

HB 2850 -- NATURAL MEDICINES

SPONSOR: Lovasco

This bill provides that natural medicines, defined as dimethyltryptamine, ibogaine, mescaline other than *Lophophora williamsii* (peyote), psilocybin, or psilocyn, if derived from a plant or fungus, may be given to or acquired by caregivers and eligible patients. Eligible patients are defined as persons who have been diagnosed with treatment-resistant posttraumatic stress disorder or depression, terminal illness, or other serious condition that has not responded positively or significantly to treatment and is approved by the Department of Health and Senior Services. A person may petition the Department to add a condition to the list of conditions qualifying a person suffering from such condition as an eligible patient.

The use or administration of natural medicine may only occur at a facility or office that provides health-related service, a facility providing hospice care, a residential care facility, or the residence of the eligible patient or the eligible patient's primary caregiver.

A physician shall not be subject to criminal or civil liability or sanction under law for recommending natural medicine to an eligible patient, and no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license based solely on the physician's recommendation to an eligible patient regarding treatment with natural medicine. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers natural medicine to an eligible patient for medical use in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury.

No health care insurer or the Department of Corrections shall be required to provide coverage for the costs of natural medicine.

This bill removes the unlawful possession of natural medicine as a felony offense and provides that the unlawful possession of more than four grams of natural medicine by weight is a class A misdemeanor and four grams or less is a class D misdemeanor.