

House File 2085 - Introduced

HOUSE FILE 2085
BY WILLS

A BILL FOR

- 1 An Act relating to the production and administration of
- 2 psilocybin and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 124.401, subsection 5, Code 2026, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. g. A person may knowingly or intentionally
4 recommend, possess, use, dispense, deliver, transport, or
5 administer psilocybin if the recommendation, possession, use,
6 dispensing, delivery, transporting, or administering is in
7 accordance with the provisions of chapter 124F.

8 Sec. 2. NEW SECTION. **124F.1 Definitions.**

9 For the purposes of this chapter, unless the context otherwise
10 requires:

11 1. "Active psilocybin" means the psychoactive chemical with
12 the chemical abstracts service registry number 520-52-5.

13 2. "Adulterant" means a poisonous or deleterious substance in
14 a quantity that may be injurious to health.

15 3. "Adverse event" means an injury or suspected injury to
16 a patient that results in an escalation of care, harm to a
17 patient, or rescue of a patient and occurs during a psilocybin
18 administration session or within twenty-four hours from when the
19 administration session ended.

20 4. "Community location" means a public or private elementary
21 or secondary school, a church, a public library, a public
22 playground, or a public park.

23 5. "Cultivation space" means, quantified in square feet,
24 the horizontal area in which a psilocybin cultivation facility
25 cultivates psilocybin, including each level of horizontal area if
26 the psilocybin cultivation facility hangs, suspends, stacks, or
27 otherwise positions plants above other plants in multiple levels.

28 6. "Department" means the department of health and human
29 services.

30 7. "Family member" means a parent, stepparent, spouse, child,
31 sibling, stepsibling, uncle, aunt, nephew, niece, first cousin,
32 mother-in-law, father-in-law, brother-in-law, sister-in-law,
33 son-in-law, daughter-in-law, grandparent, or grandchild.

34 8. "Independent psilocybin testing laboratory" means a person
35 that does any of the following:

1 a. Conducts a chemical or other analysis of psilocybin or a
2 psilocybin product.

3 b. Acquires, possesses, and transports psilocybin or a
4 psilocybin product with the intent to conduct a chemical or other
5 analysis of the psilocybin or psilocybin product.

6 9. "*Independent psilocybin testing laboratory agent*" means an
7 individual who holds a valid psilocybin production establishment
8 agent registration card with a psilocybin testing laboratory
9 designation.

10 10. "*Inventory control system*" means a system described in
11 section 124F.2.

12 11. "*Licensing board*" means the psilocybin production
13 establishment licensing board created pursuant to section 124F.4.

14 12. "*Patient*" means an individual for whom a qualified
15 medical psilocybin provider recommends psilocybin.

16 13. "*Payment provider*" means an entity that contracts with
17 a psilocybin production establishment to facilitate transfer
18 of funds between the establishment and another business or
19 individual.

20 14. "*Psilocybin*" means a fresh mushroom containing psilocybin
21 or psilocin.

22 15. "*Psilocybin administration session*" means the time period
23 from when a qualified medical provider administers psilocybin to
24 a patient to the time the patient leaves the qualified therapy
25 provider location.

26 16. "*Psilocybin biomass*" means any part of a
27 psilocybin-containing fungus.

28 17. "*Psilocybin byproduct*" means any part of a
29 psilocybin-containing mushroom which is not used or intended for
30 sale.

31 18. "*Psilocybin cultivation facility*" means a person that
32 possesses psilocybin, grows or intends to grow psilocybin, and
33 sells or intends to sell psilocybin to a qualified therapy
34 provider.

35 19. "*Psilocybin cultivation facility agent*" means an

1 individual who holds a valid psilocybin production establishment
2 agent registration card with a cultivation facility designation.

3 20. "*Psilocybin product*" means any portion of a
4 psilocybin-containing mushroom that has been dried and is
5 intended for oral consumption by a patient.

6 21. "*Psilocybin production establishment*" or "*establishment*"
7 means a psilocybin cultivation facility or an independent
8 psilocybin testing laboratory.

9 22. "*Psilocybin production establishment agent registration*
10 *card*" means a registration card issued by the department that
11 authorizes an individual to act as a psilocybin production
12 establishment agent, and that designates the type of psilocybin
13 production establishment for which an individual is authorized to
14 act as an agent.

15 23. "*Qualified medical psilocybin provider*" means a physician
16 and surgeon or osteopathic physician and surgeon licensed
17 pursuant to chapter 148, a physician assistant licensed pursuant
18 to chapter 148C, an advanced registered nurse practitioner
19 licensed under chapter 152, or an advanced practice registered
20 nurse under chapter 152E, who is registered by the department
21 under section 124F.22 to recommend treatment with psilocybin.

22 24. "*Qualified therapy provider*" means a physician and
23 surgeon or osteopathic physician and surgeon licensed pursuant to
24 chapter 148, a physician assistant licensed pursuant to chapter
25 148C, an advanced registered nurse practitioner licensed under
26 chapter 152, an advanced practice registered nurse under chapter
27 152E, a psychologist licensed pursuant to chapter 154B, or a
28 social worker licensed pursuant to chapter 154C who is registered
29 by the department to administer treatment with psilocybin.

30 25. "*Qualified therapy provider agent*" means an individual
31 who holds a valid qualified therapy provider agent registration
32 card.

33 26. "*Qualified therapy provider agent registration card*"
34 means a registration card issued by the department that
35 authorizes an individual to act as a qualified therapy provider

1 agent.

2 27. "Qualified therapy provider location" or "provider
3 location" means a facility with all of the following:

4 a. A single, secure public entrance.

5 b. A security system with a backup power source that detects
6 and records entry and provides notice of an unauthorized entry to
7 law enforcement when the facility is closed.

8 c. A lock or equivalent restrictive security feature on any
9 area where the psilocybin or psilocybin product is stored at the
10 facility.

11 Sec. 3. NEW SECTION. **124F.2 Inventory control system.**

12 1. Each psilocybin production establishment and qualified
13 therapy provider shall maintain an inventory control system that
14 meets all of the requirements of this section.

15 2. An inventory control system shall do all of the following:

16 a. Track, in real time, psilocybin and psilocybin product
17 using a unique identifier from the time psilocybin is ready to
18 be harvested.

19 b. Maintain in real time a record of the amount of psilocybin
20 or psilocybin product in the possession of the establishment or
21 provider.

22 c. Include a video recording system that is tamper proof and
23 does all of the following:

24 (1) Tracks all handling and processing of psilocybin or
25 psilocybin product in the establishment or provider location.

26 (2) Stores each video record for at least forty-five days.

27 3. A psilocybin production establishment or qualified therapy
28 provider shall allow the department, or a financial institution
29 designated by the department, to validate transactions to access
30 the inventory control system at any time.

31 4. The department shall adopt rules pursuant to chapter
32 17A to implement this section, and the rules shall include
33 requirements for aggregate or batch records regarding the
34 planting and propagation of psilocybin before being tracked, and
35 which may include compatibility standards for inventory control

1 systems.

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

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

14 Sec. 5. NEW SECTION. **124F.4 Psilocybin production**
15 **establishment licensing board.**

16 1. a. There is created within the department the psilocybin
17 production establishment licensing board. The board shall
18 consist of the following members, appointed by the director of
19 the department:

20 (1) One member of the public with knowledge of psilocybin.

21 (2) One member with knowledge and experience in the
22 pharmaceutical or nutraceutical manufacturing industry.

23 (3) One member representing law enforcement.

24 (4) One member who is a chemist or researcher with
25 experience in manufacturing and who is associated with a research
26 university.

27 (5) One member who has a background in fungus or mushroom
28 cultivation and processing.

29 (6) The director or the director's designee, who shall serve
30 as the chairperson of the board and as a nonvoting member, except
31 to cast a deciding vote in the event of a tie.

32 b. A person is ineligible for appointment to the board if any
33 of the following apply:

34 (1) The person has any commercial or ownership interest in a
35 psilocybin production establishment.

1 (2) The person is associated with a business that has
2 an owner, officer, director, or employee whose family member
3 holds a license or has an interest in a psilocybin production
4 establishment.

5 (3) The person is employed or contracted to lobby on behalf
6 of a psilocybin production establishment.

7 c. The director shall ensure that no two members of the
8 board are employed by or represent the same business or nonprofit
9 organization.

10 d. Members of the board shall serve a term of four years,
11 except that initial members of the board shall be appointed for
12 staggered terms such that the director appoints two or three
13 board members every two years. The director shall fill a vacancy
14 on the board for the balance of the unexpired term.

15 e. The director may remove a member of the board for cause,
16 neglect of duty, inefficiency, or malfeasance.

17 f. Members of the board shall serve without compensation but
18 may be reimbursed for actual expenses.

