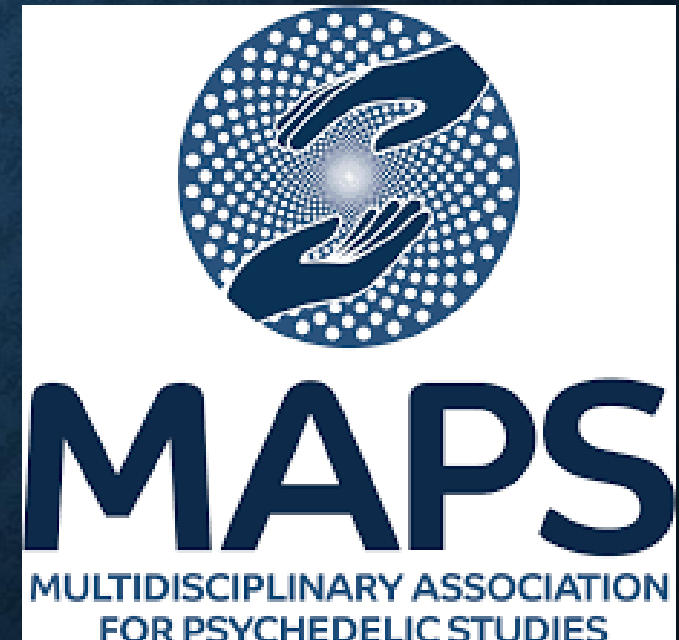
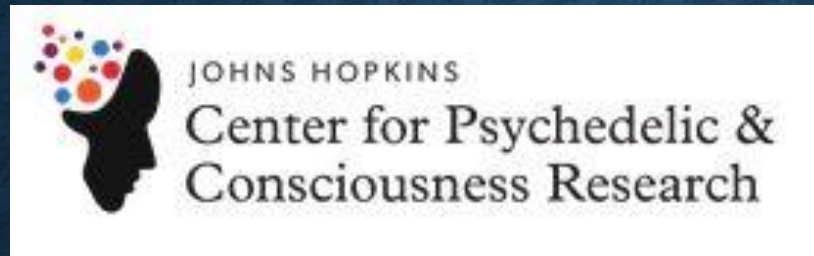
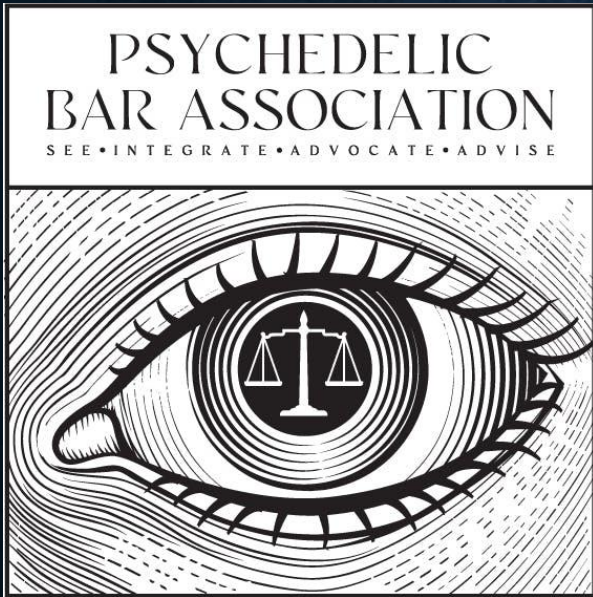


Introductions

Washington's Emerging Legal Psychedelic Ecosystem



PRESENTATION OVERVIEW

- Definitions
- 30,000 Foot Overview of Recent Legal Developments Relating to Psychedelics
- State v. Blake and legislative response
- Washington State Decriminalization Successes
- Psilocybin Services Under Oregon's Measure 109
- Washington State Senate Bill 5660
- The State of Psychedelics today and moving forward
- Thinks a practitioner should keep in mind

