

AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF NATURAL PSYCHEDELIC SUBSTANCES

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

THE NATURAL PSYCHEDELIC SUBSTANCES ACT

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

SECTION 2. This act may be known as “The Natural Psychedelic Substances Act.”

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

Section 79. Natural Psychedelic Substances Commission

(a) There shall be a Massachusetts natural psychedelic substances commission which shall consist of 5 commissioners: 1 of whom shall be appointed by the governor and shall have a background in psychedelic research and science; 1 of whom shall be appointed by the attorney general and shall have a background in public safety; 1 of whom shall be appointed by the treasurer and receiver general and shall have experience in corporate management, finance or securities; and 2 of whom shall be appointed by a majority vote of the governor, attorney general and treasurer and receiver general, 1 of whom shall have professional experience in oversight or industry management, including the provision of services, in a regulated industry and 1 of whom shall have a background related to Indigenous or traditional uses of natural psychedelic substances. The treasurer and receiver general shall designate the chair of the commission. The chair shall serve in that capacity throughout the term of appointment and until a successor shall be appointed. Prior to appointment to the

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commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate, including the candidate's reputation for good character and honesty. No person who has been convicted of a felony shall be eligible to serve on the commission.

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

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

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

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

(f) Three commissioners shall constitute a quorum and the affirmative vote of 3 commissioners shall be required for an action of the commission. The chair or 3 members of the commission may call a meeting; provided, however, that notice of all meetings

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shall be given to each commissioner and to other persons who request such notice. The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

(g) Commissioners shall receive salaries not greater than .75 of the salary of the secretary of administration and finance under section 4 of chapter 7; provided, however, that the chair shall receive a salary equal to the salary of the secretary of administration and finance. Commissioners shall devote their full time and attention to the duties of their office.

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

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

(j) The commissioners shall, if so directed by the chair, participate in the hearing and decision of any matter before the commission; provided, however, that at least 2 commissioners shall participate in the hearing and decision of matters other than those of formal or administrative character coming before the commission; and provided further, that any such matter may be heard, examined and investigated by an employee of the commission designated and assigned by the chair, with the concurrence of 1 other commissioner. Such employee shall make a report in writing relative to the hearing, examination and investigation of every such matter to the commission for its decision. For the purposes of hearing, examining and investigating any such matter, such employee shall have all of the powers conferred upon a commissioner by this section. For each hearing, the concurrence of a majority of the commissioners participating in the decision shall be necessary.

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

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

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

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(n) The commission shall, for the purposes of compliance with state finance law, operate as a state agency as defined in section 1 of chapter 29 and shall be subject to the laws applicable to agencies under the control of the governor; provided, however, that the instructions or actions necessary for the department to manage fiscal operations in the state accounting system and meet statewide and other governmental accounting and audit standards. The commission shall properly classify its operating and capital expenditures, and shall not include any salaries of employees in the commission's capital expenditures. Unless otherwise exempted by law or the applicable central service agency, the commission shall participate in any other available commonwealth central services including, but not limited to, the state payroll system pursuant to section 31 of said chapter 29, and may purchase other goods and services provided by state agencies in accordance with comptroller provisions. The comptroller may chargeback the commission for the transition and ongoing costs for participation in the state accounting and payroll systems and may retain and expend such costs without further appropriation for the purposes of this section. The commission shall be subject to section 5D and subsection (f) of section 6B of said chapter 29.

