention and peer support;
- (6) Integration support services;
- (7) Training for healthcare providers and first responders;
- (8) Community-based research and program evaluation;
- (9) Public education regarding harm reduction;
- (10) Development and dissemination of educational materials and resources;
- (11) Coalition building and community engagement initiatives.

Grant requirements shall include: (i) a minimum of 50% of funds must go to organizations with annual budgets under \$200,000; (ii) a maximum individual grant of \$250,000 per year; (iii) priority given to organizations led by and serving demographics most impacted by drug criminalization; (iv) organizations may use funds for general operating support within program parameters; and (v) annual public reporting on grant distribution and outcomes.

SECTION 3. Section 32M of Chapter 94C is hereby amended by inserting after the words "2 ounces or less of marihuana", in each instance, the following words: "or one gram or less of psilocybin and psilocin."

Section 32M of Chapter 94C is further amended by inserting after the words "Section 32L", the following: ", 32O,".

SECTION 4. Section 34 of Chapter 94C is hereby amended by inserting after the words "Section 32L", the following words: "or Section 32O".

SECTION 5. Section 32N of Chapter 94C is hereby amended by inserting after the words "Any civil penalties imposed under the provisions of "An Act Establishing A Sensible State Marihuana Policy"", the following words: "or the "Psilocybin Possession Decriminalization and Community Support Act of 2025."

SECTION 6. This act shall take effect ninety days following its passage.