

## **Worcester Ballot Initiative**

The City of Worcester by means of this initiative declares support for “An Act Legalizing Plant Medicine Treatments for Addiction and Mental Healthcare” to prioritize affordable access to these treatments

No department, agency, board, commission, officer or employee of the City of Worcester, including without limitation Worcester Police Department personnel shall use any city, state, or federal funds or resources to assist in the enforcement of laws imposing criminal penalties for the following:

- Possession, ingestion, obtaining, giving away without financial gain to natural persons 18 years of age or older, and transportation of no more than five grams of a controlled substance by adults excepting animal-derived bufotenine and animal-derived kambo.
- Possession, ingestion, administration, obtaining, planting, propagating, cultivating, growing, harvesting, processing, dispense without financial gain to natural persons 18 years of age or older, and transportation of no more than the following amounts of the following controlled substances shall be the lowest law enforcement priority for the City of Worcester.
  - (A) Fifteen grams of psilocybin or plant or fungi material containing a total of fifteen grams of psilocybin.
  - (B) Fifteen grams of psilocyn or plant or fungi material containing a total of fifteen grams of psilocyn
  - (C) Fifteen grams of dimethyltryptamine or plant material containing a total of fifteen grams of dimethyltryptamine
  - (D) Fifteen grams of mescaline or plant material containing a total of fifteen grams of mescaline
  - (E) Fifteen grams of 3,4–methylenedioxy methamphetamine (MDMA).
  - (F) Fifteen grams of ibogaine or plant material containing a total of fifteen grams of ibogaine
- Possession, use, or dispense of pipes, syringes, needles, or testing strips
- Production and analysis of tryptamines, phenethylamines, benzyloquinolines, and lysergamides by credentialed researchers employed by accredited universities

## An Act Legalizing Plant Medicine Treatments for Addiction and Mental Healthcare

This legislation aims to modernize the Commonwealth's Controlled Substances Act to create space for therapists and addiction specialists to innovate with entheogenic plant therapies while achieving major milestones for treating all controlled substances as an issue of public health. More specifically it:

- **Legalizes the use of entheogenic plants for addiction treatment and therapeutic facilitation administered by certified specialists:** our coalition's legislation will legalize the use of entheogenic plants and fungi such as psilocybin mushrooms, ayahuasca, and San Pedro cacti by certified facilitators. These facilitators must already hold a licensed credential with the state in the field of mental health or medicine or achieve first-aid credentials, complete a background check, and belong to a nonprofit or business paying taxes to the Commonwealth. The annual licensing fees will be waived for all first responders and veterans to encourage greater participation of public servants marginalized in our mental healthcare system. [This certification will generate tens of millions of dollars per year in tax revenue for the Commonwealth.](#)
- **Eliminates criminal penalties for cultivating small amounts of entheogenic plants:** this legislation will allow for the limited growing and gifting of these plants and fungi, which pose no risks to public safety in their cultivation and bring notable benefits to residential air quality. Modeling the policies and lessons of over a dozen municipalities, including nearly seven Massachusetts communities, this legislation will create a transparent process for home growing that improves public safety and makes these plants accessible to certified facilitators. [Unlike cannabis, the production of these plants is not a major source of tax revenue nor complexity.](#)
- **Eliminates criminal penalties for the use and possession of small amounts of all controlled substances:** this legislation will reduce stark racial disparities in possession arrests by as much as 95 percent, modeling the experience of three countries, the State of Oregon, and four Massachusetts communities. To protect Amazonian tree frogs and Sonoran Desert toads, this legislation creates civil rather than criminal penalties to deter poaching and animal abuse. This legislation also creates a small civil penalty for possessing peyote to discourage its use outside of the strategy being employed by nationwide stakeholders to preserve its ecological sustainability. [This will ultimately save our Commonwealth tens of millions of dollars annually from incarceration and end the cycle that keeps addicted people cycling through the criminal justice system.](#)
- **Creates a legal pathway for the Secretary of Health to approve the university analysis and production of tryptamines, phenethylamines, benzylisoquinolines, and lysergamides:** this legislation will unlock hundreds of billions of dollars in innovation, workforce development, and high-skilled employment by enabling our universities to study-controlled substances without the costly prohibitions of the federal government. From creating novel treatments for Alzheimer's, testing controlled substances for students to prevent tragic overdose deaths, and producing safe supplies for overdose prevention sites, this bill represents the future of research and education in drug policy. [It will position our Commonwealth to create thousands of high-paying jobs.](#)
- **Creates measures for restorative justice:** this legislation will incorporate the automatic expungement language from the 2021 session and roll back mandatory minimums for non-violent offenders. It will also create a justice task force to recommend future budget amendments that directly benefit those most impacted by failed prohibitionist policies. It will also create a public safety task force to commend brave detectives working to stem the production of fentanyl and methamphetamine, optimize Commonwealth resources for those efforts, improve the mental healthcare system for first responders, and integrate entheogenic plant facilitation into the corrections system to reduce recidivism.