**LEGALIZATION, DECRIMINALIZATION,
DEPRIORITIZATION, RELIGIOUS USE**

DEFINITIONS

- **Psychedelic**
 - A class of hallucinogenic drugs whose primary effect is to trigger non-ordinary states of consciousness
- **Classic Psychedelics**
 - Psilocybin, Mescaline, N,N-Dimethyltryptamine (DMT), Lysergic Acid Diethylamide (LSD)
- **Entheogen**
 - A chemical substance, typically of plant origin, that is ingested to produce a non-ordinary state of consciousness for religious or spiritual purposes

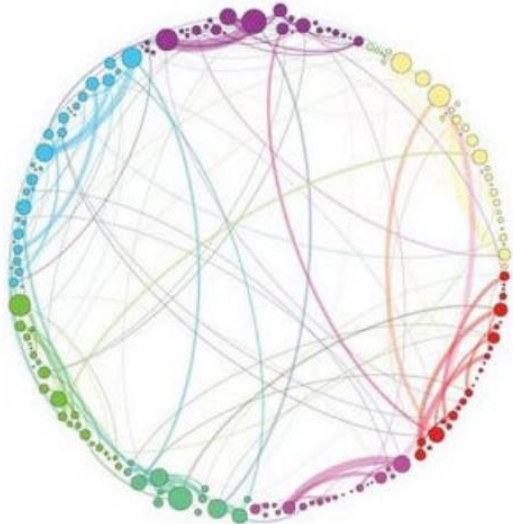
WHAT THESE MOLECULES DO

- Subjective effects
 - Hallucinations- seeing, hearing, touching, or smelling things in a distorted way or perceiving things that do not exist
 - Intensified feelings and sensory experiences (brighter colors, sharper sounds)
 - Synesthesia- mixing of senses not usually connected (“seeing” sounds or “hearing” colors)
 - Changes in sense or perception of time (time goes by slowly)
- Physical effects
 - Increased energy and heart rate
 - Nausea

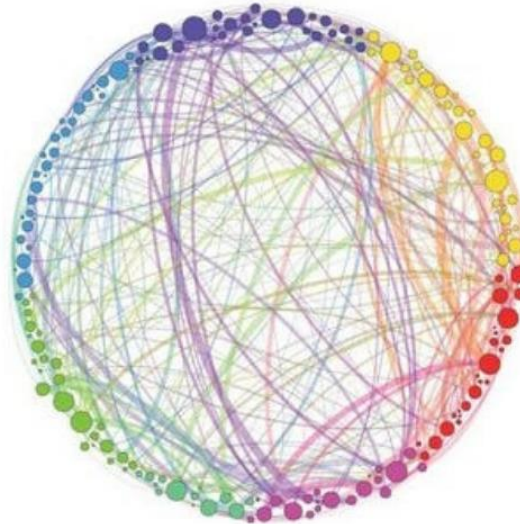
WHAT'S ALL THE FUSS ABOUT?

- New approach to the perceived failure of the War on Drugs
- Neuroplasticity and Neurogenesis

Placebo



Psilocybin



30,000-FOOT OVERVIEW OF RECENT LEGAL DEVELOPMENTS RELATING TO PSYCHEDELICS

STATE V. BLAKE, DECEMBER 2021

- 197 Wash.2d 170 (2021)
- Spokane County possession of methamphetamine case made its way to the Washington State Supreme Court
- Facts- Shannon Blake is arrested and a corrections officer discovers meth in her the coin pocket of her jeans
- Holding: Washington's strict liability drug possession statute found to be unconstitutional

LEGISLATIVE RESPONSE TO BLAKE- JULY 2021

- SB 5476
 - Big Picture
 - Legislature rejects felony model of drug possession in favor of a misdemeanor/treatment model
 - Nitty gritty
 - Law enforcement are to refer individuals found in possession of controlled substances to assessment and treatment services.
 - If law enforcement agency records reflect an individual has been diverted to referral services twice or more previously, officers MAY, but are not required to, make additional diversion efforts

Recent State Efforts

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Politics

Seattle Votes to Decriminalize Psilocybin and Similar Substances

- Councilman Andrew Lewis says city will follow Oregon's lead
- Vote comes as Harvard group calls for rework of drug laws




Photographer: Roger Cremers/Bloomberg


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Forbes


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Washington City Votes To Decriminalize Psychedelics

