

California's Proposed Psychedelic Decrim Bill Paused in State Assembly



FEBRUARY 21, 2022

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(https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB519) was scheduled for a hearing in the Appropriations Committee of the State Assembly, one of two houses in California's legislature which also includes the State Senate.

Those moving the bill through the legislature say they are waiting for special elections taking place on April 19 and June 7 to fill vacancies in the state legislature before moving the bill forward, giving them time to generate support and educate new assembly members ahead of a floor vote. However, it is possible they'll move to push the bill through more quickly if they believe they have the votes.

SB 519 would decriminalize the possession, use, cultivation and social sharing of a number of specified amounts of controlled substances including: psilocybin, psilocyn, DMT, ibogaine, mescaline (not derived from peyote), LSD, and MDMA. It would also decriminalize associated paraphernalia and remove prohibitions related to the testing and analysis of controlled substances (i.e. drug checking services).

SB 519 does not allow for sales or commercial use of substances decriminalized by the legislation, nor does it create a regulatory framework or allow for what it defines as financial gain. The bill also doesn't allow for possession or use by anybody under the age of 21 or on school property, and sharing substances with anybody under the age of 21 remains criminalized. Additionally, peyote, which is endangered, is excluded from decriminalization to protect traditional Native American spiritual practices, relying instead on existing federal allowances.

The success of SB 519, which many observers did not believe would progress as far as it has, signals a historic shift as state and local municipalities rethink their drug laws, surprising even the bill's fiercest advocates.

"Given that this idea had never before been introduced in the Legislature, our progress is a testament to the power of the issue and the urgency of the need to act. I'm so grateful to my colleagues for working with us and advancing the bill so significantly." Sen. Scott Wiener (D) who authored the bill said in a [statement \(https://sd11.senate.ca.gov/news/20210826-senator-wiener%E2%80%99s-legislation-decriminalize-possession-psychedelics-moves-forward-two\)](https://sd11.senate.ca.gov/news/20210826-senator-wiener%E2%80%99s-legislation-decriminalize-possession-psychedelics-moves-forward-two) released in August 2021

SB 519 [was ultimately held by Wiener \(https://www.lucid.news/what-is-the-future-of-the-california-decrim-bill/\)](https://www.lucid.news/what-is-the-future-of-the-california-decrim-bill/) at the end of the last session to give the coalition behind the legislation more time to build support ahead of an Assembly floor vote. This action effectively turned SB 519 into a two-year bill, allowing it to continue its path through the Assembly from where it left off in September, without needing to restart the legislative process.

"While I'm disappointed we couldn't pass SB 519 this year," added Wiener in his 2021 statement. "I'm heartened that the bill moved as deep into the process as it did and that we have a realistic chance of passing it next year."

The Appropriations Committee, which deals largely with the financial impact of legislation, is the final hurdle before the bill can be voted on by the full Assembly. If the bill is approved in the Assembly, it will be sent to the desk of Governor Gavin Newsom to either be signed into law, or vetoed.

SB 519 in the Assembly Suspense File

Currently, the authors of SB 519 have requested that the bill be held in the Assembly Suspense File ahead of its hearing in the Assembly Appropriations Committee. Bills in the Suspense File are held without a hearing date. A bill can be placed into suspense for a number of reasons.

In the case of SB 519, it allows the bill to avoid a [January 21 deadline](#) (<https://www.assembly.ca.gov/legislativedeadlines>) that would require it to be heard in the Appropriations Committee where a number of (likely Democratic) vacancies have led to uncertainty regarding the bill's chances for passage in the Assembly .

Nara Dahlbacka, a lobbyist with [The Milo Group](#) (<https://milogroupca.com>), a lobbying organization which is helping to move the bill forward, explains that vacancies in the Assembly give supporters of SB 519 more time to advocate.



(<https://bit.ly/Fluence8sidebar>)

“There have been so many changes and vacancies this year that we need to wait and see where things land in the Appropriations Committee and in the full Assembly,” says Dahlbacka. “We are going to spend March educating legislators. As soon as we have the votes in Appropriations we will call for a hearing.”

In a January 2021 [phone interview with Marijuana Moment](#), (<https://www.marijuanamoment.net/california-senator-says-bill-to-legalize-psychedelics-possession-has-50-50-chance-to-pass-this-year/>) Sen. Wiener said he believes the bill has a 50% chance of passing.

