
SENATE BILL 5660

State of Washington

67th Legislature

2022 Regular Session

By Senators Salomon, Lovelett, Kuderer, Pedersen, Saldaña, Trudeau, and Wellman

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

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

8 **INTRODUCTORY SECTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **WASHINGTON PSILOCYBIN ADVISORY BOARD**

26 NEW SECTION. **Sec. 6.** (1) The Washington psilocybin advisory
27 board is established within the department to provide advice and
28 recommendations to the department. The Washington psilocybin advisory
29 board shall consist of:
30 (a) Members appointed by the governor as specified in subsection
31 (2) of this section;
32 (b) The secretary or the secretary's designee;
33 (c) The state health officer or a physician acting as the state
34 health officer's designee;
35 (d) A representative from the department who is familiar with
36 public health programs and public health activities in this state;
37 and
38 (e) A designee of the public health advisory board.

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

3 (a) Any four of the following:

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

6 (ii) A local health officer;

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

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

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

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

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

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

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

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

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

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

28 (g) Any three of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) Social and cultural considerations;

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

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

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

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

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

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

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

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

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

32 (11) Recommendations on criteria for the social opportunity
33 program under section 115 of this act that promote social equity and
34 accessibility.

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

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

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

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

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

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

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

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

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

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

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

37 (i) Issuing subpoenas;

38 (ii) Compelling the attendance of witnesses;

39 (iii) Administering oaths;

40 (iv) Certifying official acts;

1 (v) Taking depositions as provided by law;
2 (vi) Compelling the production of books, payrolls, accounts,
3 papers, records, documents, and testimony; and
4 (vii) Establishing fees in addition to the application,
5 licensing, and renewal fees described in sections 23, 26, 30, and 97
6 of this act, provided that any fee established by the department is
7 reasonably calculated to not exceed the cost of the activity for
8 which the fee is charged;

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

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

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

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

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

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

32 **18-MONTH PROGRAM DEVELOPMENT PERIOD**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (1) Is a personal privilege;

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

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

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

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

16 (6) Does not constitute property;

17 (7) Is not alienable;

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

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

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

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

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

34 NEW SECTION. **Sec. 19.** (1) Before receiving a license under
35 section 23 or 26 of this act, an applicant shall request a land use
36 compatibility statement from the city or county that authorizes the
37 land use. The land use compatibility statement must demonstrate that
38 the requested license is for a land use that is allowable as a

1 permitted or conditional use within the given zoning designation
2 where the land is located. The department may not issue a license if
3 the land use compatibility statement shows that the proposed land use
4 is prohibited in the applicable zone.

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

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

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

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

17 (4) A city or county action concerning a land use compatibility
18 statement under this section is not a land use decision under chapter
19 36.70C RCW.

20 **LICENSEES IN GENERAL**

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

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

29 (1) More than one psilocybin product manufacturer; or

30 (2) More than five psilocybin service center operators.

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

32 (1) A person may hold multiple service center operator licenses
33 under section 26 of this act; and

34 (2) A person may hold both a manufacturer license under section
35 23 of this act and a service center operator license under section 26
36 of this act at the same or different premises.

1 **LICENSE TO MANUFACTURE PSILOCYBIN PRODUCTS**

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

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

8 (a) Must apply for a license in the manner described in section
9 14 of this act;

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

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

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

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

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

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

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

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

37 (4) The department shall adopt rules that:

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

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

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

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

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

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 25.** The department may adopt rules
34 restricting the quantities of psilocybin products at premises for
35 which a license has been issued under section 23 of this act. In
36 adopting rules under this section, the department may take into
37 consideration the demand for psilocybin services in this state, the
38 number of psilocybin product manufacturers applying for a license

1 under section 23 of this act, the number of psilocybin product
2 manufacturers that hold a license issued under section 23 of this
3 act, and whether the availability of psilocybin products in this
4 state is commensurate with the demand for psilocybin services.

