HOUSE BILL 393

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO HEALTH; CREATING AN ADVISORY GROUP TO STUDY THE
FEASIBILITY OF ESTABLISHING A PROGRAM THAT WOULD USE
PSILOCYBIN-DERIVED PRODUCTS TO TREAT PATIENTS WITH CERTAIN
MENTAL HEALTH CONDITIONS IN A CLINICAL SETTING; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. TEMPORARY PROVISION--PSILOCYBIN ADVISORY GROUP
CREATED.--

A. The "psilocybin advisory group" is created and
is administratively attached to the department of health.

B. The advisory group consists of eight voting
members who shall be appointed by the governor as follows:

(1) a member of an Indian nation, tribe or
pueblo located wholly or partially in New Mexico with

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experience in the sustainable cultivation of medicinal plants and their uses;

(2) an independently licensed mental health care provider who works in underserved communities and is familiar with the therapeutic use of psychedelic substances in a clinical setting;

(3) a licensed physician who specializes in treating patients with mental health or substance use disorders and is familiar with the therapeutic use of psilocybin-derived products in a clinical setting;

(4) a licensed social worker who works with patients with mental health or substance use disorders;

(5) a person who is a provider of palliative care and is knowledgeable about end-of-life policy and is familiar with the therapeutic use of psilocybin-derived products or psychedelic substances in a clinical setting;

(6) a person with experience conducting research regarding the therapeutic use of psilocybin-derived products in a clinical setting;

(7) a person with mycology experience, including cultivation; and

(8) a person who is knowledgeable about insurance coverage for health care providers and has experience with accounting or grant writing.

C. The members of the psilocybin advisory group
shall elect a chair and a vice chair and develop a work plan.

D. Members of the psilocybin advisory group shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

E. The psilocybin advisory group shall:

(1) study and report on the feasibility of establishing a program that would use psilocybin-derived products to treat patients with certain mental health or substance use disorders in a clinical setting, including the implementing of a regulatory framework and the:

   (a) cultivation of psilocybin-containing mushrooms;

   (b) manufacture of psilocybin-derived products for therapeutic use;

   (c) dispensing of psilocybin-derived products for therapeutic use; and

   (d) establishment of treatment guidelines for the use of psilocybin-derived products to treat certain mental health issues, including patient selection and provider training and certification;

(2) analyze research findings related to the use of psilocybin to treat patients with certain mental health or substance use disorders in a clinical setting; and

(3) monitor policy developments related to the
establishment of similar programs in other states, including legal and regulatory issues.

F. No later than November 1, 2023 and November 1, 2024, the psilocybin advisory group shall provide interim reports to the legislative health and human services committee and the legislative finance committee.

G. The psilocybin advisory group shall issue its final report to the governor, the legislative health and human services committee, the legislative finance committee and the legislature by December 1, 2025, including its findings and recommendations for legislative action or policy changes.

SECTION 2. APPROPRIATION.--One hundred fifty thousand dollars ($150,000) is appropriated from the general fund to the department of health for expenditure in fiscal years 2024 and 2025 to study the feasibility of establishing a program to use psilocybin-derived products to treat individuals with certain mental health conditions in a clinical setting. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall revert to the general fund.