

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

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

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

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

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

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

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

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

25 C. The members of the psilocybin advisory group

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1 shall elect a chair and a vice chair and develop a work plan.

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

6 E. The psilocybin advisory group shall:

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

12 (a) cultivation of psilocybin-containing  
13 mushrooms;

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

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

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

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

25 (3) monitor policy developments related to the

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1 establishment of similar programs in other states, including  
2 legal and regulatory issues.

3 F. No later than November 1, 2023 and November 1,  
4 2024, the psilocybin advisory group shall provide interim  
5 reports to the legislative health and human services committee  
6 and the legislative finance committee.

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

12 SECTION 2. APPROPRIATION.--One hundred fifty thousand  
13 dollars (\$150,000) is appropriated from the general fund to the  
14 department of health for expenditure in fiscal years 2024 and  
15 2025 to study the feasibility of establishing a program to use  
16 psilocybin-derived products to treat individuals with certain  
17 mental health conditions in a clinical setting. Any unexpended  
18 or unencumbered balance remaining at the end of fiscal year  
19 2025 shall revert to the general fund.