

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 3600 of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 A. Universities, institutions of higher education located in
6 Oklahoma, and research facilities that have entered into a
7 memorandum of agreement with a university or institution of higher
8 education located in Oklahoma are hereby authorized to conduct
9 scientific research and medical trials on psilocybin and psilocin
10 for the treatment of persons eighteen (18) years of age or older who
11 suffer from the following:

- 12 1. Post-traumatic stress disorder;
- 13 2. Treatment-resistant/refractory depression;
- 14 3. Treatment-resistant/refractory anxiety;
- 15 4. Treatment-resistant/refractory obsessive compulsive
16 disorder;
- 17 5. Traumatic brain injury;
- 18 6. Early stage dementia;
- 19 7. Palliative care;
- 20 8. End-of-life care;
- 21 9. Opioid use disorder; or
- 22 10. Moderate to severe chronic pain.

23 B. Each university and institution of higher education located
24 in Oklahoma shall be permitted to enter into no more than one

1 memorandum of agreement with a research facility for the purposes of
2 conducting research pursuant to this act.

3 C. In conducting such research as described in subsection A of
4 this section, the studies shall:

5 1. Perform clinical trials on the therapeutic efficacy of using
6 psilocybin or psilocin in the treatment of the aforementioned
7 medical conditions;

8 2. Review the current literature regarding:

9 a. the safety and efficacy of using psilocybin or
10 psilocin in the treatment of the aforementioned
11 medical conditions, and

12 b. the access persons have to psilocybin and psilocin for
13 the treatment of the aforementioned medical
14 conditions; and

15 3. Examine the science of cultivation, synthesis, extraction,
16 and processing of psilocybin and psilocin as well as the fungi,
17 yeasts, and other naturally occurring source organisms of these
18 molecules.

19 D. 1. Eligible entities as described in subsection A of this
20 section shall apply to the State Department of Health for a license
21 prior to and for the purposes of growing, studying, processing,
22 and/or dispensing psilocybin containing fungi or other naturally
23 occurring source organisms, or studying, extracting, synthesizing,
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1 and/or dispensing psilocybin or psilocin. The application shall
2 include:

- 3 a. the name and address of the research facility,
- 4 b. a one- to three-page research prospectus, and
- 5 c. certification from the university's or institution of
6 high education's institutional review board if human
7 trials are part of the research.

8 2. By submitting the application, the applicant acknowledges
9 and agrees that:

- 10 a. the information contained in the application may be
11 provided to law enforcement agencies,
- 12 b. the applicant and any entities contracting with the
13 applicant shall allow and fully cooperate with any
14 inspections and sampling the Department deems
15 necessary, and
- 16 c. the applicant shall, should its application be
17 approved, submit all required reports by the
18 applicable deadlines specified by the Department.

19 3. The Department shall collect a one-time nonrefundable fee of
20 Five Hundred Dollars (\$500.00) from the applicant at the time of
21 application, and the applicant shall, upon approval, register with
22 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
23 with a fee of Five Hundred Dollars (\$500.00), to be paid annually so
24 long as the research remains active. Denied applications for a

1 license may be resubmitted. The Department may waive the fee for
2 resubmitting applications. The Department may only reject an
3 application based upon failure to meet the criteria stated herein or
4 improper completion of the application.

5 4. A license issued pursuant to this act is valid for one (1)
6 year, effective from the approval date of this act, and may be
7 renewed if the licensee remains in good standing. The Department
8 may set a separate fee schedule for renewals of existing licenses.

9 5. Within fourteen (14) business days of receiving their State
10 Department of Health license and receipt of confirmation of Oklahoma
11 State Bureau of Narcotics and Dangerous Drugs Control registration,
12 cultivators of psilocybin- or psilocin-containing fungi or plants
13 shall also register with the Oklahoma Department of Agriculture,
14 Food, and Forestry (ODAFF). ODAFF registrations shall include:

- 15 a. the name and address of the cultivation facility,
- 16 b. a copy of the research prospectus submitted to the
17 State Department of Health, and
- 18 c. copies of the State Department of Health license and
19 Bureau registration;

20 6. The ODAFF shall collect a one-time nonrefundable fee of One
21 Hundred Dollars (\$100.00) from the cultivator licensee at the time
22 of registration.

23 7. Should the licensee change facility locations for the
24 cultivation, testing, synthesis, storage or dispensing of psilocybin

1 or psilocin, it shall report such changes within fourteen (14)
2 business days to the Department and to the Oklahoma State Bureau of
3 Narcotics and Dangerous Drugs Control.