## **SECTION 1. Preamble**

Chapter 94C of the General Laws is hereby amended by inserting before section 1 the following section:-

### Section 1. Preamble

The legislatures finds and declares all of the following:

- (a) Substance use disorders, post-traumatic stress disorder (PTSD), Persistent Traumatic Stress Environment (PTSE), depression, end-of-life anxiety, grief, cluster headaches, tendencies toward recidivism, and other ailments are plaguing our Commonwealth's communities, and the use of entheogenic plants such as psilocybin mushrooms, ayahuasca, ibogaine, and San Pedro cacti has been shown to be beneficial for treating these ailments via scientific and clinical studies and within continuing indigenous practices that catalyze profound experiences of personal and spiritual growth.
- (b) The COVID-19 pandemic has led to a resurgence of opioid overdose deaths and depression in Massachusetts communities, two ailments that entheogenic plants have been shown to have particularly strong utility in treating according to published, peer-reviewed medical research.
- (c) The so-called "War on Drugs" has created tremendous societal and financial costs for our Commonwealth, including tragic loss of life from adulterated substances and crime that occurs within unregulated legacy markets where controlled substances are distributed outside the purview of the law.
- (d) The impacts of these prohibitionist policies have disproportionately impacted Black Indigenous and People of Color (BIPOC) by nature of prohibition-linked crime and institutional racism, people of limited financial means by nature of their inaccess to effective mental healthcare, veterans by nature of their heightened risk for PTSD and substance use disorder, and first responders who face cultural barriers to accessing effective mental health treatment due to stigmatization.
- (e) Removing criminal penalties for the use and possession of controlled substances represents a necessary step to providing effective substance use disorder treatment, improving education on the safe use of controlled substances when appropriate, and eliminating the stigma that deters many of our neighbors in need from seeking help.
- (f) The cities of Somerville, Cambridge, Northampton, and Easthampton as well as dozens of others across the United States have unanimously adopted measures making arrests for cultivating and distributing entheogenic plants and possessing all controlled substances the lowest priority of law enforcement.
- (g) These measures and the public debate surrounding their adoption has specifically noted that "access to entheogenic plants and compounds such as MDMA should not be monopolized nor controlled by a small handful of corporations, which may lobby to place overbearing restrictions on use, counseling, cultivation, and transport to protect their market share."
- (h) These measures and the public debate surrounding their adoption has specifically noted that "As American popular culture promotes compounds for spiritual growth, there exists potential for the extinction and extremely cruel treatment of Bufo Alvarius toads native to the Sonoran Desert and Phyllomedusa bicolor frogs native to the Amazon basin, and our Commonwealth has a moral obligation to construct policies protecting these animals and biodiversity."
- (i) Indigenous people have used plants and fungi such as psilocybin, ayahuasca, ibogaine, San Pedro, and peyote for thousands of years in spiritual and health rituals, demonstrating a critical need to construct policies that ensure their sustainable cultivation for future generations. This need is critical in the case of peyote, an extremely slow-growing Southwestern cacti at risk of extinction from animal farming, mining, natural gas

development, and non-native poaching that will likely go extinct without efforts by ethnobotanists to cultivate it domestically.

## **SECTION 2: Legalizing Treatment**

Chapter 94C of the General Laws is hereby amended by inserting after section 49 the following section-:

### **Section 52: Legalization of Addiction and Mental Healthcare Harm Reduction**

“Facilitated use” shall mean the supervised consumption of controlled substances to reduce the health risks and enhance the potential therapeutic benefits of their use. A “certified facilitator service” shall mean an organization that means the following criteria:

- (A) A corporation registered with the Office of the Massachusetts’ Secretary of State
- (B) A corporation with at least one part owner or board member who is a licensed social worker, physician, psychiatrist, addiction specialist, applied behavior analyst, assistant applied behavior analyst, educational psychologist, marriage and family therapist, mental health counselor, or rehabilitation counselor in good standing with the Division of Professional Licensure’s (DPL) Board of Registration of Allied Mental Health and Human Services Professions
- (C) A corporation that requires all owners, employees, and contractors to adhere to a strict code of ethics to protect client safety, confidentiality and privacy, transparency, and professional boundaries subject to the review and approval of the Commissioner of the Massachusetts Department of Public Health and their surrogates.