19 2. The board shall meet as called by the chairperson to do
20 all of the following:

21 a. Review each license application for compliance with this
22 chapter and rules adopted by the department.

23 b. Conduct a public hearing to consider a license
24 application.

25 c. Make a determination on a license application.

26 3. The board shall hold a public hearing to review
27 a psilocybin production establishment's license if the
28 establishment changes location or as necessary based on the
29 recommendation of the department.

30 4. The board is not subject to dissolution pursuant to
31 section 4A.5.

32 **Sec. 6. NEW SECTION. 124F.5 Psilocybin production**
33 **establishment — license.**

34 1. A person shall not operate a psilocybin production
35 establishment unless the person holds a psilocybin production

1 establishment license issued by the licensing board pursuant to
2 this chapter.

3 2. The department shall adopt rules pursuant to chapter 17A
4 to develop a process for soliciting and evaluating applications
5 for a psilocybin production establishment license.

6 3. An applicant for a psilocybin production establishment
7 license shall submit all of the following:

8 a. (1) The proposed name of the establishment and the
9 address where the establishment will be located, except as
10 provided in subparagraph (2).

11 (2) The board may issue a provisional license to an applicant
12 who submits an application that does not include the address
13 at which the establishment will be located. The department
14 shall convert a provisional license to a license if the
15 provisional licensee submits documentation confirming that the
16 provisional licensee has purchased or leased a location meeting
17 the requirements of subsection 4 and section 124F.15.

18 b. The name and address of any individual who has any of the
19 following:

20 (1) For a privately held company, a financial or voting
21 interest in the proposed psilocybin production establishment.

22 (2) The power to direct the management or control of the
23 proposed psilocybin production establishment.

24 c. An operating plan, approved by the department, that
25 complies with section 124F.8 and any laws that the municipality
26 or county in which the person is located adopts regarding the
27 operation of psilocybin production establishments.

28 d. A statement that the applicant will obtain and maintain
29 a performance bond that a surety authorized to transact surety
30 business in this state issues in an amount of at least one
31 hundred thousand dollars for each psilocybin cultivation facility
32 license, or at least fifty thousand dollars for each independent
33 psilocybin testing laboratory license.

34 e. An application fee in an amount determined by the
35 department.

1 f. A description of any investigatory or adverse action taken
2 by a licensing jurisdiction, government agency, law enforcement
3 agency, or court in any state for any violation or detrimental
4 conduct in relation to any of the applicant's psilocybin-related
5 operations or businesses.

6 4. A psilocybin production establishment shall not be located
7 within one thousand feet of a community location or in or
8 within five hundred feet of an area that is zoned as primarily
9 residential. The board may grant a waiver to reduce the
10 proximity requirements in this subsection by up to twenty percent
11 if the board determines that it is not reasonably feasible
12 for the applicant to site the proposed psilocybin production
13 establishment without the waiver.

14 5. Upon the approval of an application for a license under
15 this section, the applicant shall pay to the department the
16 initial licensing fee, as determined by the department by rule,
17 and the department shall inform the department of public safety
18 of the license approval.

19 6. A psilocybin production establishment may be located at
20 the same location as a medical cannabidiol manufacturer licensed
21 pursuant to section 124E.6 if a separate license is obtained for
22 each.

23 7. If the licensing board receives more than one application
24 for a psilocybin production establishment within the same city or
25 town, the licensing board shall consult with the local land use
26 authority before approving any of the applications pertaining to
27 that city or town.

28 8. The licensing board shall not issue a license to operate
29 an independent psilocybin testing laboratory to any of the
30 following persons:

31 a. A person who holds a license or has an ownership interest
32 to operate a psilocybin cultivation facility.

33 b. A person who has an owner, officer, director, or employee
34 whose family member holds a license or has an ownership interest
35 in a psilocybin cultivation facility.

1 c. A person who has an ownership interest in a psilocybin
2 cultivation facility.

3 9. The licensing board shall not issue a license to operate
4 a psilocybin production establishment to an applicant if an
5 individual described in subsection 3, paragraph "b", has been
6 convicted of a misdemeanor for drug distribution, or convicted of
7 a felony, or is younger than twenty-one years old.

8 10. The licensing board may, at the discretion of the
9 licensing board, grant preference to an applicant who currently
10 holds a medical cannabidiol manufacturer license issued pursuant
11 to section 124E.6.

12 11. The licensing board may revoke a license issued pursuant
13 to this section if any of the following apply:

14 a. The psilocybin production establishment does not begin
15 operations within one year after the date on which the licensing
16 board issues the initial license.

17 b. An individual psilocybin production establishment operated
18 by the licensee has violated the same provision of this chapter
19 three times.

20 c. An individual described in subsection 3, paragraph "b", is
21 convicted of a misdemeanor for drug distribution, or is convicted
22 of a felony.

23 d. The licensee fails to cooperate with an investigation
24 of the psilocybin production establishment conducted by the
25 licensing board.

26 e. The psilocybin production establishment demonstrates a
27 willful or reckless disregard for the requirements of this
28 chapter or the rules of the department.

29 f. The licensing board determines that the psilocybin
30 production establishment no longer meets the minimum standards
31 for licensure and operation of the psilocybin production
32 establishment.

33 g. For an independent psilocybin testing laboratory, the
34 independent psilocybin testing laboratory fails to substantially
35 meet the performance standards adopted by the department by rule.

1 12. If the municipality or county where the licensed
2 psilocybin production establishment will be located requires a
3 local land use permit, a person who is issued a psilocybin
4 production establishment license under this chapter shall submit
5 to the licensing board a copy of the licensee's approved land use
6 permit within one hundred twenty days after the date on which the
7 licensing board issues the license.

8 13. The department shall deposit fees imposed under this
9 section into the general fund of the state.

10 14. The department shall begin accepting applications under
11 this chapter on July 1, 2026.

12 15. The licensing board's authority to issue a license under
13 this section shall be plenary and not subject to review.

14 16. The licensing board shall not issue more than four
15 licenses to operate an independent psilocybin testing laboratory.

16 17. The department may operate or partner with a research
17 university to operate an independent psilocybin testing
18 laboratory.

19 18. A psilocybin production establishment license shall not
20 be transferable or assignable.

21 **Sec. 7. NEW SECTION. 124F.6 Psilocybin production**
22 **establishment owners and directors — criminal background**
23 **checks.**

24 1. The division of criminal investigation of the department
25 of public safety shall conduct a thorough investigation of each
26 applicant for a psilocybin production establishment license as in
27 a substantially similar manner as provided in section 124E.19.
28 The division shall report the results of the investigation to the
29 department.

30 2. The department shall collect a fee from the applicant,
31 determined by the department by rule, to cover the costs of the
32 investigation by the division of criminal investigation of the
33 department of public safety. The department shall remit the fee
34 to the division.

35 **Sec. 8. NEW SECTION. 124F.7 License renewal.**

1 The director of the department shall renew a license issued
2 pursuant to section 124F.5 on an annual basis if all of the
3 following apply:

4 1. The licensee meets all of the requirements for initial
5 licensure.

6 2. The director of the department does not identify a
7 significant failure of compliance with this chapter or grounds
8 for revocation.

9 3. The licensee pays a renewal fee as determined by the
10 department by rule.

11 Sec. 9. NEW SECTION. **124F.8 Operating plan.**

12 A person applying for a psilocybin production establishment
13 license or license renewal shall submit to the department for the
14 department's review a proposed operating plan that includes all
15 of the following:

16 1. A description of the physical characteristics of the
17 proposed facility or, for a psilocybin cultivation facility, no
18 more than two facility locations, including a floor plan and an
19 architectural elevation.

20 2. A description of the credentials and experience of
21 each officer, director, and owner of the proposed psilocybin
22 production establishment, and of any highly skilled or
23 experienced prospective employee.

24 3. The psilocybin production establishment's employee
25 training standards.

26 4. A security plan.

27 5. A description of the psilocybin production establishment's
28 inventory control system.

29 6. Storage protocols to ensure that psilocybin is stored in
30 a manner that is sanitary and preserves the integrity of the
31 psilocybin.

32 7. For a psilocybin cultivation facility:

33 a. Psilocybin cultivation practices, including the facility's
34 intended pesticide and fertilizer use.

35 b. Square footage under cultivation and anticipated

1 psilocybin yield.

2 8. For an independent psilocybin testing laboratory:

3 a. Psilocybin and psilocybin product testing capacity.

4 b. Psilocybin and psilocybin product testing equipment.

5 c. Testing methods, standards, practices, and procedures for
6 testing psilocybin or psilocybin product.

7 Sec. 10. NEW SECTION. **124F.9 Psilocybin production**
8 **establishment agent — registration.**

9 1. An individual shall not act as a psilocybin production
10 establishment agent unless the department registers the
11 individual as a psilocybin production establishment agent,
12 regardless of whether the individual is a seasonal, temporary, or
13 permanent employee.

