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In Search Of: A Federal Safe Harbor for State Legalization of Psilocybin



In 2020, Oregon voters passed the Oregon Psilocybin Services Act (PSA). The PSA allows for the adult use of psilocybin at designated service centers and does not require a medicinal purpose for consumption. While the use of psilocybin becomes legal in Oregon in 2023 under the PSA, psilocybin remains a Schedule I substance under the federal Controlled Substances Act. This conflict between state legalization and federal prohibition creates significant challenges for individuals and businesses intending to abide by the requirements of the PSA—including the potential of jail time, fines, and forfeiture of property. This Essay explores three potential solutions the federal government might explore, akin to those utilized in the context of cannabis, that would create a safe harbor for state legalization of psilocybin in the midst of conflicting federal law.

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