“Certified Facilitator,” for the purposes of this section, shall mean an individual who meets the following criteria:

- (A) Completion of annual Massachusetts Criminal Offender Record Information (CORI) background check verifying the individual has no record of violent crime or other crimes deemed consequential by the Commissioner of the Massachusetts Department of Public Health.
- (B) Completion of a certification program in CPR and First Aid by an organization such as the Red Cross, American Heart Association, or another organization that provides this training in CPR and first aid as deemed acceptable by the Commissioner of the Massachusetts Department of Public Health.
- (C) Maintains ownership, employment, or a contract with a certified facilitator service
- (D) Payment of a \$155 biennial fee to the Board of Registration of Allied Mental Health and Human Services Professions as part of an application providing records of a completed CORI background check, certification in CPR and First Aid as well as ownership, employment, or a contract with a certified facilitator service.
- (E) Or a social worker, physician, psychiatrist, addiction specialist, applied behavior analyst, assistant applied behavior analyst, educational psychologist, marriage and family therapist, mental health counselor, or rehabilitation counselor certified by the Division of Professional Licensure’s (DPL) Board of Registration of Allied Mental Health and Human Services Professions

Current law enforcement officers employed by a Department of the Commonwealth of Massachusetts or a Massachusetts Municipality, certified Emergency Medical Technicians (EMTs), certified paramedics, and U.S. veterans with honorable discharge shall not be required to pay a biennial fee to the Board of Registration of Allied Mental Health and Human Services Professions as part of an application to become a certified facilitator.

The Massachusetts Department of Public Health shall issue qualifying first aid and CPR certifications for such licensing without additional or otherwise burdensome requirements and a process to collect and process annual reports required of certified facilitators no later than August 1, 2023.

The Massachusetts Department of Public Health shall issue a qualifying code of conduct for certified facilitator services no later than August 1, 2023, and this code of conduct shall not require any additional certifications or trainings other than those in accordance with this section.

The Board of Registration of Allied Mental Health and Human Services Professions shall issue instructions, fee descriptions, a process to create registration numbers, and online infrastructure to accept applications for certified facilitators no later than August 1, 2023.

Notwithstanding any general or special law to the contrary, all of the following shall be lawful for a facilitator: the possession, administration, obtaining, planting, propagating, cultivating, growing, harvesting, processing, dispense without financial gain to natural persons 18 years of age or older, and transportation of no more than the “allowable facilitator amount” of psilocybin, psilocyn, dimethyltryptamine, mescaline, 3,4-methylenedioxy methamphetamine (MDMA), and ibogaine.

For certified facilitators, “Financial gain” does not include reasonable fees for counseling, spiritual guidance, or related services to facilitated use of controlled substances under their guidance and supervision.

“Allowable facilitator amount” shall mean the following quantities of a substance per person or, in the context of use guided by a certified facilitator involving multiple persons, the aggregate of allowable amounts per participant. “Allowable amount” does not include the weight of any material of which the substance is a part or to which the substance is added, dissolved, held in solution, or suspended, or any ingredient or material combined with the substance specified in this subdivision to prepare a topical or oral administration, food, drink, or other product, including, but not limited to, a brew or tea:

(A) Fifteen grams of psilocybin or plant or fungi material containing a total of fifteen grams of psilocybin.

(B) Fifteen grams of psilocyn or plant or fungi material containing a total of fifteen grams of psilocyn

(C) Fifteen grams of dimethyltryptamine or plant material containing a total of fifteen grams of dimethyltryptamine

(D) Fifteen grams of mescaline or plant material containing a total of fifteen grams of mescaline

(E) Fifteen grams of 3,4-methylenedioxy methamphetamine (MDMA).