14 2. None of the following individuals shall serve as a
15 psilocybin production establishment agent or have the power
16 to direct or cause the management or control of a psilocybin
17 production establishment:

18 a. An advanced registered nurse practitioner licensed under
19 chapter 152 or an advanced practice registered nurse under
20 chapter 152E.

21 b. An individual licensed under chapter 148 to practice
22 medicine and surgery or osteopathic medicine and surgery.

23 c. A physician assistant licensed under chapter 148C.

24 3. An independent psilocybin testing laboratory agent may not
25 act as a psilocybin cultivation facility agent.

26 4. The department shall, within fifteen business days
27 from the date on which the department receives a complete
28 application from a psilocybin production establishment on behalf
29 of a prospective psilocybin production establishment agent,
30 register and issue a psilocybin production establishment agent
31 registration card to the prospective psilocybin production
32 establishment agent who successfully passes a criminal background
33 investigation as provided in section 124F.6 if the psilocybin
34 production establishment does all of the following:

35 a. Provides to the department the prospective psilocybin

1 production establishment agent's name and address.

2 b. Pays a fee to the department in an amount determined by
3 the department by rule.

4 5. The department shall designate, on an individual's
5 psilocybin production establishment agent registration card,
6 the type of psilocybin production establishment for which the
7 individual is authorized to act as an agent.

8 6. a. A psilocybin production establishment agent shall
9 comply with either a certification standard developed by the
10 department by rule, or a certification standard that the
11 department has reviewed and approved.

12 b. A certification standard described in paragraph "a" shall
13 include training in all of the following:

14 (1) Iowa medical psilocybin law.

15 (2) For a psilocybin cultivation facility agent, psilocybin
16 cultivation best practices.

17 (3) For an independent psilocybin testing laboratory agent,
18 psilocybin laboratory testing best practices.

19 7. A psilocybin production establishment agent registration
20 card shall expire two years from the date the department issued
21 the card. A psilocybin production establishment agent may renew
22 the agent's registration card if the agent is still eligible
23 to hold a psilocybin production establishment agent registration
24 card and pays a fee determined by the department by rule.

25 8. a. A psilocybin production establishment agent shall
26 carry the individual's psilocybin production card with the agent
27 at all times when the agent is on the premises of a psilocybin
28 production establishment where the agent is registered, or when
29 the agent is transporting psilocybin or psilocybin product.

30 b. If a psilocybin production establishment agent possesses
31 psilocybin or psilocybin product and produces the registration
32 card while handling or transporting psilocybin or psilocybin
33 product, there is a rebuttable presumption that the agent
34 possesses the psilocybin or psilocybin product legally and a law
35 enforcement officer does not have probable cause, based solely on

1 the agent's possession of the psilocybin or psilocybin product,
2 to believe that the individual is engaging in illegal activity.

3 c. A psilocybin production establishment agent who fails to
4 carry the individual's psilocybin production card as required by
5 paragraph "a" is guilty of the following offenses:

6 (1) For a first offense, or second offense within a two-year
7 period, a simple misdemeanor punishable by a fine of one hundred
8 dollars.

9 (2) For a third or subsequent offense within a two-year
10 period, a simple misdemeanor punishable as provided by law.

11 d. For each violation of paragraph "c", the department may
12 assess the relevant psilocybin production establishment a fine of
13 up to five thousand dollars.

14 Sec. 11. NEW SECTION. **124F.10 Psilocybin production**
15 **establishment — general operation requirements.**

16 1. A psilocybin production establishment shall operate in
17 accordance with the operating plan submitted by the psilocybin
18 production establishment pursuant to section 124F.8. A
19 psilocybin production establishment shall notify the department
20 prior to implementing a change to the establishment's operating
21 plan. The department shall inform the establishment of any
22 deficiencies in the new operating plan.

23 2. a. Except as provided in paragraph "b", a psilocybin
24 production establishment shall operate in a facility that is
25 accessible only by an individual with a valid psilocybin
26 production establishment agent registration card.

27 b. A psilocybin production establishment may authorize an
28 individual who is at least eighteen years of age and who
29 is not a psilocybin production establishment agent to access
30 the psilocybin production establishment if the psilocybin
31 production establishment tracks and monitors the individual at
32 all times while the individual is at the psilocybin production
33 establishment, and maintains a record of the individual's access,
34 including arrival and departure.

35 3. A psilocybin production establishment shall not employ an

1 individual who is younger than twenty-one years of age or who
2 has been convicted of a misdemeanor for drug distribution, or
3 convicted of a felony.

4 4. A psilocybin production establishment shall operate in a
5 facility that has all of the following:

6 a. A single, secure public entrance.

7 b. A security system with a backup power source that does all
8 of the following:

9 (1) Detects and records entry into the psilocybin production
10 establishment.

11 (2) Provides notice of an unauthorized entry to law
12 enforcement when the psilocybin production establishment is
13 closed.

14 (3) Secures any area where the psilocybin production
15 establishment stores psilocybin or a psilocybin product.

16 Sec. 12. NEW SECTION. **124F.11 Inspections.**

17 1. The department may inspect the records and facility of a
18 psilocybin production establishment at any time during business
19 hours to determine if the psilocybin production establishment
20 complies with this chapter.

21 2. An inspection under this section may include all of the
22 following:

23 a. Inspection of a site, facility, vehicle, book, record,
24 paper, document, data, and other physical or electronic
25 information.

26 b. Questioning of any relevant individual.

27 c. Observation of an independent psilocybin testing
28 laboratory's methods, standards, practices, and procedures.

29 d. The sampling of a specimen of psilocybin or psilocybin
30 product sufficient for testing purposes.

31 e. Inspection of equipment, an instrument, a tool, or
32 machinery, including a container or label.

33 3. In conducting an inspection under this section, the
34 department may review and make copies of a book, record, paper,
35 document, data, or other physical or electrical information,

1 including financial data, sales data, shipping data, pricing
2 data, and employee data.

3 4. The department may impose a fee, or a license or
4 registration suspension or revocation, if a psilocybin production
5 establishment fails to comply with this section.

6 Sec. 13. NEW SECTION. **124F.12 Advertising.**

7 1. A psilocybin production establishment shall not advertise
8 to the general public in any medium, except that a psilocybin
9 production establishment may advertise an employment opportunity
10 at the psilocybin production establishment.

11 2. The department shall adopt rules pursuant to chapter 17A
12 for standards relating to advertising by a qualified medical
13 psilocybin provider or qualified therapy provider. The rules
14 shall ensure that advertising by a qualified medical psilocybin
15 provider or qualified therapy provider does not imply that the
16 psilocybin may be used for recreational purposes.

17 Sec. 14. NEW SECTION. **124F.13 Psilocybin transportation.**

18 1. No individual other than the following may transport
19 psilocybin or a psilocybin product:

20 a. A registered psilocybin production establishment agent.

21 b. A qualified therapy provider.

22 c. A registered qualified therapy provider agent.

23 d. An agent of the department conducting an inspection
24 pursuant to section 124F.11.

25 2. An individual transporting psilocybin or psilocybin
26 product shall be employed by the individual authorizing the
27 transportation and possess a manifest that includes all of the
28 following:

29 a. A unique identifier that links the psilocybin or
30 psilocybin product to a relevant inventory control system.

31 b. The origin and destination information for any psilocybin
32 or psilocybin product that the person is transporting.

33 c. The departure and arrival times of the individual
34 transporting the psilocybin or psilocybin product.

35 3. A registered psilocybin production establishment agent

1 transporting psilocybin or psilocybin product without a manifest
2 as provided in subsection 2 is guilty of a simple misdemeanor
3 punishable by a fine of one hundred dollars. However, if the
4 registered psilocybin production establishment agent is carrying
5 more psilocybin or psilocybin product than is indicated on
6 the manifest, other than a de minimis amount, the registered
7 psilocybin production establishment agent is subject to penalties
8 as provided in chapter 124.

9 4. This section shall not prohibit the department from taking
10 administrative enforcement action against a psilocybin production
11 establishment or another person for failing to make a transport
12 in compliance with this section.

13 Sec. 15. NEW SECTION. **124F.14 Psilocybin — excess and**
14 **disposal.**

15 1. As used in this section, "psilocybin waste" means waste
16 and unused material from the cultivation and production of
17 psilocybin or psilocybin product under this chapter.

18 2. A psilocybin production establishment shall do all of the
19 following:

20 a. Render psilocybin waste unusable and unrecognizable before
21 transporting it from the psilocybin production establishment.

22 b. Dispose of the psilocybin waste in compliance with all
23 applicable state and federal laws.

