

# House File 978 - Medical Psilocybin

Psilocybin is an illegal, Schedule 1 substance under federal drug law. [House File 978](#) says it requires employees to “engage in conduct which is in violation of the criminal laws of the United States.” [HF 978 § 4](#) (page 5, lines 12-21).

This is the same problem the Medical Cannabidiol Board has been asking the legislature to fix with our medical cannabis program, [Chapter 124E](#). Here is the board’s most recent request from January 1, 2026:

The Board recommends that a task force of legal experts be authorized, similar to the current board of medical experts, to assist the department in navigating the legal issues involved with requesting an exemption for Iowa’s program from necessary Federal agencies. This is related to a recommendation in [the Board’s 2019 Annual Report](#) and the passage of [HF2589](#) in June, 2020.

<https://www.legis.iowa.gov/docs/publications/DF/1594762.pdf>

Chapter 124E is essentially a federal racketeering scheme and the new proposed Chapter 124F has that same defect. [Safe Streets Alliance v. Hickenlooper](#), 859 F.3d 865, 884 (10th Cir. 2017) (“manufacture, distribution, and sale of that substance is, by definition, racketeering activity”).

A federal exemption for the religious use of the psychoactive plant peyote is authorized by [21 U.S.C. § 822\(d\)](#). Section 822(d) authorizes the Attorney General to waive registration requirements if “consistent with the public health and safety.” The federal exemption for peyote, [21 C.F.R. § 1307.31](#), is exactly how [Chapter 124E](#) should be brought into compliance with federal drug law. The same is true for psychoactive mushrooms under the new proposed Chapter 124F.

The last section of HF 978 requires the Department of Health and Human Services to conduct a study on the use of other psychoactive plants and fungi.

Sec. 34. PSYCHEDELIC COMPOUNDS – STUDY. The department of health and human services shall conduct a study regarding the use of psychedelic compounds other than psilocybin in the treatment of medical conditions. The department shall submit a report to the general assembly, including the department’s findings and recommendations, by January 1, 2026.

Please amend HF 978 to include a legal task force to obtain a federal exemption for the use of these plants and fungi in Schedule 1 like the exemption for peyote.

The Hawaii Senate Health and Human Services Committee approved a resolution on Monday, March 30, 2026, calling on the Governor to apply for a waiver under [21 U.S.C. § 822\(d\)](#) for Hawaii’s medical cannabis program. [Hawaii Senate Concurrent Resolution 150](#).

[House File 978](#) (As Amended and Passed by the House April 21, 2025)

On [page 5](#), lines 12-21

Sec. 4. NEW SECTION. **124F.3 Notice to prospective and current public employees.**

Prior to giving a current employee an assignment or duty that arises from or directly relates to an obligation under this chapter, or hiring a prospective employee whose assignments or duties would include an assignment or duty that arises from or directly relates to an obligation under this chapter, a state employer or a political subdivision employer shall give the employee or prospective employee a written notice that the employee’s or prospective employee’s job duties may require the employee or prospective employee to engage in conduct which is in **violation of the criminal laws** of the United States.

On [page 8](#), at lines 27-30

Sec. 6. NEW SECTION. **124F.5 Psilocybin production establishment – license.**

6. A psilocybin production establishment may be located at the same location as a medical cannabidiol manufacturer licensed pursuant to section [124E.6](#) if a separate license is obtained for each.

On [page 9](#), at lines 16-19

Sec. 6. NEW SECTION. **124F.5 Psilocybin production establishment – license.**

10. The licensing board may, at the discretion of the licensing board, grant preference to an applicant who currently holds a medical cannabidiol manufacturer license issued pursuant to section [124E.6](#).

On [page 18](#), lines 23-27

Sec. 16. NEW SECTION. **124F.15 Psilocybin production establishment – local control.**

4. A local government shall not do any of the following:  
a. Revoke from, or refuse to issue a license or permit to, a psilocybin production establishment on the sole basis that the applicant or psilocybin production establishment **violates federal law** regarding the legal status of psilocybin.

On [page 26](#), lines 28-33

Sec. 24. NEW SECTION. **124F.23 Standard of care – provider not liable – no private right of action.**

1. A qualified medical psilocybin provider or a qualified therapy provider who recommends or administers psilocybin in compliance with this chapter shall not be subject to a civil or criminal penalty, or license discipline, solely for **violating a federal law** or regulation that prohibits recommending, prescribing, possessing, or dispensing psilocybin or a psilocybin product.

On [page 27](#), lines 13-20

Sec. 25. NEW SECTION. **124F.24 Nondiscrimination for medical care or government employment.**

This paragraph shall not apply in any of the following circumstances:  
(1) The employee's use of psilocybin **jeopardizes federal funding**, a federal security clearance, or any other federal background determination required for the employee's position.  
(2) The employee's position is dependent on a license or peace officer certification that is subject to federal regulations, including [18 U.S.C. § 922\(g\)\(3\)](#).

On [page 34](#), lines 28-35, and page 35, lines 1-6

Sec. 33. NEW SECTION. **124F.32 Contracts enforceable.**

It is the public policy of this state that contracts related to the production, sale, and administration of psilocybin pursuant to this chapter shall be enforceable. It is the public policy of this state that no contract entered into by a psilocybin production establishment, qualified medical psilocybin provider, or qualified therapy provider, or its employees or agents as permitted pursuant to a valid registration, or by an entity who allows property to be used by an establishment, qualified medical psilocybin provider, or qualified therapy provider, its employees, or its agents as permitted pursuant to a valid registration, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using psilocybin is ***prohibited by federal law***.

Thank you for your attention to this matter.

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