(F) Fifteen grams of ibogaine or plant material containing a total of fifteen grams of ibogaine

Section 43 of Chapter 94C of the General Laws is hereby amended by inserting after the words “no practitioner” the following: - “excepting a certified facilitator pursuant to Section 52 of Chapter 94C of the General Laws”

Section 9 of Chapter 94C of the General Laws is hereby amended by inserting after the words “direction by a nurse” the following: - “A social worker, physician, psychiatrist, addiction specialist, applied behavior analyst, assistant applied behavior analyst, educational psychologist, marriage and family therapist, mental health counselor, rehabilitation counselor, and/or certified facilitator certified by the Commonwealth of Massachusetts may, when acting in accordance with applicable federal law excepting Title 21 United States Code (USC) Controlled Substance Act, pursuant to Section 52 of Chapter 94C of the General Laws, and in good faith and in the course of a professional practice for the alleviation of pain and suffering or for the treatment or alleviation of disease, possess controlled substances as may reasonably be required for the

purpose of patient treatment and may administer controlled substances or may cause the same to be administered under his direction by a nurse.”

Except for an act of gross negligence or willful misconduct, a certified facilitator who, acting in good faith, dispenses a controlled substance shall not be subject to any criminal or civil liability or any professional disciplinary action by the Board of Registration of Allied Mental Health and Human Services Professions related to the use or administration of a controlled substance.

Subsection (b) of Section 17 of Chapter 94C of the General Laws is hereby amended by inserting after the words “section 20 and related regulations” the following:- “and excepting psilocybin, psilocyn, dimethyltryptamine, mescaline, 3,4–methylenedioxy methamphetamine (MDMA), and ibogaine dispensed by certified facilitators pursuant to Section 52 of Chapter 94C of the General Laws.”

A certified facilitator who dispenses a controlled substance shall annually report to the Massachusetts Department of Public Health the quantity of the controlled substance dispensed per individual. Reports kept by the Department shall not identify an individual patient, certified facilitator, shall be confidential, and shall not constitute a public record as defined in clause Twenty-sixth of section 7 of chapter 4. The department shall publish an annual report that includes aggregate information about the dispensing of controlled substances in the Commonwealth.

The Massachusetts Department of Public Health may provide de-identified information to a public or private entity for statistical research or educational purposes. The department may contract with another agency or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. A contractor shall be bound to comply with the provisions regarding confidentiality of prescription information in this section. The department shall promulgate rules and regulations setting forth the procedures and methods for data collection in this section no later than August 1, 2023. The department shall submit an annual report on the effectiveness of this data collection program with the clerks of the house and senate, the chairs of the joint committee on public health, the chairs of the joint committee on health care financing and the chairs of the joint committee on public safety and homeland security.

The department of public health shall produce and distribute either in written or electronic form to certified facilitator services pamphlets for consumers relative to psilocybin, psilocyn, dimethyltryptamine, mescaline, 3,4–methylenedioxy methamphetamine (MDMA), and ibogaine that includes educational information about: (i) information on the known safety risks dependent on the context of use; (ii) misuse by adults and children; (iii) risk of dependency and addiction; (iv) proper storage and disposal; (v) addiction support and treatment resources; and (vi) the telephone helpline operated by the bureau of substance addiction services established in section 18 of chapter 17. A certified facilitator shall distribute the pamphlet when dispensing a controlled substance.

A certified facilitator who dispenses a controlled substance shall state on related packaging the name and registration number of the facilitator, the date of delivery, the name, dosage and strength per dosage unit of the controlled substance, the directions for use and any cautionary statements required.

A certified facilitator who dispenses by delivering to an ultimate user a controlled substance which is not for immediate administration shall package the controlled substance in a container, affixing to the container a label bearing the facilitator’s name and registration number, the date of dispensing, the name of the patient, the name, dosage and strength per dosage unit, of the controlled substance, directions for use and any necessary cautionary statements.

### **SECTION 3. Reform of Criminal Penalties**

Chapter 94C of the General Laws is hereby amended by inserting after section 49 the following section-:

#### Section 50: Revision of Criminal Penalties

Notwithstanding any general or special law to the contrary, all of the following shall be lawful for a natural person 18 years of age or older and shall not be a violation of state or local law:

The possession, ingestion, obtaining, giving away without financial gain to natural persons 18 years of age or older, and transportation of no more than the allowable possession amount of a controlled substance listed in Classes A-E in Section 31 of Chapter 94C of the General Laws excepting psilocybin, psilocyn, dimethyltryptamine, and mescaline.