24 3. A person shall not transport or dispose of psilocybin
25 waste other than as provided in this section.

26 Sec. 16. NEW SECTION. **124F.15 Psilocybin production**
27 **establishment — local control.**

28 1. A local government shall allow a psilocybin production
29 establishment to operate in any zone designated for industrial
30 use unless the local government has designated by ordinance
31 at least one industrial zone for the operation of psilocybin
32 production establishments before a person submits an application
33 for the establishment of a psilocybin production establishment to
34 the local government.

35 2. A local government shall allow a psilocybin production

1 establishment to operate in any zone designated for agricultural
2 use unless the local government has designated by ordinance
3 at least one agricultural zone for the operation of psilocybin
4 production establishments before a person submits an application
5 for the establishment of a psilocybin production establishment to
6 the local government.

7 3. A psilocybin production establishment may operate on land
8 that a local government has not zoned.

9 4. A local government shall not do any of the following:

10 a. Revoke from, or refuse to issue a license or permit to,
11 a psilocybin production establishment on the sole basis that the
12 applicant or psilocybin production establishment violates federal
13 law regarding the legal status of psilocybin.

14 b. Require a certain distance between a psilocybin production
15 establishment and another psilocybin production establishment or
16 a retail tobacco store as defined in section 142D.2.

17 c. Enforce an ordinance against a psilocybin production
18 establishment that was not in effect on the date the psilocybin
19 production establishment submitted a complete application to the
20 local government.

21 Sec. 17. NEW SECTION. **124F.16 Psilocybin cultivation**
22 **facility — growing and harvesting.**

23 1. A psilocybin cultivation facility shall use a unique
24 identifier that is connected to the facility's inventory control
25 system to identify all of the following:

26 a. Each unique harvest of psilocybin.

27 b. Each batch of psilocybin that the facility transfers to an
28 independent psilocybin testing laboratory.

29 c. Any psilocybin waste, as defined in section 124F.14, of
30 which the psilocybin cultivation facility disposes.

31 2. A psilocybin cultivation facility shall identify
32 psilocybin biomass as psilocybin byproduct or psilocybin product
33 before transferring the psilocybin biomass from the facility.

34 3. A psilocybin cultivation facility shall destroy psilocybin
35 cultivation byproduct as provided in section 124F.15.

1 Sec. 18. NEW SECTION. **124F.17 Psilocybin cultivation**
2 **facility — sales.**

3 1. A psilocybin cultivation facility shall not sell a product
4 other than a psilocybin product or educational material related
5 to the medical use of psilocybin.

6 2. A psilocybin cultivation facility shall not sell a product
7 to a person other than a qualified therapy provider or a
8 registered agent of a qualified therapy provider.

9 Sec. 19. NEW SECTION. **124F.18 Psilocybin cultivation**
10 **facility — labeling.**

11 1. A psilocybin cultivation facility shall label a psilocybin
12 or psilocybin product with the amount of active psilocybin in the
13 psilocybin or psilocybin product.

14 2. The department may adopt rules pursuant to chapter 17A to
15 establish labeling requirements for a psilocybin product.

16 Sec. 20. NEW SECTION. **124F.19 Independent psilocybin**
17 **testing laboratory — psilocybin and psilocybin product**
18 **testing.**

19 1. The department shall adopt rules pursuant to chapter 17A
20 to do all of the following:

21 a. Identify the adulterant analyses required to be performed
22 on psilocybin or psilocybin product.

23 b. Determine the level of each adulterant that is safe for
24 human consumption.

25 c. Establish protocols for a recall of psilocybin or
26 psilocybin product by a psilocybin production establishment.

27 2. The department may require an independent psilocybin
28 testing laboratory to test for a toxin if the department receives
29 information indicating the potential presence of a toxin, or
30 the department's inspector has reason to believe a toxin may be
31 present based on the inspection of a facility.

32 3. A psilocybin production establishment may not transfer
33 psilocybin or psilocybin product to a qualified therapy provider
34 until an independent psilocybin testing laboratory tests a
35 representative sample of the psilocybin or psilocybin product as

1 provided by the department by rule.

2 4. Before the sale of a psilocybin product, an independent
3 psilocybin testing laboratory shall identify and quantify the
4 amount of active psilocybin present in the psilocybin product.

5 5. The department shall adopt rules pursuant to chapter
6 17A for standards, methods, practices, and procedures for the
7 testing of psilocybin and psilocybin products by an independent
8 psilocybin laboratory.

9 6. The department may require an independent psilocybin
10 testing laboratory to participate in a proficiency evaluation
11 that the department conducts, or that an organization that the
12 department approves conducts.

13 Sec. 21. NEW SECTION. **124F.20 Independent psilocybin**
14 **testing laboratory — inspections.**

15 1. If an independent psilocybin testing laboratory determines
16 that the results of a laboratory test indicate that a psilocybin
17 or psilocybin product batch may be unsafe for human use:

18 a. The independent psilocybin testing laboratory shall report
19 the laboratory test results and the psilocybin or psilocybin
20 product batch to the department and the psilocybin cultivation
21 facility from which the batch originated.

22 b. The department shall place a hold on the psilocybin or
23 psilocybin products to conduct a root cause analysis of the
24 defective batch and make a determination as to the root cause.
25 The psilocybin cultivation facility that grew the psilocybin may
26 appeal the determination of the department.

27 2. If the department determines that psilocybin or psilocybin
28 product prepared by a psilocybin cultivation establishment is
29 unsafe for human consumption, the department may seize, embargo,
30 or destroy the psilocybin or psilocybin product batch as provided
31 in section 124F.14.

32 3. If an independent psilocybin testing laboratory determines
33 that the results of a lab test indicate that the active
34 psilocybin content of psilocybin or a psilocybin product batch
35 diverges more than ten percent from the amount the label

1 indicates, the psilocybin cultivation facility shall not sell
2 the psilocybin or psilocybin product batch unless the facility
3 replaces the incorrect label with a label that correctly
4 indicates the active psilocybin content.

5 Sec. 22. NEW SECTION. **124F.21 Psilocybin electronic**
6 **verification system.**

7 1. The department, in consultation with the department of
8 agriculture and land stewardship and the department of public
9 safety, shall adopt rules pursuant to chapter 17A for the
10 creation and operation of an electronic verification system that,
11 at minimum, does all of the following:

12 a. Allows a qualified medical psilocybin provider to access
13 dispensing information regarding a patient of the qualified
14 medical psilocybin provider, electronically recommend or renew
15 a recommendation for psilocybin or a psilocybin product,
16 connect with an inventory control system that a psilocybin
17 production establishment uses to track in real time and archive
18 purchases of any psilocybin or psilocybin product, and connect
19 with an inventory control system that a psilocybin production
20 establishment utilizes.

21 b. Allows access by all of the following:

22 (1) The department to the extent necessary to carry out the
23 department's functions and responsibilities.

24 (2) The department of inspections, appeals, and licensing
25 to carry out the functions and responsibilities related to
26 the participation of qualified medical psilocybin providers
27 and qualified therapy providers in the recommendation and
28 administration of psilocybin.

29 c. Creates a record each time a person accesses the system
30 that identifies the person who accessed the system and the
31 individual whose records the person accessed.

32 d. Keeps a current record of the total number of individuals
33 who have a psilocybin recommendation issued pursuant to section
34 124F.23.

35 2. The department may release limited data from the

1 electronic verification system for the purposes of conducting
2 research, issuing required reports, or for other official
3 department purposes.

4 3. a. A person who knowingly and intentionally releases any
5 information from the state electronic verification system in
6 violation of this section is guilty of a class "D" felony.

7 b. A person who negligently or recklessly releases any
8 information from the state electronic verification system in
9 violation of this section is guilty of a serious misdemeanor.

10 4. a. A person who obtains or attempts to obtain
11 information from the state electronic verification system by
12 misrepresentation or fraud is guilty of a class "D" felony.

13 b. A person who obtains or attempts to obtain information
14 from the state electronic verification system for a purpose other
15 than a purpose authorized in this chapter is guilty of a class
16 "D" felony.

17 5. a. Except as provided in paragraph "b", a person
18 who knowingly and intentionally uses, releases, publishes, or
19 otherwise makes available to any other person information
20 obtained from the state electronic verification system for any
21 purpose other than a purpose specified in this section is guilty
22 of a class "D" felony.

23 b. This subsection shall not prohibit a person who rightfully
24 obtains information from the state electronic verification system
25 from including the information in the person's medical chart
26 or file for access by a person authorized to review the
27 medical chart or file, providing the information to a person in
28 accordance with the requirements of the federal Health Insurance
29 Portability and Accountability Act of 1996, Pub. L. No. 104-191,
30 or discussing or sharing that information about the patient with
31 the patient.