Section 80. Natural Psychedelic Substances Advisory Board

(a) There shall be a natural psychedelic substances advisory board to study and make recommendations to the Massachusetts natural psychedelic substances commission on the regulation and taxation of natural psychedelic substances. The board shall consist of: the executive director of the Massachusetts natural psychedelic substances commission who shall serve as chair; the secretary of health and human services or a designee; the commissioner of revenue or a designee; the commissioner of public health or a designee; the colonel of the state police or a designee; 5 persons appointed by the governor, 1 of whom shall be a person with expertise in mental or behavioral health, 1 of whom shall be a person with expertise in natural psychedelic substance therapy, 1 of whom shall be a person with expertise on issues confronting veterans, 1 of whom shall be a person with expertise in developing and implementing evaluation methodologies to assess the outcomes of a program, including its achievements, safety, quality, and impact on individuals, and 1 person with expertise in Indigenous uses of natural psychedelic substances; 5 persons appointed by the attorney general, 1 of whom shall be a person with expertise in health care insurance or barriers in access to healthcare, 1 of whom shall be a person with expertise in emergency medical services or first responders, 1 of whom shall be a person with expertise in mycology and natural psychedelic substance cultivation, 1 of whom shall be a person with expertise with

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experience in training psychedelic-assisted facilitators, and 1 person with expertise in Indigenous uses of natural psychedelic substances; and 5 persons appointed by the treasurer and receiver-general, 1 of whom shall be a person with expertise in harm reduction, 1 of whom shall be a person with expertise in municipal psychedelic policy, 1 of whom shall be a person with expertise in natural psychedelic substance research, 1 of whom shall be a person who is a peer recovery coach or a certified peer specialist with experience in peer support training and certification in Massachusetts, and 1 person with expertise in Indigenous uses of natural psychedelic substances. Members of the board shall serve for terms of 2 years or until a successor is appointed and shall be eligible for reappointment. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees under chapter 268A by virtue of their service on the board. To take action at a meeting, a majority of the members of the board present and voting shall constitute a quorum.

(b) The advisory board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (v) a subcommittee on natural psychedelic research;
- (vi) a subcommittee on implementation and outcomes to develop recommendations on the requirements, methods, and reporting of information to measure the act’s success, safety, quality, and impact on individuals’ well-being;
- (vii) a subcommittee on program participation and equity to develop recommendations on supporting women, minority and veteran-owned businesses, individuals with experience in the traditional use of natural psychedelic substances, and cooperative ownership models; and
- (viii) a subcommittee on the Indigenous and traditional uses of natural psychedelic substances.

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

**CHAPTER 64O.
NATURAL PSYCHEDELIC SUBSTANCES TAX.**

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

- (a) “Commissioner”, the commissioner of revenue.
- (b) “Natural psychedelic substances” as defined in chapter 94J of the General Laws.

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

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Section 3. Local tax option.

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

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

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

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

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

CHAPTER 94J.

**REGULATED ACCESS TO NATURAL PSYCHEDELIC SUBSTANCES NOT
MEDICALLY PRESCRIBED**

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

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

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

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

(d) “Cultivate” means the growing and cultivating of natural psychedelic substances.

(e) “Facilitator” means a person licensed by the commission who:

(1) is 21 years of age or older;

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

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

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

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

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

(1) Dimethyltryptamine;

(2) Mescaline;

(3) Ibogaine;

(4) Psilocybin; or

(5) Psilocyn.

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

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

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

(1) A preparation session;

(2) An administration session; and

(3) An integration session.

(j) “Participant” means a person 21 years of age or older who purchases or receives a natural psychedelic substance from a natural psychedelic substance licensee for use in

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conjunction with natural psychedelic services at an approved location and under the supervision of a facilitator.

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

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

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

(n) “Psychedelic therapy center” means an entity licensed by the commission:

(1) That, as permitted pursuant to its license, purchases, acquires, cultivates, processes, transports, tests, or sells one or more natural psychedelic substances or related supplies; or provides natural psychedelic substances for natural psychedelic services at locations permitted by the commission; or engages in one or more of these activities;

(2) Where administration sessions are held; or

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

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

Section 2. Limitations

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

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

(c) Retail sale of natural psychedelic substances. This chapter shall not be construed to permit the sale of natural psychedelic substances to an individual for use at a location not approved by the commission or for the purpose of consumption other than during an administration session.

