



New South Wales

# Private Health Facilities Amendment (Psychedelic-Assisted Therapy) Regulation 2023

under the

Private Health Facilities Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Private Health Facilities Act 2007*.

RYAN PARK, MP  
Minister for Health

## Explanatory note

This regulation prescribes psychedelic-assisted therapy as a service or treatment that may be conducted only on premises licensed under the *Private Health Facilities Act 2007*. ***Psychedelic-assisted therapy*** means psychotherapy involving the use of—

- (a) N,  $\alpha$ -dimethyl-3,4-(methylenedioxy)phenylethylamine (MDMA) for the treatment of post-traumatic stress disorder, or
- (b) psilocybine for the treatment of treatment-resistant depression.

This regulation also provides for the licensing standards that apply to a private health facility that provides psychedelic-assisted therapy.

This regulation is made under the *Private Health Facilities Act 2007*, including sections 4(1), definition of ***private health facility***, 5, 10(1) and 65, the general regulation-making power.

## **Private Health Facilities Amendment (Psychedelic-Assisted Therapy) Regulation 2023**

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### **1 Name of regulation**

This regulation is the *Private Health Facilities Amendment (Psychedelic-Assisted Therapy) Regulation 2023*.

### **2 Commencement**

This regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Private Health Facilities Regulation 2017

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

*psychedelic-assisted therapy*—

- (a) means psychotherapy involving—
  - (i) the use of N,  $\alpha$ -dimethyl-3,4-(methylenedioxy)phenylethylamine (MDMA) for the treatment of post-traumatic stress disorder, or
  - (ii) the use of psilocybine for the treatment of treatment-resistant depression, and
- (b) does not include psychotherapy involving the use of a Schedule 9 substance authorised under the *Poisons and Therapeutic Goods Act 1966*, section 17D.

### [2] Clause 4 Definition of “private health facility”: prescribed services or treatments

Insert after clause 4(k)—

- (l) psychedelic-assisted therapy.

### [3] Clause 6 Classes of private health facilities

Insert “or for the provision of psychedelic-assisted therapy” after “overnight” in clause 6(l).

### [4] Clause 24 Savings

Insert at the end of clause 24—

- (2) The amendment to Schedule 2, clause 49 made by the *Private Health Facilities Amendment (Psychedelic-Assisted Therapy) Regulation 2023* has no effect until the day that is 3 months after the commencement of this subclause.

### [5] Schedule 2 Licensing standards

Insert “and psychedelic-assisted therapy” after “programs” in clause 49(c).

### [6] Schedule 2, clause 53A

Insert after clause 53—

#### 53A Psychedelic-assisted therapy

- (1) Notice must be given to the Secretary at least 7 days before psychedelic-assisted therapy is first provided at a mental health class private health facility.
- (2) Staff of a mental health class private health facility must, when providing psychedelic-assisted therapy, consider the memorandum *Therapeutic use of MDMA for PTSD and psilocybin for treatment resistant depression* issued by the Royal Australian and New Zealand College of Psychiatrists in June 2023.
- (3) The licensee of a mental health class private health facility at which psychedelic-assisted therapy is provided must, for each period of 6 months commencing when the therapy is first provided at the facility, give to the Secretary a statement of information relating to each patient to whom the therapy has been provided during the period.
- (4) The statement must be—
  - (a) in the form approved by the Secretary, and

- (b) given to the Secretary within 14 days after the end of the period of 6 months to which the information relates.