32 Sec. 23. NEW SECTION. **124F.22 Qualified medical psilocybin**
33 **provider registration — continuing education — treatment**
34 **recommendation.**

35 1. An individual shall not recommend a medical psilocybin

1 treatment unless the department registers the individual as a
2 qualified medical psilocybin provider under this section.

3 2. The department shall, within fifteen days after the date
4 the department receives an application from an individual,
5 register and issue a qualified medical psilocybin provider
6 registration card to the individual if the individual does all
7 of the following:

8 a. Provides to the department the individual's name and
9 address.

10 b. Provides to the department a report detailing the
11 individual's completion of the applicable continuing education
12 requirements described in subsection 3.

13 c. Provides to the department evidence that the individual
14 holds a license that qualifies the individual as a qualified
15 medical psilocybin provider.

16 d. Pays an application fee as determined by the department by
17 rule.

18 e. For an applicant on or after January 1, 2026, provides the
19 information required by subsection 9.

20 3. a. An individual applying for initial registration or
21 renewal of a registration shall complete a continuing education
22 program as determined by the department by rule. The continuing
23 education program shall be offered by the department or a
24 continuing education provider approved by the department. The
25 continuing education program shall address all of the following:

26 (1) This chapter.

27 (2) General information about psilocybin under federal and
28 state law.

29 (3) The latest scientific research on medical psilocybin,
30 including risks and benefits.

31 (4) Best practices for recommending the form and dosage of
32 psilocybin.

33 (5) Systems and receptors affected by psilocybin.

34 (6) Mechanisms of action.

35 (7) Drug interactions.

1 (8) Diagnostic criteria.

2 (9) Contraindications.

3 (10) Side effects and mitigation of side effects.

4 (11) Administrative set and setting, including physical
5 patient safety.

6 (12) Integration.

7 (13) Potential outcomes.

8 (14) Ethical considerations.

9 (15) Discharge safety planning.

10 b. An applicant for initial registration shall complete
11 sixteen hours of continuing education. A qualified medical
12 psilocybin provider shall complete four hours of continuing
13 education every two years.

14 4. A qualified medical psilocybin provider shall not
15 recommend psilocybin to a patient, or renew a recommendation for
16 psilocybin, unless the qualified medical psilocybin provider has
17 done all of the following:

18 a. Completed and documented in the patient's medical record
19 a thorough assessment of the patient's condition and medical
20 history based on the appropriate standard of care.

21 b. Verified that the patient is at least twenty-one years
22 old.

23 c. Met with the patient face to face if the qualified medical
24 psilocybin provider has not recommended a psilocybin treatment to
25 the patient in the past.

26 5. a. Except as provided in paragraph "b", an individual
27 shall not advertise that the individual recommends medical
28 psilocybin treatment.

29 b. A qualified medical psilocybin provider, or a clinic or
30 office that employs a qualified medical psilocybin provider, may
31 advertise the following:

32 (1) The provider's or clinic's name and logo.

33 (2) That the individual is registered as a qualified medical
34 psilocybin provider and recommends medical psilocybin.

35 (3) A scientific study regarding medical psilocybin use.

1 6. a. A qualified medical psilocybin provider registration
2 card shall expire two years from the date the department issued
3 the card.

4 b. The department shall adopt rules pursuant to chapter 17A
5 for the renewal of a medical psilocybin provider registration
6 card.

7 7. The department may revoke a medical psilocybin provider
8 registration card if a qualified medical psilocybin provider
9 fails to maintain compliance with this section.

10 8. A qualified medical psilocybin provider shall not receive
11 any compensation or benefit for the qualified medical psilocybin
12 provider's medical psilocybin treatment recommendation from
13 a psilocybin production establishment or an owner, officer,
14 director, board member, employee, or agent of a psilocybin
15 production establishment.

16 9. On or before January 1 of each year, a qualified medical
17 provider shall report to the department all of the following:

18 a. That the qualified medical psilocybin provider, or
19 the entity that employs the qualified medical psilocybin
20 provider, represents online or in printed material that the
21 qualified medical psilocybin provider is a qualified medical
22 psilocybin provider or offers medical psilocybin recommendations
23 to patients, if applicable.

24 b. The fee amount that the qualified medical psilocybin
25 provider, or the entity that employs the qualified medical
26 psilocybin provider, charges a patient for a medical psilocybin
27 recommendation, either as an actual cash rate or, if the
28 psilocybin provider or entity bills insurance, an average cash
29 rate.

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

32 1. A qualified medical psilocybin provider or a qualified
33 therapy provider who recommends or administers psilocybin in
34 compliance with this chapter shall not be subject to a civil
35 or criminal penalty, or license discipline, solely for violating

1 a federal law or regulation that prohibits recommending,
2 prescribing, possessing, or dispensing psilocybin or a psilocybin
3 product.

4 2. This chapter shall not be construed to reduce or negate
5 the duty of a qualified medical psilocybin provider or qualified
6 therapy provider to use reasonable and ordinary care in the
7 treatment of a patient.

8 Sec. 25. NEW SECTION. **124F.24 Nondiscrimination for use of**
9 **psilocybin.**

10 1. For purposes of medical care, including an organ or
11 tissue transplant, a patient's use of psilocybin as provided
12 in this chapter is the equivalent of authorized use of any
13 other medication used at the discretion of a physician, and
14 does not constitute the use of an illicit substance or otherwise
15 disqualify an individual from needed medical care.

16 2. a. Except as provided in paragraph "b", the state or a
17 political subdivision of the state shall treat an employee's use
18 of medical psilocybin as provided in this chapter in the same way
19 the state or political subdivision treats an employee's use of
20 any prescribed controlled substance, and an employee's medical
21 psilocybin recommendation from a qualified medical psilocybin
22 provider in the same way the state or political subdivision
23 treats an employee's prescription for any prescribed controlled
24 substance.

25 b. A state or political subdivision employee who has a valid
26 medical psilocybin registration shall not be subject to adverse
27 action for failing a drug test due to psilocybin or psilocin
28 without evidence that the employee was impaired or otherwise
29 adversely affected in the employee's job performance due to the
30 use of medical psilocybin. This paragraph shall not apply in any
31 of the following circumstances:

32 (1) The employee's use of psilocybin jeopardizes federal
33 funding, a federal security clearance, or any other federal
34 background determination required for the employee's position.

35 (2) The employee's position is dependent on a license

1 or peace officer certification that is subject to federal
2 regulations, including 18 U.S.C. §922(g)(3).

3 (3) An employee who uses medical psilocybin during the twelve
4 hours immediately preceding the employee's shift or during the
5 employee's shift.

6 3. An agency of this state or a political subdivision
7 thereof, including any law enforcement agency, shall not remove
8 or initiate proceedings to remove a child under the age of
9 eighteen from the home of a parent based solely upon the parent's
10 possession or use of psilocybin as authorized under this chapter.

11 Sec. 26. NEW SECTION. **124F.25 Insurance — coverage**
12 **requirement.**

13 This chapter shall not be construed to require an insurer, a
14 third-party administrator, or an employer to pay for or reimburse
15 an employee for psilocybin or psilocybin product.

16 Sec. 27. NEW SECTION. **124F.26 Approved drugs.**

17 This chapter shall not be construed to restrict or otherwise
18 affect the prescription, distribution, or dispensing of a product
19 that the United States food and drug administration has approved.

20 Sec. 28. NEW SECTION. **124F.27 Qualified therapy provider**
21 **registration — continuing education — psilocybin**
22 **administration.**

23 1. An individual shall not administer a medical psilocybin
24 treatment unless the department registers the individual as
25 a qualified medical psilocybin therapist as provided in this
26 section.

27 2. The department shall, within fifteen days after the date
28 the department receives an application from an individual,
29 register and issue a qualified medical psilocybin therapist
30 registration card to the individual if the individual does all
31 of the following:

32 a. Provides to the department the individual's name and
33 address.

34 b. Provides to the department the address of the clinic
35 at which the individual will be administering psilocybin to

1 patients.

2 c. Provides to the department a report detailing the
3 individual's completion of the applicable continuing education
4 requirements described in subsection 3.

5 d. Certifies to the department that the individual has
6 installed and maintains an inventory control system.

7 e. Provides to the department evidence that the individual
8 holds a license that qualifies the individual as a qualified
9 medical psilocybin provider.

10 f. Pays an application fee as determined by the department by
11 rule.

12 g. Provides to the department an emergency transport plan for
13 patients who experience a medical emergency during the course of
14 treatment.

15 3. a. An individual applying for initial registration or
16 renewal of a registration shall complete a continuing education
17 program as determined by the department by rule. The continuing
18 education program shall be offered by the department or a
19 continuing education provider approved by the department. The
20 continuing education program shall address all of the following:

21 (1) This chapter.