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

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

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

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

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

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

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

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

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

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

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

Section 3. Local control

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

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

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

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

(e) No agreement between a city or town and a natural psychedelic substance licensee shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a natural psychedelic substance licensee. Any cost to a city or

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town by the operation of a natural psychedelic substance licensee shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

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

Section 4. Licensing of Natural Psychedelic Substances and Services

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

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

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

- (i) a psychedelic therapy center license;
- (ii) a facilitator license;
- (iii) a cultivation, processing, or sales-only license that would allow for the provision and sale of natural psychedelic substances to a participant at the premises of a separately licensed psychedelic therapy center or approved location for use during an administration session at that psychedelic therapy center or approved location; and
- (iv) a testing license for the testing of natural psychedelic substances for concentration and contaminants;

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(B) Establishing license application, issuance, denial, renewal, suspension, and revocation procedures; and

(C) Establishing application, licensing and renewal fees that shall be:

(i) sufficient, but shall not exceed the amount necessary, to cover the cost of administering this chapter; and

(ii) for licensing and renewal fees, scaled based on either the volume of business of the licensee or the gross annual revenue of the licensee.

(2) Establish the requirements governing the safe provision of natural psychedelic services to participants that include:

(A) holding and verifying completion of a preparation session, an administration session, and an integration session;

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

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

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

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

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

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

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

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

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

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

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

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

(A) the scope of practice for facilitators;

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

- (i) be tiered to require varying levels of education and training depending on the participants the facilitator will be working with and the services the facilitator will be providing;
- (ii) include education and training on participant safety; contraindications; mental health; mental state; physical health; physical state; social and cultural considerations; physical environment; preparation; integration; and ethics;

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- (iii) allow for limited waivers of education and training requirements based on an applicant’s prior experience, training, or skill, including, but not limited to, with natural psychedelic substances;
- (iv) not impose unreasonable financial or logistical barriers that make obtaining a facilitator license commercially unreasonable for low-income people; and
- (v) not require a professional license or professional degree other than a facilitator license granted pursuant to this section for the first tier of licensing.

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

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

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

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

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

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

(A) oversight requirements for natural psychedelic substance licensees;

(B) recordkeeping, privacy, and confidentiality requirements for natural psychedelic substance licensees, provided such record keeping does not result

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in the disclosure to the public or any government agency of personally identifiable information of participants;

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

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

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

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

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

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

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

(5) Establish procedures, policies, and programs to ensure that natural psychedelic substances licensing and the provision of natural psychedelic services is equitable and inclusive and to promote the licensing of and the provision of natural psychedelic services to persons from low-income

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communities; to persons who face barriers to access to health care; to persons who have a history of traditional or Indigenous use of natural psychedelic substances; and to persons who are veterans that include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Personal use of natural psychedelic substances

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

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

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

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

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

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

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

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

(1) One (1) gram of dimethyltryptamine;

(2) Eighteen (18) grams of mescaline;

(3) Thirty (30) grams of ibogaine;

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

(5) One (1) gram of psilocyn.

“Personal use 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,

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or suspended, or ingredients or material combined with substances specified in this subsection from plants or fungi as part of a preparation.

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

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

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

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

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

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

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

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Section 6. Natural psychedelic substance paraphernalia authorized

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

Section 7. Lawful operation of natural psychedelic substance licensees

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

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

Section 8. Contracts pertaining to natural psychedelic substances enforceable

It is the public policy of the commonwealth that contracts related to natural psychedelic substances under this chapter shall be enforceable. A contract entered into by a natural psychedelic substance licensee or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a natural psychedelic substance licensee or its agents as permitted pursuant to a valid license issued by the commission or as permitted by commission rule, shall not be unenforceable

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or void exclusively because the actions or conduct permitted pursuant to the license is prohibited by federal law.

