

Date of Hearing: August 26, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 519 (Wiener) – As Amended August 16, 2021

Policy Committee:	Public Safety	Vote:	5 - 3
	Health		8 - 4

Urgency: No      State Mandated Local Program: Yes      Reimbursable: Yes

**SUMMARY:**

This bill makes lawful the possession for personal use or facilitated and supported use psilocybin, psilocyn, dimethyltryptamine (DMT), ibogaine, lysergic acid diethylamide (LSD), 3,4-methylenedioxymethamphetamine (MDMA) and mescaline, by and with persons 21 years of age or older. This bill also provides penalties for possession of these substances on school grounds as well as possession by, or sharing with, persons under 21. This bill also requires the California Department of Public Health (DPH) to convene a working group to research and make recommendations to the Legislature on the regulation and use of the substances included in this bill.

**FISCAL EFFECT:**

- 1) Costs (General Fund (GF)) of \$416,000 each year from fiscal year (FY) 2021-22 through FY 2024-2025 to DPH in additional staff for the working group and subsequent report. Additional costs may also be required for third-party contractors to assist the working group at a cost of \$1.1 million in FY 2021-22 and \$1.5 million in FY 2022-2023 and FY 2023-2024. DPH estimates total costs between FY 2021-22 and 2023-24 is approximately \$5.3 million.
- 2) Cost savings (GF) to the California Department of Corrections and Rehabilitation (CDCR), possibly in the millions of dollars, in reduced incarceration costs. It is unknown how people are serving sentences for possession, delivery or sale of specified hallucinogenics. Incarceration cost are approximately \$112,000 per year per inmate. Assuming a sentence of two years for transportation and possession, if five fewer people are sentenced to state prison because of this bill, savings would be \$1 million.

**COMMENTS:**

- 1) **Purpose.** According to the author:

With mental health issues on the rise, it is time that California take an incremental and measured step to dismantle failed war on drugs policies by ending the criminalization of people that possess and use substances with immense healing potential. In light of ongoing clinical trials and research, SB 519 will establish a working group

to provide recommendations for the Legislature on how California can regulate the legal use of these substances.

- 2) **Hallucinogens.** Hallucinogens are a diverse group of drugs that alter a person’s perception or awareness of their surroundings. Some hallucinogens are found in plants and fungi and some are synthetically manufactured. According to the National Institute on Drug Abuse, hallucinogens are commonly split into two categories: classic hallucinogens and dissociative drugs. Both types can cause hallucinations, and dissociative drugs can cause the user to feel disconnected from their body or environment. Common hallucinogens include LSD, DMT, psilocybin, peyote, mescaline and ketamine. In recent years, the U.S. Federal Drug Administration (FDA) has designated psilocybin as a “breakthrough therapy” to treat severe depression. In addition, the FDA recently granted “breakthrough therapy” status to MDMA-assisted psychotherapy to treat post-traumatic stress disorder. According to the FDA, the “breakthrough therapy” designation is:

[A] process designed to expedite the development and review of drugs that are intended to treat a serious condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over available therapy on a clinically significant endpoint.

This bill makes possession and facilitated or supported use of specified hallucinogenics legal and requires the DPH to convene a working group to study a more regulated framework to promote access to hallucinogenics.

- 3) **Argument in Support.** California Association of Social Rehabilitation Agencies:

The stigma behind psychedelic substances often overshadows its legitimate medicinal value and promise. In the 1960s, researchers were conducting promising studies on the effectiveness of psychedelic substances to treat ailments such as depression and PTSD, until the War on Drugs halted this work. Modern research clearly demonstrates that these psychedelic substances can be a tool for healing and have a promising future for mental health treatment. Beyond halting this promising research, the War on Drugs also enacted the policy of criminalizing people for the possession or personal use of controlled substances.

- 4) **Argument in Opposition.** According to the California District Attorneys Association:

Without more evidence that these hallucinogenic drugs are no more dangerous than cannabis, we cannot support legalizing them. This is because, for example, there is evidence that the hallucinogenic effects of LSD can fuel murders and reportedly there have been at least 11 homicides involving LSD. Hallucinations can be dangerous to users and bystanders alike, and

it is not clear that the benefit of legalizing these drugs outweighs the cost to the common welfare.

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