5 **LICENSE TO OPERATE PSILOCYBIN SERVICE CENTER**

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

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

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

15 (a) Must apply for a license in the manner described in section
16 14 of this act;

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

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

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

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

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

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

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

38 (ii) Zoned exclusively for residential use;

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

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

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

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

10 (3) The department shall adopt rules that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **LICENSE TO FACILITATE PSILOCYBIN SERVICES**

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

24 (2) A psilocybin service facilitator must have a facilitator
25 license issued by the department to hold a facilitator license issued
26 under this section, a psilocybin service facilitator:

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

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

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

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

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

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

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

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

8 (4) The department shall adopt rules that:

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

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 31.** The department shall offer an examination
28 for applicants for licenses to facilitate psilocybin services at
29 least twice a year. An applicant who fails any part of the
30 examination may retake the failed section in accordance with rules
31 adopted by the department.

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

1 obtained under this section may not be retained after verifying a
2 person's age and may not be used for any purpose other than verifying
3 a person's age.

4 **PSILOCYBIN SERVICES**

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

- 7 (1) Providing psilocybin services to a client;
- 8 (2) Holding and verifying the completion of a preparation
9 session;
- 10 (3) Having a client complete, sign, and deliver a client
11 information form to a psilocybin service center operator and a
12 psilocybin service facilitator;
- 13 (4) Holding and verifying the completion of an administration
14 session; and
- 15 (5) Holding and verifying the completion of an integration
16 session.

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

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

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

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

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

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

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

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

3 (2) The client information form:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (i) Client safety; and

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

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

12 (d) Social and cultural considerations.

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

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

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

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

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

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

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

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

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

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

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

11 NEW SECTION. **Sec. 43.** If a licensee holds more than one license
12 issued under this chapter for the same premises, the department may
13 require the premises to be segregated into separate areas for
14 conducting the activities permitted under each license as is
15 necessary to protect the public health and safety.

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

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

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

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

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

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

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

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

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

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

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

10 (a) The manufacturing of psilocybin products;

11 (b) The sale of psilocybin products by a psilocybin service
12 center operator to a client;

13 (c) The sale and purchase of psilocybin products between
14 licensees, as permitted by this chapter;

15 (d) The transfer of psilocybin products between premises for
16 which licenses have been issued under this chapter; and

17 (e) Any other information that the department determines is
18 reasonably necessary to accomplish the duties, functions, and powers
19 of the department under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 CONDUCT OF LICENSEES

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

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

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

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

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

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

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

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

34 (4) The department may by order waive the requirements of
35 subsections (1) and (2) of this section to ensure compliance with
36 this chapter or the rules adopted under this chapter. An order issued

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

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

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

10 (a) The person's passport;

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

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

14 (d) A United States military identification card;

15 (e) An identification card issued by a federally recognized
16 Indian tribe; or

17 (f) Any other identification card issued by a state or territory
18 of the United States that bears a picture of the person, the name of
19 the person, the person's date of birth and a physical description of
20 the person.

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

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

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

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

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

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

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

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

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

15 (1) Only at a psilocybin service center unless an exception is
16 made under rules established by the department under section 26 of
17 this act to accommodate a client who is medically unable to travel to
18 a psilocybin service center; and

19 (2) Only under the supervision of a psilocybin service
20 facilitator.

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

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

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

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

10 NEW SECTION. **Sec. 60.** (1) A licensee may not use or allow the
11 use of a mark or label on the container of a psilocybin product that
12 is kept for sale if the mark or label does not precisely and clearly
13 indicate the nature of the container's contents or if the mark or
14 label in any way might deceive a person about the nature,
15 composition, quantity, age, or quality of the container's contents.

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

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

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

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

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

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

34 NEW SECTION. **Sec. 63.** A license issued under this chapter
35 serves the purpose of exempting the person that holds the license
36 from the criminal laws of this state for possession, delivery, or

1 manufacture of psilocybin products, provided that the person complies
2 with all state laws and rules applicable to licensees.

3 **DISCIPLINING LICENSEES**

4 NEW SECTION. **Sec. 64.** The department may revoke, suspend, or
5 restrict a license issued under this chapter or require a licensee or
6 licensee representative to undergo training if the department finds
7 or has reasonable ground to believe any of the following to be true:

8 (1) That the licensee or licensee representative:

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

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

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

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

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

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

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

29 **EMPLOYEES AND OTHER WORKERS**

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

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

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

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

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

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

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

16 (a) The qualifications for performing work described in section
17 65 of this act;

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

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

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

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

27 (i) Checking identification;

28 (ii) Detecting intoxication;

29 (iii) Handling psilocybin products;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) The identity of a whistleblower must remain confidential if
37 that whistleblower complains, in good faith, to the department about

1 the improper conduct, incidents, or quality of services by a licensee
2 under this chapter.