Section 9. Provision of professional services

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

Section 10. Insurance

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

Section 11. Penalties

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

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

(c) Restrictions on public consumption of natural psychedelic substances. No person shall consume any natural psychedelic substance in a public place. A

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person who violates this subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not apply to a person who consumes a natural psychedelic substance at a location licensed or approved by the commission to provide natural psychedelic services.

(d) Possession by a person under 21 years of age. A person under 21 years of age who possesses not more than a personal use amount of a natural psychedelic substance shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.

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

Section 12. Natural Psychedelic Substances Regulation Fund

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

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

SECTION 6. Notwithstanding any general or special law to the contrary, in making initial appointments to the natural psychedelic substances commission established in section 79 of chapter 10 of the General Laws, of the members to be appointed by majority agreement of the governor, the attorney general, and the treasurer and receiver general, 1 commissioner shall be

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appointed for a term of 3 years and 1 shall be appointed for a term of 4 years. The commissioner to be appointed by the treasurer and receiver general shall serve for a term of 5 years, the commissioners to be appointed by the attorney general shall serve for a term of 6 years and the commissioner appointed by the governor shall serve for a term of 7 years. Commissioners shall be appointed by March 1, 2025; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation check pursuant to said section 79 of said chapter 10.

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

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

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

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

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

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Pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended, the undersigned qualified voters of the Commonwealth have personally reviewed the final text of this initiative petition, fully subscribe to its contents, agree to be one of its original signers and have signaled their agreement by initialing each page, and hereby submit the measure for approval of the People.

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AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF NATURAL PSYCHEDELIC SUBSTANCES

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

THE NATURAL PSYCHEDELIC SUBSTANCES ACT

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

SECTION 2. This act may be known as “The Natural Psychedelic Substances Act.”

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

Section 79. Natural Psychedelic Substances Commission

(a) There shall be a Massachusetts natural psychedelic substances commission which shall consist of 5 commissioners: 1 of whom shall be appointed by the governor and shall have a background in psychedelic research and science; 1 of whom shall be appointed by the attorney general and shall have a background in public safety; 1 of whom shall be appointed by the treasurer and receiver general and shall have experience in corporate management, finance or securities; and 2 of whom shall be appointed by a majority vote of the governor, attorney general and treasurer and receiver general, 1 of whom shall have professional experience in oversight or industry management, including the provision of services, in a regulated industry and 1 of whom shall have a background related to Indigenous or traditional uses of natural psychedelic substances. The treasurer and receiver general shall designate the chair of the commission. The chair shall serve in that capacity throughout the term of appointment and until a successor shall be appointed. Prior to appointment to the

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commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate, including the candidate's reputation for good character and honesty. No person who has been convicted of a felony shall be eligible to serve on the commission.

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

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

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

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

(f) Three commissioners shall constitute a quorum and the affirmative vote of 3 commissioners shall be required for an action of the commission. The chair or 3 members of the commission may call a meeting; provided, however, that notice of all meetings

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shall be given to each commissioner and to other persons who request such notice. The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

(g) Commissioners shall receive salaries not greater than .75 of the salary of the secretary of administration and finance under section 4 of chapter 7; provided, however, that the chair shall receive a salary equal to the salary of the secretary of administration and finance. Commissioners shall devote their full time and attention to the duties of their office.

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

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

(j) The commissioners shall, if so directed by the chair, participate in the hearing and decision of any matter before the commission; provided, however, that at least 2 commissioners shall participate in the hearing and decision of matters other than those of formal or administrative character coming before the commission; and provided further, that any such matter may be heard, examined and investigated by an employee of the commission designated and assigned by the chair, with the concurrence of 1 other commissioner. Such employee shall make a report in writing relative to the hearing, examination and investigation of every such matter to the commission for its decision. For the purposes of hearing, examining and investigating any such matter, such employee shall have all of the powers conferred upon a commissioner by this section. For each hearing, the concurrence of a majority of the commissioners participating in the decision shall be necessary.