The Assembly Grapples With Decrim

To fully understand some of the challenges facing California's first psychedelic decrim bill, it's helpful to understand the California State Legislative process [and how it impacts SB 519](#). (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>)

HOW A **BILL** BECOMES **LAW** IN CALIFORNIA

A chart showing the route a bill takes through the California Legislature.



Source: [California State Senate \(https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative_process.pdf\)](https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative_process.pdf)

There are currently five vacant seats in the California State Assembly: in [District 11](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-011) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-011>), which includes areas of Brentwood and Fairfield, in [District 17](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-017) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-017>) which includes areas of San Francisco, in [District 49](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-049) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-049>) which includes the cities of Alhambra and Arcadia, [District 62](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-062) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-062>) which includes areas of Inglewood and Hawthorne, and in [District 80](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-080) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-080>) which encompasses portions of Chula Vista and San Diego.

Of the 16 seats on the Assembly Appropriations Committee, four are held by Republicans, ten are held by Democrats, and the remaining two are vacant seats that were previously held by Democrats. Of the 80 total members in the Assembly, 57 are registered Democrat, 19 are Republican, and one (Chad Mayes) is a registered Independent.

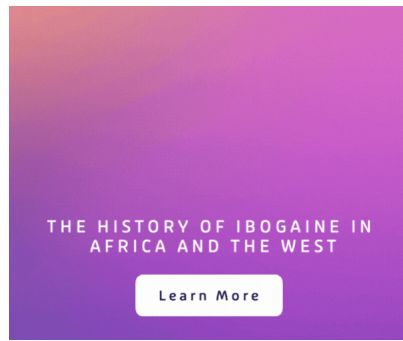


What would SB 519 do if passed?

Decriminalization – Decriminalization of personal possession, use, cultivation and facilitated use of controlled substances

Facilitated Use – SB 519 would make explicit allowances for what it calls “facilitated use” of substances, allowing for various therapeutic modalities, such as those being considered by researchers at Johns Hopkins and MAPS. While the bill does not allow for what it considers “financial gain.” An exception is made for what is defined as a “reasonable fee” in exchange for counseling, spiritual guidance, or related services related to such facilitation. Further details regarding what does or does not constitute a “reasonable fee” are left ambiguous.

Therapies for Veterans – Proponents of SB 519 argue that it would create legal pathways for veterans suffering from mental health conditions and offer relief thought promising psychedelic therapies without traveling outside of the U.S. A [September 2021 report from the U.S. Department of Veterans Affairs \(https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf\)](https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf) shows nearly 17 veteran suicides took place a day in 2019, illustrating the urgent need for such interventions.



(<https://www.lucid.news/ibogaine-addiction-treatment-in-the-west/>)

Expungement of Records – The bill would also permit the expungement of records for past criminal convictions involving substances named in the legislation and convene a working group tasked with making further recommendations.

A Working Group for Reports – The legislation would direct the state California Department of Public Health to convene a working group tasked with developing two reports. The first report would provide recommendations for mitigating risk, providing harm reduction resources and state-wide education, including training for California first responders.

The second report would detail recommendations for possible regulatory systems that California could adopt to promote safe and equitable access to certain substances in permitted legal contexts. As written, these reports would be due in January of 2023 and 2024 respectively., It is likely, however, that those dates will be changed to reflect the additional year being taken to pass the bill.

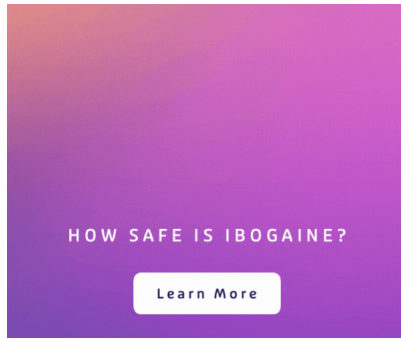
The working group writing the reports would consist of persons with expertise in psychedelic therapy, medicine and public health, drug policy, harm reduction, and youth drug education; law enforcement and other first responders; and people with experience with the traditional indigenous use of psychedelic substances, including representatives from the National Council of the Native American Church and Indian tribes in California.

Aggregate Amounts – SB 519 allows for aggregate amounts of a substance to be held for one individual by another. This means that while personal possession limits are included in the bill, those amounts can be multiplied in situations where one person holds a substance on behalf of another person. An example of this would be an Ayahuasca ceremony in which one communal batch is brewed by a facilitator rather than being possessed in smaller amounts by each individual.

The bill does not specify how an aggregate group is claimed legally except to say that , thus leaving the specifics of how this might be applied ambiguous. It is possible that this is an area where the working group might make recommendations.