 **A.J. Herrington** Contributor @
Vices
I cover cannabis and hemp news, business, and culture.

 Listen to article 4 minutes

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f City leaders in Port Townsend, Washington voted this week to decriminalize entheogenic plants and fungi, joining a growing list of communities that have relaxed their policies on psychedelic drugs.

in Under a resolution adopted unanimously by the city council on Monday, laws against natural psychedelic drugs such as psilocybin mushrooms, peyote, and

OREGON'S 109

- What Measure 109 does
 - Creates advisory board
 - Establishes a Regulatory Framework
 - Creates a training & licensure system
 - Places a tax on the sale of Psilocybin products
 - Limits business ownership interest
- What it does not do
 - Allow Recreational Use or Sales
 - Decriminalize all drugs
 - Require Diagnosis to access psilocybin

WASHINGTON'S SB-5660

- Title- Washington Psilocybin Services Wellness and Opportunity Act.
- Brief Summary:
 - Directs the Department of Health to administer a regulatory system for supported adult use of psilocybin, beginning January 1, 2024.
 - Directs DOH to create standards for manufacturing, testing, packaging, and labeling psilocybin products with the assistance of a Psilocybin Advisory Board and other government agencies.
 - Allows a person over the age of 21 to purchase psilocybin products in a psilocybin service center and undergo a preparation session, administration session, and integration session under the supervision of a trained facilitator.

DIFFERENCES BETWEEN 5660 AND 109

- Medical Exemption for those unable to travel to a service center
- Creates a Social Opportunity Program
- Increased access to licenses for those with specific felony convictions

280-E

THE STATE OF PSYCHEDELICS TODAY

- ESSB 5693

38 (99) (a) \$50,000 of the general fund—state appropriation for
39 fiscal year 2022 and \$150,000 of the general fund—state appropriation

p. 313

ESSB 5693.PL

1 for fiscal year 2023 are provided solely for the authority to provide
2 a report on psilocybin services wellness and opportunities in
3 consultation with stakeholders as described in this subsection.

KEY POINTS FROM ESSB 5693

- Creates a diverse stakeholder group to ‘provide a report on psilocybin services wellness and opportunities
- Key Dates
 - No later than June 30, 2022
 - first meeting of the stakeholder group
 - December 1, 2022
 - provide a preliminary brief report to the governor and appropriate committees of the legislature
 - December 1, 2023
 - Issue Final Report

OTHER THINGS TO LOOK OUT FOR

- Necessity Defense
- Religious Freedom Defenses

POSSIBLE NECESSITY DEFENSE?

WPIC 18.02-

- 1) the defendant reasonably believed the commission of the crime was necessary to avoid or minimize a harm;**
- (2) harm sought to be avoided was greater than the harm resulting from a violation of the law;**
- (3) the threatened harm was not brought about by the defendant; and**
- (4) no reasonable legal alternative existed.**

