

House File 978

S-5248

- 1 Amend the amendment, S-5119, to House File 978, as amended,
2 passed, and reprinted by the House, as follows:
- 3 1. Page 1, line 16, by striking <eight> and inserting <eight
4 nine>
- 5 2. Page 1, line 19, after <medicine,> by inserting
6 <chemistry,>
- 7 3. Page 1, line 20, by striking <one member with knowledge
8 of psilocybin, one> and inserting <and one member with
9 knowledge of psilocybin>
- 10 4. Page 1, by striking lines 21 through 25.
- 11 5. Page 1, line 26, by striking <university>
- 12 6. Page 2, after line 29 by inserting:
13 <___. Page 4, line 23, by striking <Track, in real time,>
14 and inserting <Track>>
- 15 7. Page 3, by striking line 4 and inserting:
16 <___. Page 7, by striking lines 3 and 4 and inserting:
17 <4. The licensing board may recommend that the department
18 allow for treatment of medical conditions other than
19 post-traumatic stress disorder through the administration
20 of psilocybin if the board finds that the use of psilocybin
21 would be medically beneficial. The department may adopt rules
22 pursuant to chapter 17A to allow for treatment of medical
23 conditions other than post-traumatic stress disorder through
24 the administration of psilocybin if the department finds that
25 the use of psilocybin would be medically beneficial.>>
- 26 8. Page 3, after line 5 by inserting:
27 <___. Page 8, line 6, after <license.> by inserting <The
28 department may adopt rules pursuant to chapter 17A allowing an
29 applicant to obtain an insurance policy or letter of credit in
30 lieu of a performance bond.>
- 31 ___. Page 8, line 8, after <department> by inserting <by
32 rule, not to exceed seven thousand five hundred dollars>>
- 33 9. Page 3, after line 7 by inserting:
34 <___. Page 9, by striking lines 16 through 19.
35 ___. Page 9, line 24, after <license> by inserting <, unless

1 the psilocybin production establishment shows good cause for
2 not beginning operations>
3 _____. Page 10, by striking lines 17 and 18.>
4 10. Page 3, after line 9 by inserting:
5 <_____. Page 10, by striking lines 21 through 25.
6 _____. Page 11, line 10, before <The director> by inserting
7 <1.>
8 _____. Page 11, line 13, by striking <1.> and inserting <a.>
9 _____. Page 11, line 15, by striking <2.> and inserting <b.>
10 _____. Page 11, line 18, by striking <3.> and inserting <c.>
11 _____. Page 11, after line 19 by inserting:
12 <2. Notwithstanding subsection 1, the department may adopt
13 rules pursuant to chapter 17A to allow for the issuance of a
14 license on a multiyear basis and may impose a lower per-year
15 renewal fee on a license issued for multiple years.>
16 _____. Page 16, line 15, by striking <data.> and inserting
17 <data that is relevant to determining compliance with
18 this chapter and rules adopted pursuant to this chapter.
19 Information collected pursuant to this section is not a public
20 record under chapter 22 and may be a trade secret as defined in
21 section 550.2, or under common law.>
22 _____. Page 21, line 11, by striking <is unsafe for human
23 consumption> and inserting <presents an imminent threat to
24 human health>
25 _____. Page 21, line 13, after <section 124F.14> by inserting
26 <, or may require the psilocybin cultivation establishment
27 to take any actions necessary to render the psilocybin or
28 psilocybin product no longer an imminent threat to human
29 health>>
30 11. Page 3, line 14, after <disorder> by inserting <or
31 another condition as approved by the department by rule>
32 12. Page 3, after line 14 by inserting:
33 <_____. Page 26, lines 13 and 14, by striking <provider not
34 liable —>
35 _____. Page 26, after line 21 by inserting:

1 <2. A psilocybin cultivation facility or psilocybin
2 production establishment that cultivates or produces psilocybin
3 in compliance with this chapter shall not be subject to a civil
4 penalty solely for cultivating or producing psilocybin or a
5 psilocybin product in compliance with this chapter.

6 3. A psilocybin cultivation facility shall not be liable
7 for damages arising from the transfer of psilocybin with an
8 inaccurate label if all of the following apply:

9 a. The psilocybin cultivation facility complied with
10 standard operating procedures approved by the department.

11 b. The inaccuracy in the label was caused by an error
12 committed by an independent psilocybin testing laboratory.>

13 _____. Page 26, line 22, by striking <2.> and inserting <4.>

14 _____. Page 28, by striking lines 1 through 4 and inserting:

15 <In addition to any other use authorized by this
16 chapter, upon approval by the United States food and drug
17 administration, and placement on the federal schedule of
18 controlled substances by the United States drug enforcement
19 administration, it shall be legal to transport, prescribe,
20 distribute, dispense, and use all of the following, consistent
21 with federal law:

22 1. A fresh or natural drug product that contains any portion
23 of a psilocybin-containing mushroom.

24 2. A chemically synthesized crystalline psilocybin drug
25 product.>>

26 13. Page 3, after line 16 by inserting:

27 <_____. Page 30, by striking lines 11 through 15 and
28 inserting:

29 <f. A licensed physician and surgeon, osteopathic physician
30 and surgeon, or advanced registered nurse practitioner
31 is present on site in case the patient requires medical
32 intervention.>>

33 14. Page 3, after line 20 by inserting:

34 <_____. Page 35, after line 6 by inserting:

35 <Sec. _____. NEW SECTION. 124F.33 Psilocybin recommendation

1 — limitations — expiration.

2 1. No more than five thousand individuals shall
3 simultaneously hold a psilocybin recommendation from a
4 qualified medical psilocybin provider.

5 2. An individual's psilocybin recommendation expires if the
6 individual has not received treatment from a qualified therapy
7 provider with psilocybin or a psilocybin product by the later
8 of one year from the date the qualified medical psilocybin
9 provider provided the recommendation, or one year from the date
10 of the individual's most recent administration of psilocybin or
11 a psilocybin product by a qualified therapy provider.

12 Sec. _____. Section 422.7, Code 2026, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 46. Subtract, to the extent included,
15 the amount of business expense for a psilocybin cultivation
16 facility, psilocybin production establishment, or independent
17 psilocybin testing laboratory licensed pursuant to chapter
18 124F without regard to section 280E of the Internal Revenue
19 Code. This subsection does not apply when no licensed entity
20 acting within the scope of the license pursuant to chapter 124F
21 incurred the expense, or to an expense incurred in violation of
22 section 124.401 and is not otherwise authorized by law.

23 Sec. _____. Section 422.35, Code 2026, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 15. Subtract, to the extent included,
26 the amount of business expense for a psilocybin cultivation
27 facility, psilocybin production establishment, or independent
28 psilocybin testing laboratory licensed pursuant to chapter
29 124F without regard to section 280E of the Internal Revenue
30 Code. This subsection does not apply when no licensed entity
31 acting within the scope of the license pursuant to chapter 124F
32 incurred the expense, or to an expense incurred in violation of
33 section 124.401 and is not otherwise authorized by law.>>

34 15. Page 4, by striking line 12 and inserting:

35 <_____. By renumbering, redesignating, and correcting

- 1 internal references as necessary.>
- 2 16. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
DAN DAWSON, CHAIRPERSON