22 (2) General information about psilocybin under federal and
23 state law.

24 (3) The latest scientific research on medical psilocybin,
25 including risks and benefits.

26 (4) Best practices for recommending the form and dosage of
27 psilocybin.

28 (5) Systems and receptors affected by psilocybin.

29 (6) Mechanisms of action.

30 (7) Drug interactions.

31 (8) Diagnostic criteria.

32 (9) Contraindications.

33 (10) Side effects and mitigation of side effects.

34 (11) Administrative set and setting, including physical
35 patient safety.

1 (12) Integration.

2 (13) Potential outcomes.

3 (14) Ethical considerations.

4 (15) Discharge safety planning.

5 b. An applicant for initial registration shall complete
6 eighty hours of continuing education. A qualified therapy
7 provider shall complete four hours of continuing education every
8 two years.

9 4. A qualified therapy provider shall only administer
10 psilocybin to a patient when all of the following requirements
11 are met:

12 a. The patient has a recommendation issued by a qualified
13 medical psilocybin provider.

14 b. The qualified medical therapy provider has obtained and
15 reviewed the patient's mental health history.

16 c. The qualified therapy provider has provided the patient
17 with a safety data sheet created by the department which outlines
18 the potential risks of psilocybin use.

19 d. There are unexpired rescue medications on site, as
20 determined by the department by rule.

21 e. The administration session is video-recorded and the video
22 recording is preserved for one year from the date of the session,
23 or the patient gives written, informed consent waiving the
24 video-recording requirement.

25 f. The qualified therapy provider has a contractual
26 relationship with a licensed physician and surgeon or osteopathic
27 physician and surgeon who remains on call during the course
28 of the administration session in case the patient requires
29 nonemergency medical intervention.

30 5. A qualified therapy provider shall only administer
31 psilocybin or a psilocybin product in a qualified therapy
32 provider location.

33 6. a. Except as provided in paragraph "b", an individual
34 shall not advertise that the individual administers medical
35 psilocybin treatment.

1 b. A qualified therapy provider or clinic or office that
2 employs a qualified therapy provider may advertise the following:

3 (1) The provider's or clinic's name and logo.

4 (2) That the individual is registered as a qualified therapy
5 provider and administers medical psilocybin.

6 (3) A scientific study regarding medical psilocybin use.

7 7. a. A qualified therapy provider registration card expires
8 two years from the date the department issues the card.

9 b. The department shall adopt rules pursuant to chapter 17A
10 for the renewal of a qualified therapy provider registration
11 card.

12 8. Within seven days of the date on which an adverse
13 event occurs, a qualified therapy provider shall submit to the
14 department a report containing all of the following:

15 a. The age and sex of the patient.

16 b. The patient's preexisting health conditions, if any.

17 c. The amount of psilocybin administered to the patient.

18 d. Factors which contributed to the adverse event.

19 e. The nature and severity of the adverse event.

20 f. The ultimate outcome of the adverse event.

21 9. The department may revoke a qualified therapy provider
22 registration card if a qualified therapy provider fails to
23 maintain compliance with this section.

24 Sec. 29. NEW SECTION. **124F.28 Qualified therapy provider**
25 **agent — registration.**

26 1. An individual shall not act as a qualified therapy
27 provider agent unless the department registers the individual as
28 a qualified therapy provider agent, regardless of whether the
29 individual is a seasonal, temporary, or permanent employee.

30 2. The department shall, within fifteen business days after
31 the date the department receives a complete application from a
32 qualified therapy provider agent, register and issue a qualified
33 therapy provider agent registration card to the prospective agent
34 who successfully passes a criminal background investigation as
35 provided in section 124F.6 if the prospective agent does all of

1 the following:

2 a. Provides to the department the prospective agent's name
3 and address.

4 b. Pays a fee to the department in an amount determined by
5 the department by rule.

6 3. a. A qualified therapy provider agent shall comply with
7 either a certification standard developed by the department
8 by rule, or a certification standard that the department has
9 reviewed and approved.

10 b. A certification standard described in paragraph "a" shall
11 include training in Iowa medical psilocybin law.

12 4. A qualified therapy provider agent registration card
13 shall expire two years from the date the department issued the
14 card. A qualified therapy provider agent may renew the agent's
15 registration card if the agent is still eligible to hold a
16 qualified therapy provider agent registration card and pays a fee
17 determined by the department by rule.

18 5. a. A qualified therapy provider agent shall carry the
19 individual's qualified therapy provider agent card with the agent
20 at all times when the agent is handling psilocybin or psilocybin
21 product.

22 b. If a qualified therapy provider agent possesses psilocybin
23 or psilocybin product and produces the registration card in the
24 agent's possession, there is a rebuttable presumption that the
25 agent possesses the psilocybin or psilocybin product legally and
26 a law enforcement officer does not have probable cause, based
27 solely on the agent's possession of the psilocybin or psilocybin
28 product, to believe that the individual is engaging in illegal
29 activity.

30 c. A qualified therapy provider agent who fails to carry the
31 individual's qualified therapy provider agent card with the agent
32 as required by paragraph "a" is guilty of the following offenses:

33 (1) For a first offense, or a second offense within a
34 two-year period, a simple misdemeanor punishable by a fine of one
35 hundred dollars.

1 (2) For a third offense, or a subsequent offense within a
2 two-year period, a simple misdemeanor.

3 d. For each violation of paragraph "c", the department may
4 assess the relevant qualified therapy provider a fine of up to
5 two thousand five hundred dollars.

6 Sec. 30. NEW SECTION. **124F.29 Reports.**

7 1. a. On or before November 1, 2026, and by November 1 of
8 each year thereafter, the department shall submit a report to the
9 general assembly including all of the following:

10 (1) The number of patients for whom psilocybin has been
11 recommended.

12 (2) The age and county of patients.

13 (3) The number of qualified medical psilocybin providers.

14 (4) The number of license applications and renewal
15 applications received.

16 (5) The number of licenses the department has issued in each
17 county.

18 (6) The number of licenses the department has revoked.

19 (7) The expenses incurred and revenues generated from the
20 medical psilocybin program.

21 (8) The number and nature of adverse events reported.

22 b. The department shall not include personally identifying
23 information in the report submitted pursuant to paragraph "a".

24 2. The department shall submit a report to the general
25 assembly regarding the efficacy of medical psilocybin, including
26 recommendations, by June 1, 2028.

27 Sec. 31. NEW SECTION. **124F.30 Enforcement.**

28 1. If a person that is licensed or registered under this
29 chapter violates a provision of this chapter or rules adopted by
30 the department pursuant to this chapter, or fails to comply with
31 an enforcement action taken under this chapter, the department
32 may do any of the following, subject to the requirements of this
33 section:

34 a. Revoke the person's license or registration card.

35 b. Decline to renew the person's license or registration

1 card.

2 c. Assess an administrative fee, as determined by the
3 department by rule.

4 2. If the department finds that a person produced a
5 psilocybin or psilocybin product batch that contains a substance,
6 other than active psilocybin, that poses a significant threat to
7 human health the department shall do all of the following:

8 a. Issue the person a written administrative citation.

9 b. Attempt to negotiate a stipulated settlement.

10 c. Seize, embargo, or destroy the psilocybin or psilocybin
11 product batch.

12 d. Order the person to cease and desist from the action that
13 creates a violation.

14 3. The department may, for a person subject to an uncontested
15 citation, a stipulated settlement, or a finding of a violation
16 in an adjudicative proceeding under this section, if a fine is
17 not already specified by law, assess a person who is not an
18 individual a fine of up to five thousand dollars per violation.

19 4. The department shall not revoke a license or registration
20 issued under this chapter without first conducting a contested
21 case proceeding pursuant to chapter 17A.

22 5. Except where a criminal penalty is expressly provided for
23 a specific violation of this chapter, the following criminal
24 penalties apply:

25 a. Except as provided in paragraph "b", an individual who
26 violates a provision of this chapter is guilty of a simple
27 misdemeanor punishable by a fine of one hundred dollars.

28 b. An individual who intentionally or knowingly violates a
29 provision of this chapter, or violates a provision of this
30 chapter three or more times, is guilty of a serious misdemeanor
31 punishable by a fine of one thousand dollars.

32 **Sec. 32. NEW SECTION. 124F.31 Psilocybin and psilocybin**
33 **products — consumable goods — rules.**

34 The department shall adopt rules pursuant to chapter 17A to
35 allow for the production and sale of consumable goods containing

1 psilocybin and psilocybin product.

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

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

17 Sec. 34. **PSYCHEDELIC COMPOUNDS — STUDY.** The department of
18 health and human services shall conduct a study regarding the use
19 of psychedelic compounds other than psilocybin in the treatment
20 of medical conditions. The department shall submit a report
21 to the general assembly, including the department's findings and
22 recommendations, by January 1, 2027.