Reduction of Penalties – Penalties and criminal charges related to substances covered by the legislation would be reduced.

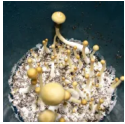
Paraphernalia and Drug Checking – Paraphernalia used in the preparation and use of substances included in the bill would be removed from existing laws prohibiting their use. Additionally, items used in the testing and analysis of controlled substances will be



(<https://www.lucid.news/how-safe-is-ibogaine/>)

SB 519's Evolution in the Legislature

SEE ALSO



(<https://www.lucid.news/oregon-draft-mushroom-cultivation-rules/>)

POLITICS ([HTTPS://WWW.LUCID.NEWS/CATEGORY/POLITICS/](https://www.lucid.news/category/politics/))

Oregon Issues Draft of Magic Mushroom Cultivation Rules

(<https://www.lucid.news/oregon-draft-mushroom-cultivation-rules/>)

Between the various committees and floor votes, SB 519's progression to the Assembly Appropriations Committee has already seen the bill voted on eight times as it progressed [through the legislative process](https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/) (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>). The bill has also been modified as it evolved in the legislature. As a two-year bill, the status of SB 519 now continues from where it was left in September.

Removal of Automatic Expungement – Back in May 2021, a section of the bill, which would have automated the expungement of records related to activities made legal by the bill, was removed while in the [Senate's Suspense File](https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/) (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>). This was due to the expected cost of automatic expungement, estimated in the tens of millions of dollars. By removing this section, the bill now places the burden of moving through the expungement process on the individual.

Senator Wiener says he plans to introduce another bill focused on expungement as separate legislation in a future session should SB 519 be signed into law. This bill could be similar to [AB-1793](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1793), (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1793) which automated the expungement process for cannabis following the passage of [Proposition 64](https://ballotpedia.org/California_Proposition_64_Marijuana_Legalization_(2016)) ([https://ballotpedia.org/California Proposition 64, Marijuana Legalization \(2016\)](https://ballotpedia.org/California_Proposition_64_Marijuana_Legalization_(2016))).

Removal of Ketamine – Ketamine was [removed](https://www.lucid.news/california-psychedelic-decrim-bill-removes-ketamine/) (<https://www.lucid.news/california-psychedelic-decrim-bill-removes-ketamine/>) from the list of substances included in SB 519 following a June 2021 State Assembly Public Safety Hearing where it was [described by the bill's opposition](http://justice-equality.org/beta/current_issues/strong-rejection-to-legalization-) (http://justice-equality.org/beta/current_issues/strong-rejection-to-legalization-

[of-date-rape-drug-and-lsd-sb519/](#)) as a “date rape drug.” Opponents cited information provided in the federal Drug Enforcement Administration (DEA) [fact sheet on ketamine](#) (<https://www.dea.gov/sites/default/files/2020-06/Ketamine-2020.pdf>), although exact sources for this claim are unclear.

Personal Possession Limits – A change in SB 519 that specified possession limits was added prior to a State Assembly Health Committee [hearing](#) (<https://www.assembly.ca.gov/media/assembly-health-committee-20210713/video>) on July 13, 2021. The addition of possession limits led to a backlash by advocates who viewed these restrictions as an invitation for law enforcement to continue harmful prosecutorial strategies associated with the drug war.

Advocates for the bill point out that possession limits set by SB 519 would be considerably larger than what is currently allowed under [Measure 110](#) ([https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Measure-110-\(2020\).pdf](https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Measure-110-(2020).pdf)), Oregon’s recent decriminalization legislation. They argue that such limits would offer protection for those in possession of larger amounts by allowing groups of people to aggregate substances.

Supporters of the revised version of SB 519 also explain that language describing “personal possession” would leave it up to the courts to decide what constitutes a reasonable amount for a person to possess – eventually setting a precedent which might be considerably lower than what is included in the bill’s current amended language.

Possession Limits Established in July 2021 Amendment to SB 519

Substance	Possession Threshold	Approximate Doses
DMT	2 grams	40 (50mg doses)
Ibogaine	15 grams	30 (500mg doses)
LSD	0.01 grams	50 (200µg doses)
Psilocybin	2 grams or 4 ounces of plant or fungi (113 grams)	22.5 (5g doses)
Psilocyn	2 grams or 4 ounces of plant or fungi (113 grams)	22.5 (5g doses)
MDMA	4 grams	26.5 (150mg doses)
Mescaline	4 grams	16 (250mg doses)

**Approximate doses are for calculation purposes only and should not be used as guidance for recommended use. Source: Allan Steiner*

A Coalition of Support

In the California Assembly, advocates for SB 519 continue to argue for its passage. The bill is co-authored by Senator Josh Newman (D-Fullerton) and Sydney Kamlager (D-Los Angeles) and Assembly members Evan Low (D-San Jose), Alex Lee (D-Fremont) and Bill Quirk (D-Hayward).

