

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 1012 VERSION: AMENDED MARCH 20, 2024

AUTHOR: WIENER SPONSOR: HEROIC HEARTS PROJECT

RECOMMENDED POSITION: NONE

**SUBJECT: THE REGULATED PSYCHEDELIC FACILITATORS ACT AND THE REGULATED
PSYCHEDELIC-ASSISTED THERAPY ACT**

Summary:

This bill establishes the Regulated Psychedelic Facilitators Act and creates the Board of Regulated Psychedelic Facilitators under the Department of Consumer Affairs (DCA) to govern the qualifications for psychedelic facilitators in order to ensure psychedelic facilitation is safe, equitable, and affordable for adults who may benefit from it.

It also establishes the Regulated Psychedelic-Assisted Therapy Act to establish a comprehensive system to control and regulate the provision of psychedelic facilitation and the production, distribution, quality, and sale of regulated substances for use in conjunction with that facilitation.

Existing Law:

- 1) Federal law establishes five schedules of controlled substances, and establishes that Schedule 1 drugs have a high potential for abuse, have no currently acceptable medical use in treatment in the United States, and that there is a lack of accepted safety for use of the drug under medical supervision. ([United States Code \(USC\) Title 21, §812\(a\) and \(b\)](#))
- 2) Establishes a list of Schedule 1 drugs, including mescaline and psilocybin. ([21 USC §812\(c\)](#))

This Bill:

The Regulated Psychedelic Facilitators Act

- 1) Establishes the Regulated Psychedelic Facilitators Act. (BPC §3200)
- 2) Creates the Board of Regulated Psychedelic Facilitators under the Department of Consumer Affairs (DCA). (Business and Professions Code (BPC) §§101, 3201)

- 3) Defines “regulated psychedelic substances” as dimethyltryptamine, mescaline, MDMA, psilocybin, and psilocyn. (BPC §3202(q))
- 4) Defines “regulated psychedelic facilitation” as services provided by a regulated psychedelic facilitator to a participant before, during, and after the participant’s consumption of a regulated psychedelic substance. It includes a safety screen, one or more preparation sessions, an administration session, and one or more follow-up evaluations and integration sessions. (BPC §3202(s))
- 5) Requires the initial preparation session to include detailed information about the substance including risks and benefits, discussion of the therapeutic process, informed consent, and safety planning. Requires the safety screen to screen for medical and mental health conditions, family history, contraindications, and pharmacological interactions. (BPC §3202(o) and (v))
- 6) Defines a follow-up evaluation as an evaluation that occurs 12 to 72 hours after completion of an administration session to assess well-being, screen for adverse reactions, and make referrals to other care or supports if needed. Defines an integration session as counseling provided by the regulated psychedelic facilitator or other trained personnel intended to help the participant better understand their psychedelic experience. (BPC §3202(j) and (l))
- 7) Prescribes a 9-member board composed of appointed persons with experience in specified areas. Requires at least one member to be an LMFT, an LCSW, or a board-certified chaplain. (BPC §3211(a))
- 8) Tasks the board with establishing tiers of licensure, scope of practice, and educational, training, exam, practicum, and supervision requirements for regulated psychedelic facilitators. (BPC §3212(c))
- 9) Requires the board to adopt regulations governing the safe provision of regulated psychedelic facilitation by regulated psychedelic facilitators covering several specified topics. (BPC §3213)
- 10) Sets guidelines for unprofessional conduct for applicants and licensees and sets forth methods by which the board may discipline a licensee. (BPC §§3231, 3232)
- 11) States that it is an unfair business practice to use the title of licensed or regulated psychedelic facilitator or use any other term to imply the person is licensed, or to advertise as such, unless they currently hold an active valid license. (BPC §3233)
- 12) States that this act is not to be construed to limit the practice act of any other licensed profession, including the Clinical Social Worker Practice Act and the Licensed Marriage and Family Therapist Act. (BPC §3233)

- 13) Provides that a person engaged in a profession subject to licensure shall not be subject to discipline by a licensing board solely for providing professional services or engaging in activity under this act that is not subject to criminal penalty under state law. (BPC §3240)

