LFC Requestor: MONTANO, Noah

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 410

Type: Introduced

Date (of **THIS** analysis)**:** 2/17/2025

Sponsor(s): Senator Craig W. Brandt

Short Title: CRYSTALLINE POLYMORPH PSILOCYBIN RESCHEDULING

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
$0	$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
$0	$0	$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	$0	$0	$0	$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: SB 219

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis
Senate Bill 410 (SB410) proposes to amend the Controlled Substances Act by adding language that requires immediate rescheduling of crystalline polymorph psilocybin to match federal law in the event of changes in the federal schedule of substances by the United States Food and Drug Administration. SB410 aims to ensure federal and state statutes and regulations remain consistent in the event of changes at the federal level.

Is this an amendment or substitution? ☐ Yes ☒ No

Is there an emergency clause? ☐ Yes ☒ No

b) Significant Issues

- SB 410 would ensure federal and state statutes and regulations remain consistent in the event of changes in federal law regarding crystalline polymorph psilocybin.
- The NM Board of Pharmacy would need to ensure timely rescheduling of the substance immediately following the federal rescheduling.
- Psilocybin is not a currently approved US Food and Drug Administration medication. However, in June of 2023, the US Food and Drug Administration released guidance to allow manufacturers to conduct research through clinical trials for US Food and Drug Administration evaluation to reconsider psilocybin for rescheduling to be utilized as a legal medication.
- This appears to be a companion bill to others seeking to establish a state psilocybin treatment model and program.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

  ☐ Yes ☒ No

- Is this proposal related to the NMDOH Strategic Plan? ☒ Yes ☐ No

☐ **Goal 1**: We expand equitable access to services for all New Mexicans

☒ **Goal 2**: We ensure safety in New Mexico healthcare environments

☐ **Goal 3**: We improve health status for all New Mexicans

☐ **Goal 4**: We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

SB410 would ensure federal and state statutes and regulations remain consistent in the event of changes in federal law regarding crystalline polymorph psilocybin. This would help to ensure the standards of safety for medications are applied consistently and in compliance with federal standards.

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

  ☐ Yes ☐ No ☒ N/A

- If there is an appropriation, is it included in the LFC Budget Request?

  ☐ Yes ☐ No ☒ N/A

- Does this bill have a fiscal impact on NMDOH? ☐ Yes ☒ No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? ☐ Yes ☒ No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

SB410 relates to SB219 in that SB219 allows for research and clinical administration of psilocybin in controlled and approved settings.

6. TECHNICAL ISSUES

Are there technical issues with the bill? ☐ Yes ☒ No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? ☒ Yes ☐ No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? ☐ Yes ☒ No
- Does this bill conflict with federal grant requirements or associated regulations? ☐ Yes ☒ No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? ☐ Yes ☒ No

If the US Food and Drug Administration changes the scheduling of psilocybin, the appropriate New Mexico administrative rules relating to Section 30-31-6 NMSA 1978 would need to be updated to match the new federal schedule.

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

If psilocybin and psilocybin derived products are found to be an efficacious treatment for certain mental health and substance use disorders and are rescheduled by the US Food and Drug Administration, this could open a new avenue for treatment that could prove to be particularly helpful for those who have found current treatment regimens ineffective.

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB 410 is not enacted, psilocybin will not be immediately rescheduled if the US Food and Drug Administration makes changes to their scheduling.

12. AMENDMENTS

None.