23 **EXPLANATION**

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the production and administration
27 of psilocybin. The bill requires a psilocybin production
28 establishment or a qualified therapy provider location, defined
29 in the bill, to include an inventory control system that tracks
30 psilocybin product, defined in the bill, in real time; maintains
31 access records; and includes a video recording system. The
32 bill requires a psilocybin production establishment or qualified
33 therapy provider location to allow the department of health
34 and human services (department) to access the inventory control
35 system at any time.

1 The bill requires a state employer or political subdivision
2 employer to inform an employee or prospective employee prior to
3 assigning a duty related to the administration of the bill that
4 the employee's or prospective employee's job duties may require
5 the employee or prospective employee to engage in conduct in
6 violation of the criminal laws of the United States.

7 The bill creates within the department the psilocybin
8 production establishment licensing board (board), with members
9 appointed by the director of the department. The board shall
10 consist of a member of the public with knowledge of psilocybin,
11 a member with knowledge and experience in the pharmaceutical
12 or nutraceutical manufacturing industry, a member representing
13 law enforcement, a member who is a chemist or researcher with
14 experience in manufacturing and who is associated with a research
15 university, a member who has a background in fungus or mushroom
16 cultivation and processing, and the director of the department
17 or the director's designee, who shall serve as the chairperson
18 of the board and a nonvoting member, except in the case of a
19 tied vote. The bill prohibits a person from serving on the
20 board if the person has certain financial interests related
21 to psilocybin. Members of the board shall serve a term of
22 four years, except that initial members of the board shall be
23 appointed for staggered terms such that the director appoints
24 two or three board members every two years. The director shall
25 fill vacancies in the board for the balance of the unexpired
26 term. Members of the board shall serve without compensation,
27 although they may be reimbursed for actual expenses, and the
28 director may remove a member of the board for cause, neglect of
29 duty, inefficiency, or malfeasance. The board is not subject to
30 automatic dissolution pursuant to Code section 4A.5 (boards and
31 governmental entities — dissolution).

32 The board shall meet as called by the chairperson to review
33 psilocybin license applications, conduct public hearings on
34 applications, and make determinations on license applications.
35 The bill requires the board to meet if a psilocybin production

1 establishment undergoes certain changes. The bill prohibits
2 a person from operating a psilocybin production establishment
3 unless the person holds a license issued by the board. The
4 bill requires the department to adopt rules for solicitation and
5 evaluation of license applications. The bill also requires an
6 applicant for a license to submit the proposed name and address
7 of the establishment, the names and addresses of certain persons
8 associated with the establishment, an operating plan, a statement
9 that the applicant will obtain a performance bond, an application
10 fee, and a description of any investigatory or adverse action
11 previously taken against the applicant in relation to any of
12 the applicant's psilocybin-related operations or businesses. The
13 bill allows the board to issue a provisional license to an
14 applicant who submits an application that does not include an
15 address at which the establishment will be located. The bill
16 prohibits a psilocybin production establishment from operating
17 within 1,000 feet of a community location, defined in the bill,
18 or 500 feet of an area that is zoned as primarily residential.
19 The bill allows the board to waive these limitations by up to 20
20 percent.

21 Upon approval of an application for a license, the bill
22 requires the applicant to pay an initial licensing fee and the
23 department to inform the department of public safety. The bill
24 allows a psilocybin production establishment to be located at the
25 same location as a medical cannabidiol producer and the board may
26 grant preference to an applicant who currently holds a medical
27 cannabidiol producer license. If the board receives more than
28 one application for a psilocybin production establishment license
29 in the same city or town, the board shall consult with the
30 local land use authority prior to issuing a license. The bill
31 prohibits the board from issuing a license to certain persons.
32 The bill allows the board to revoke a license for certain
33 violations. Fees collected by the department shall be deposited
34 into the general fund of the state.

35 If the municipality or county where the psilocybin production

1 establishment will be located requires a land use permit, the
2 bill requires a licensee to submit a copy of an approved land
3 use permit within 120 days of issuance of the license. The
4 bill prohibits the board from issuing more than four licenses
5 to operate an independent psilocybin testing laboratory and
6 allows the board to operate an independent psilocybin testing
7 laboratory. A psilocybin production establishment is not
8 transferable or assignable, and the board's authority to issue
9 a license is plenary and not subject to review. The bill
10 requires the division of criminal investigation of the department
11 of public safety to conduct a thorough investigation of each
12 applicant for a psilocybin production establishment license. The
13 bill requires the board to begin accepting license applications
14 on July 1, 2027. The director of the department shall renew a
15 license if the licensee continues to meet the requirements for
16 initial licensure, the director does not identify a significant
17 failure of compliance or grounds for revocation, and the licensee
18 pays a renewal fee.

19 The bill requires a person applying for a psilocybin
20 production establishment license or license renewal to submit
21 a proposed operating plan, including certain information about
22 the facility, the facility's officers and employees, a security
23 plan, a description of the inventory control system, and storage
24 protocols. The bill requires psilocybin cultivation facilities
25 and psilocybin testing laboratories to submit additional
26 information particular to the type of psilocybin production
27 establishment.

28 The bill prohibits a person from acting as a psilocybin
29 production establishment or qualified therapy provider agent
30 unless the person is registered as a psilocybin production
31 establishment agent with the board. The bill prohibits certain
32 persons from acting as a psilocybin production establishment
33 agent. The bill requires the board to issue a psilocybin
34 production establishment agent registration to a person if the
35 psilocybin production establishment that will employ the agent

1 submits an application and pays a fee on behalf of the person.
2 The prospective agent shall also undergo a criminal background
3 investigation. A psilocybin production establishment agent shall
4 comply with a certification standard adopted by the board.
5 A psilocybin production establishment agent registration is
6 valid for two years and may be renewed. The bill requires a
7 psilocybin production establishment agent to carry the agent's
8 registration card at all times while on the premises of
9 the psilocybin production establishment or when transporting
10 psilocybin. There is a rebuttable presumption a person carrying
11 a psilocybin production establishment agent registration card
12 while in possession of psilocybin possesses the psilocybin
13 legally. A psilocybin production establishment agent who fails
14 to carry a psilocybin production establishment agent registration
15 card while required to do so is guilty of a simple misdemeanor
16 punishable by a fine of \$100 for a first or second offense in a
17 two-year period and a simple misdemeanor punishable as provided
18 by law for a third or subsequent offense in a two-year period. A
19 simple misdemeanor is punishable by confinement for no more than
20 30 days and a fine of at least \$105 but not more than \$855.
21 The board may fine a psilocybin production establishment or
22 qualified therapy provider that employs a psilocybin production
23 establishment agent a fine for each violation.

24 The bill requires a psilocybin production establishment to
25 operate in accordance with the operating plan submitted by
26 the psilocybin production establishment and to inform the
27 department prior to implementing any changes to the plan.
28 The bill requires a psilocybin production establishment to
29 operate in a facility that is accessible only by an individual
30 with a valid psilocybin production establishment registration
31 card, except that a psilocybin production establishment may
32 authorize a person who is at least 18 years of age who is
33 not a psilocybin production establishment agent to access the
34 psilocybin production establishment if the psilocybin production
35 establishment tracks and monitors the individual at all times.

1 A psilocybin production establishment shall not employ a person
2 who is under 21 years of age or who has been convicted of
3 a misdemeanor for drug distribution or any felony. The bill
4 requires a psilocybin production establishment to have a single,
5 secure public entrance and a security system with a backup power
6 source.

7 The bill allows the department to inspect the facility and
8 records of a psilocybin production establishment at any time
9 during business hours. The bill grants certain investigational
10 powers to the department and allows the department to impose a
11 fee or suspend or revoke a license or registration for failing
12 to comply with an inspection. The bill prohibits a psilocybin
13 production establishment from advertising to the general public,
14 except to advertise an employment opportunity. The bill
15 requires the department to adopt rules for standards relating
16 to advertisement by qualified medical psilocybin providers and
17 qualified medical psilocybin therapists, defined in the bill.

18 The bill prohibits a person other than a psilocybin
19 production establishment agent, qualified therapy provider,
20 qualified therapy provider agent, or an agent of the department
21 conducting an inspection from transporting psilocybin. A
22 person transporting psilocybin must possess a manifest including
23 details about the psilocybin the person has been authorized
24 to transport. A psilocybin production establishment agent
25 who transports psilocybin without a manifest is guilty of a
26 simple misdemeanor punishable by a fine of \$100. A psilocybin
27 production establishment who transports an amount of psilocybin
28 in excess of the amount indicated in the manifest is subject
29 to penalties as provided in Code chapter 124 (controlled
30 substances). The bill requires a person disposing of psilocybin
31 waste to render the psilocybin waste unusable and unrecognizable
32 and to dispose of it in compliance with applicable state and
33 federal law.