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

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

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

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(n) The commission shall, for the purposes of compliance with state finance law, operate as a state agency as defined in section 1 of chapter 29 and shall be subject to the laws applicable to agencies under the control of the governor; provided, however, that the instructions or actions necessary for the department to manage fiscal operations in the state accounting system and meet statewide and other governmental accounting and audit standards. The commission shall properly classify its operating and capital expenditures, and shall not include any salaries of employees in the commission's capital expenditures. Unless otherwise exempted by law or the applicable central service agency, the commission shall participate in any other available commonwealth central services including, but not limited to, the state payroll system pursuant to section 31 of said chapter 29, and may purchase other goods and services provided by state agencies in accordance with comptroller provisions. The comptroller may chargeback the commission for the transition and ongoing costs for participation in the state accounting and payroll systems and may retain and expend such costs without further appropriation for the purposes of this section. The commission shall be subject to section 5D and subsection (f) of section 6B of said chapter 29.

Section 80. Natural Psychedelic Substances Advisory Board

(a) There shall be a natural psychedelic substances advisory board to study and make recommendations to the Massachusetts natural psychedelic substances commission on the regulation and taxation of natural psychedelic substances. The board shall consist of: the executive director of the Massachusetts natural psychedelic substances commission who shall serve as chair; the secretary of health and human services or a designee; the commissioner of revenue or a designee; the commissioner of public health or a designee; the colonel of the state police or a designee; 5 persons appointed by the governor, 1 of whom shall be a person with expertise in mental or behavioral health, 1 of whom shall be a person with expertise in natural psychedelic substance therapy, 1 of whom shall be a person with expertise on issues confronting veterans, 1 of whom shall be a person with expertise in developing and implementing evaluation methodologies to assess the outcomes of a program, including its achievements, safety, quality, and impact on individuals, and 1 person with expertise in Indigenous uses of natural psychedelic substances; 5 persons appointed by the attorney general, 1 of whom shall be a person with expertise in health care insurance or barriers in access to healthcare, 1 of whom shall be a person with expertise in emergency medical services or first responders, 1 of whom shall be a person with expertise in mycology and natural psychedelic substance cultivation, 1 of whom shall be a person with expertise with

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experience in training psychedelic-assisted facilitators, and 1 person with expertise in Indigenous uses of natural psychedelic substances; and 5 persons appointed by the treasurer and receiver-general, 1 of whom shall be a person with expertise in harm reduction, 1 of whom shall be a person with expertise in municipal psychedelic policy, 1 of whom shall be a person with expertise in natural psychedelic substance research, 1 of whom shall be a person who is a peer recovery coach or a certified peer specialist with experience in peer support training and certification in Massachusetts, and 1 person with expertise in Indigenous uses of natural psychedelic substances. Members of the board shall serve for terms of 2 years or until a successor is appointed and shall be eligible for reappointment. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees under chapter 268A by virtue of their service on the board. To take action at a meeting, a majority of the members of the board present and voting shall constitute a quorum.

(b) The advisory board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (v) a subcommittee on natural psychedelic research;
- (vi) a subcommittee on implementation and outcomes to develop recommendations on the requirements, methods, and reporting of information to measure the act’s success, safety, quality, and impact on individuals’ well-being;
- (vii) a subcommittee on program participation and equity to develop recommendations on supporting women, minority and veteran-owned businesses, individuals with experience in the traditional use of natural psychedelic substances, and cooperative ownership models; and
- (viii) a subcommittee on the Indigenous and traditional uses of natural psychedelic substances.

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

**CHAPTER 64O.
NATURAL PSYCHEDELIC SUBSTANCES TAX.**

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

- (a) “Commissioner”, the commissioner of revenue.
- (b) “Natural psychedelic substances” as defined in chapter 94J of the General Laws.

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

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Section 3. Local tax option.

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

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

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

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

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

CHAPTER 94J.