“Allowable possession amount” shall mean five grams of a controlled substance per person. “Allowable amount” does not include the weight of any material, including plant material, of which the substance is a part or to which the substance is added, dissolved, held in solution, or suspended, or any ingredient or material combined with the substance specified in this subdivision to prepare a topical or oral administration, food, drink, or other product, including, but not limited to, a brew or tea. “Allowable possession amount” will be considered an amount exclusive “possession with intent to manufacture.”

“Financial gain” shall mean the receipt of money or other valuable consideration in exchange for the item being shared.

The possession, ingestion, obtaining, planting, propagating, cultivating, growing, harvesting, processing, giving away without financial gain to natural persons 18 years of age or older, and transportation of no more than the allowable cultivation amount of psilocybin, psilocyn, dimethyltryptamine, and mescaline.

“Allowable cultivation amount” shall mean the following quantities of a substance per person. Allowable amount” does not include the weight of any material of which the substance is a part or to which the substance is added, dissolved, held in solution, or suspended, or any ingredient or material combined with the substance specified in this subdivision to prepare a topical or oral administration, food, drink, or other product, including, but not limited to, a brew or tea:

- (A) Ten grams of psilocybin or plant or fungi material containing a total of ten grams of psilocybin.
- (B) Ten grams of psilocyn or plant or fungi material containing a total of ten grams of psilocyn
- (C) Ten grams of dimethyltryptamine or plant material containing a total of ten grams of dimethyltryptamine
- (D) Ten grams of mescaline or plant material containing a total of ten grams of mescaline

Section 1 of Chapter 94C of the General Laws is hereby amended by striking the words “kits used, primarily intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.”

Subsection 2 of Section 47 of Chapter 94C of the General Laws is hereby amended by inserting after the words “any controlled substances” the following:- “excepting materials, products, and equipment of any kind which are used, or intended for use, manufacturing, compounding, processing, delivering, dispensing, distributing, importing, or exporting psilocybin, psilocyn, dimethyltryptamine, mescaline, and ibogaine.”

Section 1 of Chapter 94C of the General Laws is hereby amended by striking the words “isomerization devices used, primarily intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.”

Section 32B of Chapter 94C of the General Laws is hereby amended by inserting after the words “Class C of Section 31” the following:- “excepting psilocybin, psilocyn, dimethyltryptamine, and mescaline”

Section 34B of Chapter 94C of the General Laws is hereby amended by inserting after the words “Section 32L” the following:- “and Section 50”

Subsection 1 of Section 47 of Chapter 94C of the General Laws is hereby amended by inserting after the words “all controlled substances” the following:- “excepting psilocybin, psilocyn, dimethyltryptamine, and mescaline.”

A controlled substance described in this section or any related product involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure, and no conduct deemed lawful by this section shall constitute the basis for detention, search, or arrest, or the basis for the seizure or forfeiture of assets.

Subsection 3 of Section 47 of Chapter 94C of the General Laws is hereby amended by inserting after the words “a controlled substances” the following:- “excepting psilocybin, psilocyn, dimethyltryptamine, mescaline, and ibogaine.”

Section 32B of Chapter 94C of the General Laws is hereby amended by inserting after the words “fine and imprisonment” the following:- “This section shall not apply to persons who possess, ingest, obtain, plant, propagate, cultivate, grow, harvest, process, dispenses without financial gain to natural persons 18 years of age or older, and transport no more than the allowable cultivation amount of psilocybin, psilocyn, dimethyltryptamine, and mescaline pursuant to Section 50 of Chapter 94C of the General Laws.”

Section 34 of Chapter 94C of the General Laws is hereby amended by inserting after the words “the provisions of this chapter” the following:- “including Section 50.”

Subsection (c) of Section 32 of Chapter 94C of the General Laws is hereby amended by striking the words “one half” and inserting in its place the words “one fourth”

Any person serving a mandatory minimum sentence for violating any provisions in section 32A, 32B, 32C, and 32D, 32J shall be eligible for parole after serving one fourth of the maximum term of the sentence if the sentence is to the house of correction, except that such person shall not be eligible for parole upon a finding of any 1 of the following aggravating circumstances:

- (A) the defendant used violence or threats of violence or possessed a firearm, rifle, shotgun, machine gun or a weapon described in paragraph (b) of section 10 of chapter 269, or induced another participant to do so, during the commission of the offense;
- (B) the defendant engaged in a course of conduct whereby he directed the activities of another who committed any felony in violation of chapter 94C; or
- (C) the offense was committed during the commission or attempted commission of a violation of section 32F or section 32K of chapter 94C.