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

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

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

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

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

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

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

33 (a) "Reprisal or retaliatory action" means but is not limited to:
34 Denial of adequate staff to perform duties; frequent staff changes;
35 frequent and undesirable office changes; refusal to assign meaningful
36 work; unwarranted and unsubstantiated report of misconduct under
37 Title 18 RCW; letters of reprimand or unsatisfactory performance
38 evaluations; demotion; reduction in pay; denial of promotion;
39 suspension; dismissal; denial of employment; a supervisor or superior
40 encouraging coworkers to behave in a hostile manner toward the

1 whistleblower; and the revocation, suspension, or reduction of
2 medical staff membership or privileges without following a medical
3 staff sanction process that is consistent with RCW 7.71.050.

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

9 **PSILOCYBIN CONTROL AND REGULATION FUND**

10 NEW SECTION. **Sec. 69.** The psilocybin control and regulation
11 account is created in the custody of the state treasurer. All
12 receipts from fees collected and civil penalties issued under this
13 chapter must be deposited into the account. Expenditures may be used
14 only for the purpose of administration and enforcement of this
15 chapter. Only the secretary or the secretary's designee may authorize
16 expenditures from the account. The account is subject to allotment
17 procedures under chapter 43.88 RCW, but an appropriation is not
18 required for expenditures.

19 **PROHIBITED CONDUCT**

20 NEW SECTION. **Sec. 70.** (1) Except as authorized by the
21 department by rule, or as necessary in an emergency, a person under
22 21 years of age may not enter or attempt to enter any portion of a
23 premises licensed under this chapter that is posted or otherwise
24 identified as being prohibited to the use of persons under 21 years
25 of age.

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

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

34 (4) The prohibitions of this section do not apply to a person
35 under 21 years of age who is acting under the direction of a licensee
36 for the purpose of investigating possible violations by employees of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **OTHER PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (c) Apply or enforce RCW 15.130.140 and 15.130.200 through
36 15.130.230 to psilocybin products.

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

4 NEW SECTION. **Sec. 94.** The department shall maintain a telephone
5 hotline, website, or other effective means of communication for the
6 following persons to inquire if an address is the location of a
7 premises for which a license has been issued under this chapter or is
8 the location of a premises for which an application for licensure has
9 been submitted under section 14 of this act:

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

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

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

15 NEW SECTION. **Sec. 95.** (1) Subject to subsection (2) of this
16 section, information is exempt from public disclosure under chapter
17 42.56 RCW if the information is:

18 (a) Personally identifiable information;

19 (b) The address of a premises for which a license has been issued
20 or for which an applicant has proposed licensure under section 23,
21 26, or 97 of this act;

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

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

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

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

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

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

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

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

6 **TESTING OF PSILOCYBIN PRODUCTS**

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

11 (a) Establishing standards for testing psilocybin products;

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

17 (i) Microbiological contaminants;

18 (ii) Pesticides;

19 (iii) Other contaminants;

20 (iv) Solvents or residual solvents; and

21 (v) Psilocybin concentration;

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

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

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

32 (3) In adopting rules under this chapter, the department may
33 require a psilocybin product manufacturer that holds a license under
34 section 23 of this act to test psilocybin products before selling or
35 transferring the psilocybin products.

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

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

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

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

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

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

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

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

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

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

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

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

31 (d) Procedures for:

32 (i) Tracking psilocybin products to be tested;

33 (ii) Documenting and reporting test results; and

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

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

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

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

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

9 (7) Fees collected under this section must be deposited in the
10 psilocybin control and regulation account established under section
11 69 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

16 (a) Complete an application;

17 (b) Undergo an onsite inspection; and

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

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

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

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

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

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

3 (i) Health and safety warnings;

4 (ii) If applicable, activation time;

5 (iii) Potency;

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

8 (v) Content of the psilocybin product; and

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

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

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

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

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

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

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

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

36 NEW SECTION. **Sec. 107.** (1) As is necessary to protect the
37 public health and safety, and in consultation with the department of
38 agriculture and the liquor and cannabis board, the department must