**REGULATED ACCESS TO NATURAL PSYCHEDELIC SUBSTANCES NOT
MEDICALLY PRESCRIBED**

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

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

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

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

(d) “Cultivate” means the growing and cultivating of natural psychedelic substances.

(e) “Facilitator” means a person licensed by the commission who:

(1) is 21 years of age or older;

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

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

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

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

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

(1) Dimethyltryptamine;

(2) Mescaline;

(3) Ibogaine;

(4) Psilocybin; or

(5) Psilocyn.

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

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

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

(1) A preparation session;

(2) An administration session; and

(3) An integration session.

(j) “Participant” means a person 21 years of age or older who purchases or receives a natural psychedelic substance from a natural psychedelic substance licensee for use in

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conjunction with natural psychedelic services at an approved location and under the supervision of a facilitator.

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

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

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

(n) “Psychedelic therapy center” means an entity licensed by the commission:

(1) That, as permitted pursuant to its license, purchases, acquires, cultivates, processes, transports, tests, or sells one or more natural psychedelic substances or related supplies; or provides natural psychedelic substances for natural psychedelic services at locations permitted by the commission; or engages in one or more of these activities;

(2) Where administration sessions are held; or

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

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

Section 2. Limitations

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

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

(c) Retail sale of natural psychedelic substances. This chapter shall not be construed to permit the sale of natural psychedelic substances to an individual for use at a location not approved by the commission or for the purpose of consumption other than during an administration session.

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

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

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

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

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

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

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

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

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

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

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

Section 3. Local control

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

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

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

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

(e) No agreement between a city or town and a natural psychedelic substance licensee shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a natural psychedelic substance licensee. Any cost to a city or

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town by the operation of a natural psychedelic substance licensee shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

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

Section 4. Licensing of Natural Psychedelic Substances and Services

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

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

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

- (i) a psychedelic therapy center license;
- (ii) a facilitator license;
- (iii) a cultivation, processing, or sales-only license that would allow for the provision and sale of natural psychedelic substances to a participant at the premises of a separately licensed psychedelic therapy center or approved location for use during an administration session at that psychedelic therapy center or approved location; and
- (iv) a testing license for the testing of natural psychedelic substances for concentration and contaminants;

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(B) Establishing license application, issuance, denial, renewal, suspension, and revocation procedures; and

(C) Establishing application, licensing and renewal fees that shall be:

(i) sufficient, but shall not exceed the amount necessary, to cover the cost of administering this chapter; and

(ii) for licensing and renewal fees, scaled based on either the volume of business of the licensee or the gross annual revenue of the licensee.

(2) Establish the requirements governing the safe provision of natural psychedelic services to participants that include:

(A) holding and verifying completion of a preparation session, an administration session, and an integration session;

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

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

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

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

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

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

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

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

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

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

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

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

(A) the scope of practice for facilitators;

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

- (i) be tiered to require varying levels of education and training depending on the participants the facilitator will be working with and the services the facilitator will be providing;
- (ii) include education and training on participant safety; contraindications; mental health; mental state; physical health; physical state; social and cultural considerations; physical environment; preparation; integration; and ethics;

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- (iii) allow for limited waivers of education and training requirements based on an applicant’s prior experience, training, or skill, including, but not limited to, with natural psychedelic substances;
- (iv) not impose unreasonable financial or logistical barriers that make obtaining a facilitator license commercially unreasonable for low-income people; and
- (v) not require a professional license or professional degree other than a facilitator license granted pursuant to this section for the first tier of licensing.