34 The bill requires a local government to allow a psilocybin
35 production establishment to operate in any zone designated for

1 industrial or agricultural use, unless the local government has
2 designated at least one industrial or agricultural zone for the
3 operation of a psilocybin production establishment prior to the
4 receipt of an application for the establishment of a psilocybin
5 production establishment by the local government. The bill
6 allows a psilocybin production establishment to operate on land
7 that has not been zoned. The bill prohibits local governments
8 from imposing certain restrictions on the establishment of a
9 psilocybin production establishment.

10 The bill requires a psilocybin cultivation facility to
11 use unique identifiers to identify certain classifications of
12 psilocybin. The bill prohibits a psilocybin cultivation facility
13 from selling any product other than a psilocybin product or
14 educational material related to psilocybin and from selling to
15 a person other than a qualified therapy provider or a registered
16 agent of a qualified therapy provider. The bill includes certain
17 labeling requirements for psilocybin products.

18 The bill requires the department to adopt rules for the
19 testing of psilocybin by an independent psilocybin testing
20 laboratory. The bill allows the department to require an
21 independent psilocybin testing laboratory to test for a toxin
22 if the department receives information about the presence of the
23 toxin. The bill prohibits a psilocybin production establishment
24 from transferring psilocybin to a qualified therapy provider
25 until a sample of the psilocybin has been tested by an
26 independent psilocybin testing laboratory. The bill allows
27 the department to require an independent psilocybin testing
28 laboratory to participate in a proficiency evaluation. If
29 an independent psilocybin testing laboratory determines that a
30 psilocybin product is unsafe for human use, the bill requires
31 the independent psilocybin testing laboratory to inform the
32 department and the psilocybin cultivation facility from which
33 the batch originated, and the department shall place a hold on
34 the sale and use of the psilocybin product until the department
35 completes an investigation.

1 The bill requires the department, in consultation with the
2 departments of agriculture and public safety, to adopt rules for
3 the creation and operation of an electronic verification system.
4 The electronic verification system shall, at a minimum, allow
5 a medical psilocybin provider to engage in patient management;
6 allow access by the department and the department of inspections,
7 appeals, and licensing; create a record each time a person
8 accesses the system; and keeps a current record of the total
9 number of individuals who have a psilocybin recommendation.
10 The bill allows the department to release limited data from
11 the electronic verification system for research, reporting,
12 and official department purposes. A person who knowingly
13 and intentionally releases information from the electronic
14 verification system in violation of the bill is guilty of class
15 "D" felony. A class "D" felony is punishable by confinement
16 for no more than five years and a fine of at least \$1,025 but
17 not more than \$10,245. A person who negligently or recklessly
18 releases information from the electronic verification system in
19 violation of the bill is guilty of a serious misdemeanor. A
20 serious misdemeanor is punishable by confinement for no more than
21 one year and a fine of at least \$430 but not more than \$2,560.
22 A person who unlawfully obtains or attempts to obtain information
23 from the electronic verification system is guilty of a class "D"
24 felony.

25 The bill prohibits a person from recommending the use of
26 psilocybin unless the person is a qualified medical psilocybin
27 provider, defined in the bill as a physician and surgeon
28 or osteopathic physician and surgeon, a physician assistant,
29 an advanced registered nurse practitioner, or an advanced
30 practice registered nurse who is registered by the department
31 to recommend treatment with psilocybin. The bill requires the
32 department to issue a qualified medical psilocybin provider
33 registration card to an individual if the individual submits
34 an application, provides a report detailing the completion of
35 continuing education requirements regarding the use of psilocybin

1 listed in the bill, provides evidence that the person holds an
2 appropriate license, and pays an application fee.

3 The bill prohibits a qualified medical psilocybin provider
4 from recommending the use of psilocybin unless the qualified
5 medical psilocybin provider completes a thorough assessment of
6 the patient's condition and history, verifies that the patient
7 is at least 21 years old, and meets with the patient in
8 person if the qualified medical psilocybin provider has not
9 previously recommended a psilocybin treatment to the patient.
10 The bill places restrictions on advertisements by qualified
11 medical psilocybin providers. A qualified medical psilocybin
12 provider registration card expires after two years and may
13 be renewed. The bill allows the department to revoke a
14 qualified medical psilocybin provider registration card for
15 failure to comply with the bill. The bill prohibits a qualified
16 medical psilocybin provider from receiving compensation from
17 certain persons involved in the production of psilocybin. A
18 qualified medical psilocybin provider shall not be subject to
19 a professional, civil, or criminal penalty solely for violating
20 a federal law or regulation that would prohibit recommending,
21 prescribing, possessing, or dispensing psilocybin.

22 The bill prohibits discrimination against a person in
23 the provision of medical care, including organ or tissue
24 transplantation, on the basis of the usage of psilocybin as
25 provided in the bill. The bill also prohibits the state or a
26 political subdivision of the state from discriminating against
27 an employee on the basis of the employee's use of psilocybin
28 as provided in the bill except under certain circumstances, as
29 provided in the bill, and from removing a child from the home
30 of a parent on the basis that the parent uses or possesses
31 psilocybin as authorized by the bill.

32 The bill does not require an insurer, a third-party
33 administrator, or an employer to pay or reimburse for psilocybin.
34 The bill does not restrict the prescription, distribution, or
35 dispensing of a product that the United States food and drug

1 administration has approved.

2 The bill prohibits a person from administering a psilocybin
3 treatment unless the department registers the person as a
4 qualified medical psilocybin therapist, defined in the bill as
5 a physician and surgeon or osteopathic physician and surgeon, a
6 physician assistant, an advanced registered nurse practitioner,
7 an advanced practice registered nurse, a psychologist, or a
8 social worker. The department shall register a person as a
9 qualified medical psilocybin therapist if the person submits
10 an application, provides the address of the clinic where
11 psilocybin will be administered, provides a report detailing
12 the completion of continuing education requirements regarding
13 the use of psilocybin listed in the bill, certifies that the
14 individual has an inventory control system, provides evidence
15 that person has an appropriate license, pays an application fee,
16 and provides an emergency transport plan. A qualified medical
17 psilocybin therapist shall not administer psilocybin to a patient
18 unless the patient has a recommendation issued by a qualified
19 medical psilocybin provider, the qualified medical psilocybin
20 therapist has reviewed the patient's mental health history,
21 the qualified medical psilocybin therapist has provided the
22 patient with a safety sheet created by the department, there are
23 unexpired rescue medications on site, the administration session
24 is video-recorded, and the qualified medical psilocybin therapist
25 has a contractual relationship with a licensed physician and
26 surgeon or osteopathic physician and surgeon who remains on call
27 during the course of the administration session in case a patient
28 requires nonemergency medical intervention.

29 A qualified therapy provider shall only administer psilocybin
30 in a qualified therapy provider location. The bill places limits
31 on advertising by qualified therapy providers. A qualified
32 therapy provider registration expires after two years and may
33 be renewed. The bill requires a qualified therapy provider to
34 submit a report to the department within seven days after the
35 occurrence of an adverse event, defined in the bill. The bill

1 allows the department to revoke a qualified therapy provider
2 registration if a qualified therapy provider fails to maintain
3 compliance with the requirements of the bill.

4 The bill requires the department to submit a report to the
5 general assembly on or before November 1, 2026, and annually
6 by November 1 thereafter, regarding participation in the medical
7 psilocybin program. The bill also requires the department to
8 submit a report regarding the medical efficacy of psilocybin to
9 the general assembly, including recommendations, by June 1, 2029.

10 The bill grants the department enforcement authority for the
11 enforcement of the bill, including by disciplining licenses
12 and registrations, imposing fees, and seizing and destroying
13 psilocybin. The department shall not revoke a license or
14 registration issued pursuant to the bill without first conducting
15 a contested case proceeding.

16 The bill requires the department to adopt rules to allow
17 for the production and sale of consumable goods containing
18 psilocybin and psilocybin product. The bill makes a statement
19 of state policy that contracts related to the production,
20 sale, and administration of psilocybin pursuant to the bill are
21 enforceable.

22 The bill requires the department to conduct a study regarding
23 the use of psychedelic compounds other than psilocybin in the
24 treatment of medical conditions. The department shall submit
25 a report to the general assembly, including its findings and
26 recommendations, by January 1, 2027.

27 A person who violates a provision of the bill for which
28 another penalty is not provided is guilty of a simple misdemeanor
29 punishable by a fine of \$100, except that a person who
30 intentionally or knowingly violates a provision of the bill for
31 which no other penalty is provided three or more times is guilty
32 of a serious misdemeanor punishable by a fine of \$1,000.