1 adopt rules establishing standards for the packaging of psilocybin
2 products, including but not limited to ensuring that psilocybin
3 products are not marketed in a manner that:

4 (a) Is untruthful or misleading; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (3) Moneys collected under this section must be deposited in the
24 psilocybin control and regulation account established under section
25 69 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (3) For purposes of this section:

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

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

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

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

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

17 (b) "Social opportunity applicant" means:

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

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

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

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

27 For the purposes of RCW 7.48.305 only:

28 (1) "Agricultural activity" means a condition or activity which
29 occurs on a farm in connection with the commercial production of farm
30 products and includes, but is not limited to, marketed produce at
31 roadside stands or farm markets; noise; odors; dust; fumes; operation
32 of machinery and irrigation pumps; movement, including, but not
33 limited to, use of current county road ditches, streams, rivers,
34 canals, and drains, and use of water for agricultural activities;
35 ground and aerial application of seed, fertilizers, conditioners, and
36 plant protection products; keeping of bees for production of
37 agricultural or apicultural products; the manufacture of psilocybin
38 as defined under section 5 of this act; employment and use of labor;
39 roadway movement of equipment and livestock; protection from damage

1 by wildlife; prevention of trespass; construction and maintenance of
2 buildings, fences, roads, bridges, ponds, drains, waterways, and
3 similar features and maintenance of stream banks and watercourses;
4 and conversion from one agricultural activity to another, including a
5 change in the type of plant-related farm product being produced. The
6 term includes use of new practices and equipment consistent with
7 technological development within the agricultural industry.

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

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

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

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

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

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

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

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

4 (3) Apply or enforce RCW 15.130.140 and 15.130.200 through
5 15.130.230 to psilocybin products.

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

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

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

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

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

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

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

22 (d) "CBD concentration" has the meaning provided in RCW
23 69.51A.010.

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

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

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

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

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

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

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

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

11 (2) The term does not include:

12 (i) a controlled substance;

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

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

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

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

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

27 (k) "Designated provider" has the meaning provided in RCW
28 69.51A.010.

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

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

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

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

38 (p) "Drug" means (1) a controlled substance recognized as a drug
39 in the official United States pharmacopoeia/national formulary or the
40 official homeopathic pharmacopoeia of the United States, or any

1 supplement to them; (2) controlled substances intended for use in the
2 diagnosis, cure, mitigation, treatment, or prevention of disease in
3 individuals or animals; (3) controlled substances (other than food)
4 intended to affect the structure or any function of the body of
5 individuals or animals; and (4) controlled substances intended for
6 use as a component of any article specified in (1), (2), or (3) of
7 this subsection. The term does not include devices or their
8 components, parts, or accessories.

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

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

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

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

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

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

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

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

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

39 (w) "Lot number" must identify the licensee by business or trade
40 name and Washington state unified business identifier number, and the

1 date of harvest or processing for each lot of marijuana, marijuana
2 concentrates, useable marijuana, or marijuana-infused product.

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

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

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

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

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

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

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

36 (aa) "Marijuana processor" means a person licensed by the board
37 to process marijuana into marijuana concentrates, useable marijuana,
38 and marijuana-infused products, package and label marijuana
39 concentrates, useable marijuana, and marijuana-infused products for
40 sale in retail outlets, and sell marijuana concentrates, useable

1 marijuana, and marijuana-infused products at wholesale to marijuana
2 retailers.

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

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

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

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

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

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

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

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

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

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

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

40 (6) Cocaine base.

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

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

5 (hh) "Opiate" means any substance having an addiction-forming or
6 addiction-sustaining liability similar to morphine or being capable
7 of conversion into a drug having addiction-forming or addiction-
8 sustaining liability. The term includes opium, substances derived
9 from opium (opium derivatives), and synthetic opiates. The term does
10 not include, unless specifically designated as controlled under RCW
11 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
12 and its salts (dextromethorphan). The term includes the racemic and
13 levorotatory forms of dextromethorphan.