RELIGIOUS FREEDOM DEFENSES



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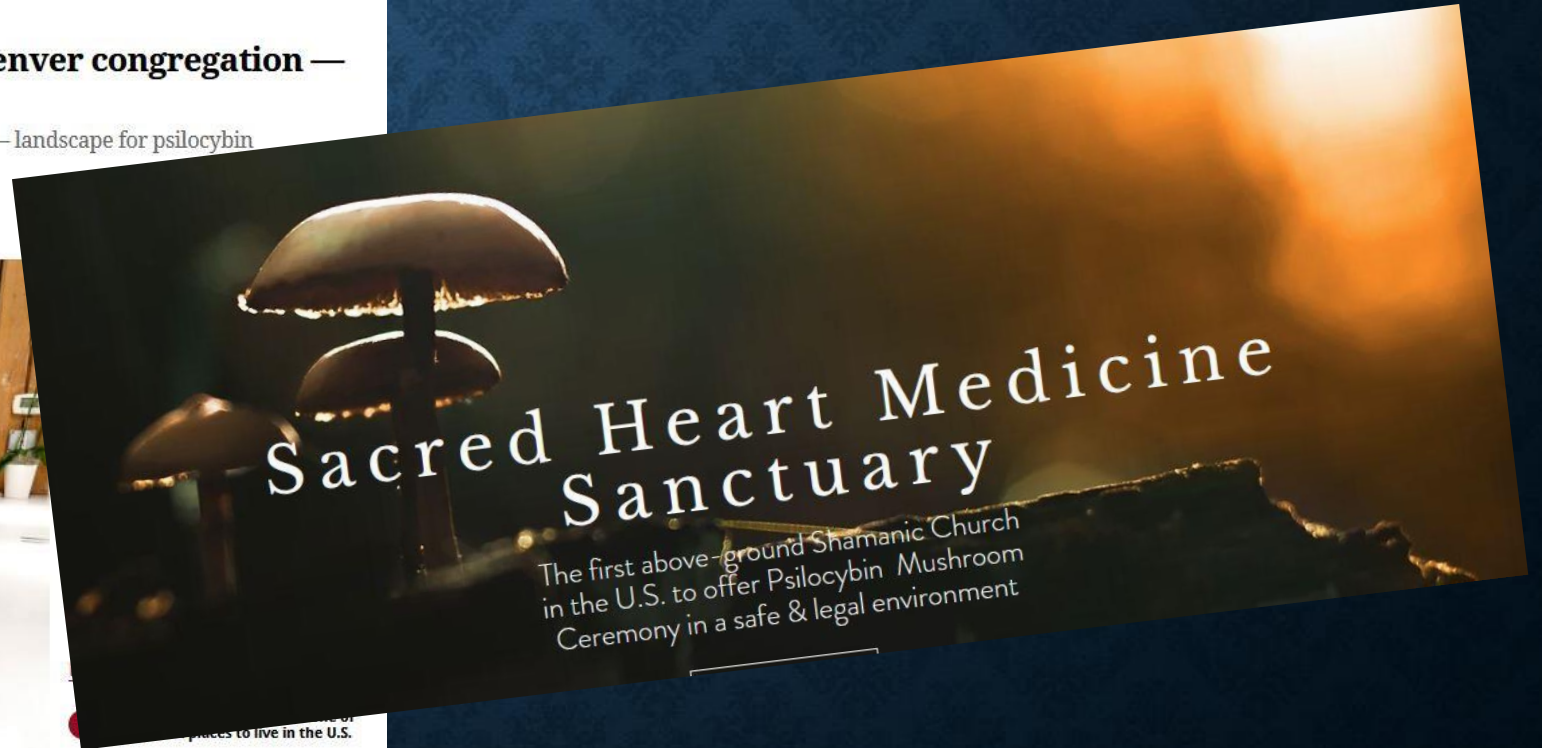


TRENDING: Colorado COVID stats How to help Ukrainian aid March Madness Taco Bracket

THINGS TO DO LIFESTYLE Investigative

Mushroom rabbi grows ceremonial psilocybin for Denver congregation — but is that legal?

Rabbi Ben Gorelick and The Sacred Tribe underscore the changing — and conflicting — landscape for psilocybin



FIRST AMENDMENT AND RFRA

- “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
- 1993 Religious Freedom Restoration Act
 - Reinstated the Sherbert Test requiring strict scrutiny be used when determining whether the free exercise clause of the first amendment has been violated

WASHINGTON STATE CONSTITUTION

- Article 1 Section 11
 - “Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state.”
- See: *New Hampshire v Mack*

WHAT QUALIFIES AS A RELIGION?

- *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 126 S. Ct 1211, 1219 (2006)
- To establish a prime facie case under RFRA a clamant must demonstrate the application of the Controlled Substances Act would:
 - (1) Substantially burden, (2) religious exercise, (3) based on a belief that is sincerely held by the clamant

WHERE ARE WE GOING FROM HERE?

- Legal regulatory framework for Psychedelics seems imminent
- Religious Case to US Supreme Court
- Religious use when in conflict with state law

QUESTIONS? COMMENTS? CONCERNS?

BOOKS AND RESOURCES

- Psychedelica Lex- The Law of Psychedelics (Gary Smith)
- The Psychedelic Bar Association
- Soul Quest v .William Barr 6:20-cv-00701-WWB-DCI
- DMT- The Spirit Molecule by Dr. Rick Strassman
- How to Change Your Mind by Michael Pollan
- The Multidisciplinary Association for Psychedelic Studies
- Instagram: Patty.Decrim