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

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

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

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

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

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

(A) oversight requirements for natural psychedelic substance licensees;

(B) recordkeeping, privacy, and confidentiality requirements for natural psychedelic substance licensees, provided such record keeping does not result

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in the disclosure to the public or any government agency of personally identifiable information of participants;

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

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

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

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

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

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

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

(5) Establish procedures, policies, and programs to ensure that natural psychedelic substances licensing and the provision of natural psychedelic services is equitable and inclusive and to promote the licensing of and the provision of natural psychedelic services to persons from low-income

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communities; to persons who face barriers to access to health care; to persons who have a history of traditional or Indigenous use of natural psychedelic substances; and to persons who are veterans that include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Personal use of natural psychedelic substances

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

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

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

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

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

(1) One (1) gram of dimethyltryptamine;

(2) Eighteen (18) grams of mescaline;

(3) Thirty (30) grams of ibogaine;

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

(5) One (1) gram of psilocyn.

“Personal use 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 ingredients or material combined with substances specified in this subsection from plants or fungi as part of a preparation.

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

(d) Absent clear, convincing and articulable evidence that the person’s actions related to any natural psychedelic substance have created an unreasonable danger to the safety of a minor child, neither the presence of natural psychedelic substance components or metabolites in a person’s bodily fluids nor conduct permitted under

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this chapter related to natural psychedelic substances by a person charged with the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation, or any other parental right or responsibility.

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

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

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

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

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

Section 6. Natural psychedelic substance paraphernalia authorized

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

Section 7. Lawful operation of natural psychedelic substance licensees

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, actions and conduct permitted pursuant to a natural psychedelic substance license issued by the commission or otherwise

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permitted by commission rule, or by those who allow property to be used pursuant to a natural psychedelic substance license issued by the commission or as otherwise permitted by commission rule, are not unlawful and shall not be an offense under state law, or the laws of any locality within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any locality within the state.

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

Section 8. Contracts pertaining to natural psychedelic substances enforceable

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

Section 9. Provision of professional services

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

Section 10. Insurance

Unless required by federal law, mental health, substance use disorder, or behavioral health services otherwise covered under MassHealth shall not be denied on the basis that they are covered in conjunction with natural psychedelic services or that natural

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psychedelic substances are prohibited by federal law. No insurance or insurance provider is required to cover the cost of a natural psychedelic substance itself.

Section 11. Penalties

(a) Restrictions on possession in excess of the personal use amount. A person who is at least 21 years of age and who possesses an amount of a natural psychedelic substance that is more than the personal use amount but not more than double the personal use amount shall be subject to a civil penalty of not more than \$100 and forfeiture of the natural psychedelic substance, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

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

(d) Possession by a person under 21 years of age. A person under 21 years of age who possesses not more than a personal use amount of a natural psychedelic substance shall be punished by a civil penalty of not more than \$100 and shall complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person’s offense.

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

Section 12. Natural Psychedelic Substances Regulation Fund

(a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Natural Psychedelic Substances Regulation Fund. It shall, subject to appropriation, consist of all monies received on account of the

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commonwealth as a result of applications for and licensing under this chapter, all civil penalties received for violations of this chapter, revenue generated by the state tax imposed by section 2 of chapter 64O of the General Laws and interest earned or other income on balances in the fund.

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

SECTION 6. Notwithstanding any general or special law to the contrary, in making initial appointments to the natural psychedelic substances commission established in section 79 of chapter 10 of the General Laws, of the members to be appointed by majority agreement of the governor, the attorney general, and the treasurer and receiver general, 1 commissioner shall be appointed for a term of 3 years and 1 shall be appointed for a term of 4 years. The commissioner to be appointed by the treasurer and receiver general shall serve for a term of 5 years, the commissioners to be appointed by the attorney general shall serve for a term of 6 years and the commissioner appointed by the governor shall serve for a term of 7 years. Commissioners shall be appointed by March 1, 2025; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation check pursuant to said section 79 of said chapter 10.

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

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

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

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

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

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Pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended, the undersigned qualified voters of the Commonwealth have personally reviewed the final text of this initiative petition, fully subscribe to its contents, agree to be one of its original signers and have signaled their agreement by initialing each page, and hereby submit the measure for approval of the People.

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