A condition of such parole may be enhanced supervision; provided, however, that such enhanced supervision may, at the discretion of the parole board, include, but shall not be limited to, the wearing of a global positioning satellite tracking device or any comparable device, which shall be administered by the board at all times for the length of the parole.

#### **SECTION 4. Protecting Endangered Frogs, Toads, and Endangered Species**

Chapter 94C of the General Laws is hereby amended by inserting after section 49 the following section:-

Section 51: Protecting Endangered Frogs and Toads

Section 31 of Chapter 94C of the General Laws is hereby amended by inserting after the word “Fentanyl” the following:- “Kambo (Sapo) extracted from Phyllomedusa bicolor tree frogs”

Section 31 of Chapter 94C of the General Laws is hereby amended by inserting after the word “Bufotenine” the following:- “Bufotenine extracted from Incilius alvarius toads”

Notwithstanding any general or special law to the contrary, the possession, ingestion, obtaining, giving away without financial gain to natural persons 18 years of age or older, transportation, or facilitation of Kambo (Sapo) extracted from Phyllomedusa bicolor tree frogs or Bufotenine extracted from Incilius Alvarius toads shall be a civil offense, subjecting the offender to a fine of not less than \$5,000 and not more than \$10,000. Information concerning the civil offense of possession of less than five grams of Kambo (Sapo) extracted from Phyllomedusa bicolor tree frogs or Bufotenine extracted from Incilius Alvarius toads shall not be deemed "criminal offender record information," "evaluative information," or "intelligence information" as those terms are defined in Section 167 of Chapter 6 of the General Laws. The civil offense shall be recorded in the Criminal Offender Record Information system.

The Board of Registration of Allied Mental Health and Human Services Professions shall permanently revoke eligibility to become a certified facilitator to any person found to be in violation of this section.

Notwithstanding any general or special law to the contrary, the possession of peyote shall be a civil offense, subjecting the offender to a fine of not less than \$100. Information concerning the civil offense of possession of peyote shall not be deemed "criminal offender record information," "evaluative information," or "intelligence information" as those terms are defined in Section 167 of Chapter 6 of the General Laws. The civil offense shall not be recorded in the Criminal Offender Record Information system.

#### **SECTION 5: Encouraging University Research and Innovation to Prevent Overdoses**

Subsection (a) of Section 8 of Chapter 94C of the General Laws is hereby amended by striking the words “in Schedule II”

Subsection (a) of Section 8 of Chapter 94C of the General Laws is hereby amended by striking the words “any applicable federal law” and inserting in place thereof the following:- “Federal Policy for the Protection of Human Subjects as promulgated by the U.S. Department of Health and Human Services”

Subsection (g) of Section 8 of Chapter 94C of the General Laws is hereby amended by striking the words “in the course of conducting an authorized clinical investigation pursuant to a narcotic addict rehabilitation program” and inserting in place thereof the following:- “and related production and analysis of narcotic drugs in the course of conducting a research project or study approved by the commissioner”

Subsection (g) of Section 8 of Chapter 94C of the General Laws is hereby amended by striking the words “provided, that federal approval, if such approval is required by federal law”

Subsection (f) of Section 8 of Chapter 94C of the General Laws is hereby amended by inserting after the words “conformity with the provisions of this section” the following:- “produce, analyze, and”

Section 1 of Chapter 94C of the General Laws is hereby amended by striking the words “testing equipment used, primarily intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;”

Section 1 of Chapter 94C of the General Laws is hereby amended by inserting after the words “manufacture of a controlled substance” the following:- “beyond production and analysis of narcotic drugs in the course of conducting a research project or study approved by the commissioner”

## **Section 6: Creating Measures for Restorative Justice**

Section 100A of chapter 276 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the words “comply with the request”, in lines 5 and 6, the following words:- , within 90 days of receiving such request,

Said section 100A of said chapter 276, as so appearing, is hereby amended by inserting after the third sentence the following sentence:-

Notwithstanding this section or any other general or special law to the contrary, the commissioner shall seal records of criminal court appearances and dispositions in the commonwealth on file with the commissioner that are eligible for sealing under this section within 90 days of the time that they become eligible for sealing after the applicable waiting period if the records are not already sealed.