The legislation also is co-sponsored by two combat veteran service organizations; [Heroic Hearts Project](#) (<https://www.heroicheartsproject.org/>), an organization that connects veterans to psychedelic therapy for treating complex trauma, and [Veterans Exploring Treatment](#)

[Solutions \(VETS\)](https://vetsolutions.org/) (<https://vetsolutions.org/>), which provides resources, research, and advocacy for U.S. military veterans seeking psychedelic-assisted therapies for traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), addiction, and other mental health conditions.

The large [coalition](#)

(https://spsf.senate.ca.gov/sites/spsf.senate.ca.gov/files/sb_519_analysis.pdf) of advocates across the psychedelic space gave SB 519 broad support early on in the legislative process, including the [California Attorneys for Criminal Justice](#) (<https://caj.org/>), [Chacruna Institute](#) (<https://chacruna.net/>), [City of Oakland Councilmember Noel Gallo](#) (<https://www.oaklandca.gov/officials/noel-gallo>), [City of Oakland Councilmember Sheng Thao](#) (<https://www.oaklandca.gov/officials/sheng-thao>), [DC Marijuana Justice](#) (<https://dcmj.org/>), [Dr. Bronner's](#) (<https://www.drbrunner.com/>), [Health in Justice Action Lab](#) (<https://www.healthinjustice.org/>), [Law Enforcement Action Partnership](#) (<https://lawenforcementactionpartnership.org/>), [McAllister Garfield, P.C.](#) (<https://mcallisterlawoffice.com/>), [Multidisciplinary Association for Psychedelic Studies \(MAPS\)](#) (<https://maps.org/>), [New Approach Advocacy](#) (<https://www.linkedin.com/company/new-approach-pac>), [North Star Project](#) (<https://northstar.guide/>), [Pacific Neuroscience Institute](#) (<https://www.pacificneuroscienceinstitute.org/>), [Sacred Garden Community Church](#) (<https://sacredgarden.life/>), [San Francisco Bay Area Hispanic Chamber of Commerce](#), (<https://www.sfbayhcc.com/>) [San Francisco Psychedelic Society](#) (<https://psychedelicsocietysf.org/>), [San Francisco Public Defender](#) (<https://sfpublicdefender.org/>), [Students for Sensible Drug Policy UC Berkeley Chapter](#) (<https://callink.berkeley.edu/organization/ssdp>), [The Huichol Center for Cultural Survival and Traditional Art](#) (<https://www.thehuicholcenter.org/>), [Unlimited Sciences](#) (<https://unlimitedsciences.org/>), and [Veterans of War](#) (<https://www.veteransofwar.org/>).

The New Approach PAC, a nonprofit [political action committee](#),

(https://ballotpedia.org/New_Approach_PAC) has supported lobbying for SB 519. New Approach aggregates donations to candidates and supports ballot initiatives with a focus on cannabis and criminal justice policy reform. The organization has supported a number of state level drug reform initiatives in addition to SB 519, including Proposition 64 which legalized adult cannabis use under California law, and Oregon Measure 109, which was passed by voters in 2020. More recently New Approach has been involved in [two new ballot initiatives](#) (<https://www.westword.com/news/colorado-mushroom-decriminalization-ballot-13027972>) in Colorado where voters in Denver decriminalized Psilocybin in 2019.

The primary funding source behind efforts to pass SB 519 has been [Doctor Bronner's Magic Soap Company](#) (<https://www.drbrunner.com/>) and its Cosmic Engagement Officer (CEO) [David Bronner](#). (<https://www.drbrunner.com/media-center/executive-team/>) Bronner and his company have been a major source of funding across the psychedelic space, as detailed in the company's [2020 financial stewardship report](#). (<https://www.allone.report/all-2020-stats>)

Groups that have stated their opposition to SB 519 include the California College and University Police Chiefs Association, California Narcotic Officers' Association, California Police Chiefs Association, California State Sheriffs' Association, Congress of Racial Equality, International Faith Based Coalition, and the Peace Officers' Research Association of California.

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