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

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

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

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

23 (mm) "Practitioner" means:

24 (1) A physician under chapter 18.71 RCW; a physician assistant
25 under chapter 18.71A RCW; an osteopathic physician and surgeon under
26 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
27 who is certified by the optometry board under RCW 18.53.010 subject
28 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
29 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
30 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
31 registered nurse practitioner, or licensed practical nurse under
32 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
33 who is licensed under RCW 18.36A.030 subject to any limitations in
34 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
35 investigator under this chapter, licensed, registered or otherwise
36 permitted insofar as is consistent with those licensing laws to
37 distribute, dispense, conduct research with respect to or administer
38 a controlled substance in the course of their professional practice
39 or research in this state.

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

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

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

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

22 (pp) "Qualifying patient" has the meaning provided in RCW
23 69.51A.010.

24 (qq) "Recognition card" has the meaning provided in RCW
25 69.51A.010.

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

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

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

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

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

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

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

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

16 It is an unfair practice for any employer:

17 (1) To refuse to hire any person because of age, sex, marital
18 status, sexual orientation, race, creed, color, national origin,
19 citizenship or immigration status, honorably discharged veteran or
20 military status, or the presence of any sensory, mental, or physical
21 disability or the use of a trained dog guide or service animal by a
22 person with a disability, unless based upon a bona fide occupational
23 qualification: PROVIDED, That the prohibition against discrimination
24 because of such disability shall not apply if the particular
25 disability prevents the proper performance of the particular worker
26 involved: PROVIDED, That this section shall not be construed to
27 require an employer to establish employment goals or quotas based on
28 sexual orientation.

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

38 (3) To discriminate against any person in compensation or in
39 other terms or conditions of employment because of age, sex, marital

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

12 (4) To print, or circulate, or cause to be printed or circulated
13 any statement, advertisement, or publication, or to use any form of
14 application for employment, or to make any inquiry in connection with
15 prospective employment, which expresses any limitation,
16 specification, or discrimination as to age, sex, marital status,
17 sexual orientation, race, creed, color, national origin, citizenship
18 or immigration status, honorably discharged veteran or military
19 status, or the presence of any sensory, mental, or physical
20 disability or the use of a trained dog guide or service animal by a
21 person with a disability, or any intent to make any such limitation,
22 specification, or discrimination, unless based upon a bona fide
23 occupational qualification: PROVIDED, Nothing contained herein shall
24 prohibit advertising in a foreign language.

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

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

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

35 (3) The investment income account may be utilized for the payment
36 of purchased banking services on behalf of treasurer's trust funds
37 including, but not limited to, depository, safekeeping, and
38 disbursement functions for the state treasurer or affected state
39 agencies. The investment income account is subject in all respects to

1 chapter 43.88 RCW, but no appropriation is required for payments to
2 financial institutions. Payments must occur prior to distribution of
3 earnings set forth in subsection (4) of this section.

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

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

1 investment district account, the rural rehabilitation account, the
2 Washington sexual assault kit account, the stadium and exhibition
3 center account, the youth athletic facility account, the self-
4 insurance revolving fund, the children's trust fund, the Washington
5 horse racing commission Washington bred owners' bonus fund and
6 breeder awards account, the Washington horse racing commission class
7 C purse fund account, the individual development account program
8 account, the Washington horse racing commission operating account,
9 the life sciences discovery fund, the Washington state library-
10 archives building account, the reduced cigarette ignition propensity
11 account, the center for deaf and hard of hearing youth account, the
12 school for the blind account, the Millersylvania park trust fund, the
13 public employees' and retirees' insurance reserve fund, the school
14 employees' benefits board insurance reserve fund, the public
15 employees' and retirees' insurance account, the school employees'
16 insurance account, the long-term services and supports trust account,
17 the radiation perpetual maintenance fund, the Indian health
18 improvement reinvestment account, the department of licensing tuition
19 recovery trust fund, the student achievement council tuition recovery
20 trust fund, the tuition recovery trust fund, the industrial insurance
21 premium refund account, the mobile home park relocation fund, the
22 natural resources deposit fund, the Washington state health insurance
23 pool account, the federal forest revolving account, the psilocybin
24 control and regulation account, and the library operations account.

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

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

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

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

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

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

14 NEW SECTION. **Sec. 124.** Section 118 of this act takes effect
15 July 1, 2022.

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