Section 100B of said chapter 276, as so appearing, is hereby amended by inserting after the words “comply with such request”, in lines 5 and 6, the following words:- , within 90 days of receiving such request,

Said section 100B of said chapter 276, as so appearing, is hereby amended by inserting after the second sentence the following sentence:-

Notwithstanding this section or any general or special law to the contrary, the commissioner shall seal delinquency court appearances and dispositions in the commonwealth on file with the commissioner that are eligible for sealing under this section within 90 days of the time that they become eligible for sealing after the applicable waiting period if the records are not already sealed.

There shall be an interagency task force to study the effects of this legislation as well as the experience of Massachusetts cities that have made arrests for controlled substance possession and cultivation and distribution of psilocybin, psilocyn, mescaline, and dimethyltryptamine. The task force shall consist of 19 members: 1 member shall be appointed by the senate president, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the house of representatives; 1 member of the Board of Allied Mental Health and Human Services Professions or its agreed upon designee; 2 members with professional credentials in social work addressing health disparities for low-income individuals; 2 members who have worked in addiction recovery in Massachusetts for a minimum of 5 years; 2 individuals formerly incarcerated for distribution of controlled substances; 4 members with professional, advocacy, or academic experience promoting racial equity and economic justice, at least 2 of whom shall be a representative of a federally-recognized Native American tribe in Massachusetts; 2 members with professional scientific expertise in the physiological and psychological effects of tryptamines, phenethylamines, benzyloquinolines, and lysergamides; the secretary of the executive office of health and human services or their designee; the secretary of the department of veterans’ services or their designee; the secretary of the executive office of public safety and security or their designee. The task force shall (i) identify the cost savings of the policy change and recommend budget items in the amount of the cost savings that directly assist people formerly incarcerated for controlled substance charges; (ii) gather public testimony and

feedback on the policy changes; (iii) develop recommendations for future legislation prioritizing changes that maximize equitable and sustainable access to entheogenic plants and fungi with particular focus on sustaining the wild peyote population; (iv) develop recommendations for improving the safety and public education surrounding substance use, emphasizing cost-benefit analysis and harm reduction; (v) The task force shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on public health, the senate and house chairs of the joint committee on the judiciary, the senate and house chairs of the joint committee on public safety and homeland security not later than June 2024.

There shall be a law enforcement task force to study the effects of this legislation. The task force shall consist of 19 members: 1 current or former member of law enforcement shall be appointed by the senate president, who shall serve as co-chair; 1 current or former member of law enforcement who shall be appointed by the minority leader of the senate; 1 current or former member of law enforcement who shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 current or former member of law enforcement shall be appointed by the minority leader of the house of representatives; 1 designated representative of the Massachusetts Police Association; 1 designated representative of the Massachusetts Coalition of Police; 1 designated representative of the Massachusetts Municipal Police Coalition; 1 designated representative of the Massachusetts Fraternal Order of Police; 1 designated representative of the American Federation of State, County and Municipal Employees, AFL–CIO; 1 designated representative of the Massachusetts Sheriff’s Association; 1 designated representative of the Suffolk County Sheriff’s Department; 1 designated representative of the Middlesex County Sheriff’s Department; 1 designated representative of the Worcester County Sheriff’s Department; 1 designated representative of the Essex County Sheriff’s Department; 1 designated representative of the Norfolk County Sheriff’s Department; 1 designated representative of the Plymouth County Sheriff’s Department; 1 designated representative of the Bristol County Sheriff’s Department; 1 designated representative of the Hampden County Sheriff’s Department; the secretary of the executive office of public safety and security or their designee. The task force shall (i) identify and develop commendations for detectives and other members of law enforcement who have served honorably in the line of duty to reduce the trafficking of dangerous narcotics including fentanyl; (ii) develop recommendations to optimize resources dedicated to the interdiction of illegal methamphetamine, heroin, fentanyl, and carfentanyl production across the Commonwealth; (iii) develop recommendations for empowering officers suffering from undiagnosed mental health challenges to safely and appropriately use entheogenic plant therapies with facilitators and otherwise improve the mental healthcare system for first responders across the Commonwealth; (iv) develop recommendations for integrating these treatments into protection programming to reduce recidivism and violent crime. The task force shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on public health, the senate and house chairs of the joint committee on the judiciary, the senate and house chairs of the joint committee on public safety and homeland security not later than June 2024.