4 8. The Department shall promulgate rules and regulations
5 necessary to implement the program authorized herein within ninety
6 (90) days of the effective date of this act.

7 9. Researchers and medical practitioners operating under a
8 valid license issued in accordance with this act shall not be
9 subject to arrest, prosecution, or any civil or administrative
10 penalty, for the possession, cultivation, synthesis, extraction, or
11 distribution of psilocybin and psilocin insofar as their conduct is
12 in compliance with the provisions of this act.

13 10. The State Department of Health may deny, revoke, or suspend
14 a license if the licensee violates any provisions of this act,
15 engages in fraud or deception with respect to any reporting
16 requirements stipulated by the State Department of Health or the
17 Bureau, refuses or fails to cooperate with an inspection, is no
18 longer operating within or under a memorandum of agreement with an
19 Oklahoma university or research facility, or refuses or fails to
20 provide any information required or requested by the State
21 Department of Health or the Bureau for purposes related to this act,
22 or refuses or fails to pay fees required under this act.

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1 E. 1. A written certification shall be issued to persons
2 qualifying for participation in a clinical trial described herein.

3 Such written certification shall contain the following:

- 4 a. the name, address, and telephone number of the issuing
5 physician,
- 6 b. the name and address of the patient issued the
7 certification,
- 8 c. the date on which the written certification was made,
- 9 d. the signature of the physician,
- 10 e. the quantity of psilocybin or psilocin to be
11 dispensed, and
- 12 f. the form of psilocybin or psilocin to be dispensed.

13 2. Such written certification issued pursuant to this act shall
14 expire no later than one (1) year after its issuance unless such
15 written certification specifies an earlier date of expiration.

16 F. Persons with a valid written certification for participation
17 in a clinical trial as authorized by this act shall not be subject
18 to arrest, prosecution, or any civil or administrative penalty, for
19 the possession of psilocybin and psilocin insofar as their
20 possession is in compliance with the provisions of this act. A
21 person without a valid license as described in subsection D of this
22 section, without a written certification for participation in a
23 clinical trial as described in subsection E of this section, or
24 otherwise not in compliance with the provisions of this act who is

1 in possession of less than one and one-half (1.5) ounces of
2 psilocybin- or psilocin-containing fungi or plants shall be subject
3 to no more than a civil penalty of Four Hundred Dollars (\$400.00);
4 however possession in amounts more than one and one-half (1.5)
5 ounces of psilocybin- or psilocin-containing fungi or plants or
6 their unlawful distribution shall remain subject to the penalties as
7 stated under the Uniform Controlled Dangerous Substances Act.

8 G. In any prosecution involving psilocybin or psilocin as
9 those terms are defined in subsection C of Section 2-204 of Title 63
10 of the Oklahoma Statutes, it shall be an affirmative defense that
11 the person is in possession of psilocybin or psilocin pursuant to
12 this act. Researchers so charged shall file a copy of their State
13 Department of Health and Bureau licenses pursuant to this act with
14 the court of jurisdiction at least ten (10) days prior to trial.
15 Such licenses shall be presumptive evidence that the psilocybin or
16 psilocin was possessed pursuant to this act. Persons participating
17 in a clinical trial who are so charged shall file a copy of their
18 written certification pursuant to this act with the court of
19 jurisdiction at least ten (10) days prior to trial. Such written
20 certification shall be presumptive evidence that psilocybin or
21 psilocin was possessed pursuant to this act.

22 H. Study researchers shall submit a written report containing
23 the results of the studies conducted under this act and any
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1 recommendations for legislative or other actions not later than
2 December 1, 2025.

3 I. Investigating entities shall ensure any protected health
4 information collected during the clinical trials done in accordance
5 with this act does not personally identify any individual.

6 J. The State Department of Health, the Oklahoma State Bureau
7 of Narcotics and Dangerous Drugs Control, the Oklahoma Department of
8 Agriculture, Food, and Forestry, and any other state agency with
9 access to the research programs authorized by this act shall not
10 release or allow to be released through inaction any protected
11 health information. The protected health information of clinical
12 trial participants shall be exempt from the Oklahoma Open Records
13 Act.

14 SECTION 2. This act shall become effective July 1, 2022.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/16/2022 -
21 DO PASS, As Amended and Coauthored.

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