The Regulated Psychedelic-Assisted Therapy Act

- 1) Establishes the Regulated Psychedelic-Assisted Therapy Act in order to establish a comprehensive system to control and regulate the provision of psychedelic facilitation, the production process of regulated psychedelic substances for use with regulated psychedelic facilitation, including distribution, storage, manufacturing, testing, and sale, the approval of locations where psychedelic facilitation takes place, and the collection of data and information on implementation and outcomes. (BCP §27000)
- 2) Establishes the Division of Regulated Psychedelic-Assisted Therapy (Division) in the Business, Consumer Services, and Housing Agency. (BPC §27001)
- 3) Defines a regulated psychedelic substance licensee as an entity that holds a license in a category established by the Division. They may receive compensation for regulated psychedelic substances only in connection with use in regulated psychedelic facilitation at an approved location. (BPC §27002(r))
- 4) Requires the Division to adopt regulations for the administration and enforcement of laws regulating psychedelic substances and services that accomplish the following (BPC §27030):
 - a. License qualified persons or entities for activities related to regulated psychedelic substances.
 - b. Establish requirements governing the safe provision of regulated psychedelic substances at approved locations.
 - c. Establish requirements governing licensing and operation of licensees, including psychedelic facilitation centers and approved locations.
 - d. Establish procedures, policies and programs to ensure that the licensing of substances and provision of facilitation is equitable and inclusive.
- 5) Provides that a person engaged in a profession subject to licensure shall not be subject to disciplinary action by a licensing board solely for providing professional services related to or engaging in an any activity permitted by this act that is not subject to criminal penalty under state law. (BPC §27049)

Comment:

- 1) **Author's Intent.** The author states that although current law lists the psychedelic drugs that are the subject of this bill as Schedule I drugs, it is well documented that

these drugs have therapeutic and medical benefits. In their fact sheet for the bill, they note the following:

“In recent years, a few states have acknowledged the healing potential of psychedelics and taken action to put a therapeutic framework in place for people to access these substances in a safe and controlled setting. In 2020, Oregon voters approved two ballot measures that decriminalized the personal use of all scheduled substances and authorized the creation of a state licensed, psilocybin-assisted therapy program over the next two years. In 2022, Colorado voters approved a two-prong ballot measure that allowed access to psilocybin and ibogaine, and later to DMT and mescaline in a regulated therapeutic context, and decriminalized the noncommercial, personal possession of those same substances. The state is developing rules and regulations and will begin licensing facilitators in late 2024.”

“...California is failing to provide residents with a safe, regulated program to access groundbreaking psychedelic-assisted therapy. As a result, many Californians are going abroad to access psychedelics or seeking out underground psychedelic facilitators. To ensure that Californians can access these substances as safely as possible, we must ensure Californians have the proper public education surrounding the potential risks and harms around these substances, and access to a safe, supervised, and regulated setting to use these substances for healing. In addition, there is no state-supported effort to promote the development of professional standards of care for psychedelic-assisted therapy or educate the public about safe practices and the potential risks and benefits. This bill will fill this gap in California.”

- 2) **Oregon Law.** The intent language of the bill notes that voters in Oregon passed Measure 109 in 2020, which established a regulated program in that state to provide access to psilocybin services. In that state, “psilocybin services” means preparation, administration, and integration sessions provided by a licensed facilitator. Further information about that program in Oregon can be found here:
 - [Oregon Psilocybin Services Overview](#)
 - [Oregon Psilocybin Services Fact Sheet](#)
 - [How to Become a Licensed Psilocybin Services Facilitator in Oregon](#)

- 3) **Inclusion of LPCCs.** There are two instances in this bill which include LMFTs and LCSWs, where LPCCs should likely be included also. They are:
 - **BPC §3211(a):** Requires at least one board member on the Board of Regulated Psychedelic Facilitators to be an LMFT, an LCSW, or a board-certified chaplain.
 - **BPC § 3233(c):** Provides that the Regulated Psychedelic-Assisted Therapy Act is not to be construed to limit certain named practice act, or any other

licensed profession. Although LPCCs are technically included here as the qualify as “any other licensed profession,” since the LMFT practice act and LCSW practice act are specifically named here, staff believes the LPCC practice act should be as well.

- 4) **Related Legislation.** AB 941 (Waldron) creates a workgroup to study and make recommendations to establish a framework for the therapeutic use of certain psychedelic plants and fungi. Once this framework is enacted via the legislature, it permits the use of certain specified substances to be utilized for psychedelic-assisted therapy.
- 5) **Previous Legislation.** SB 58 (Wiener, 2023) would have decriminalized the personal use of certain quantities of drugs containing psilocybin or psilocyn for persons aged 21 or older. It also proposed creating a workgroup to study and make recommendations regarding the creation of a framework governing the therapeutic use of those substances.

The Governor vetoed SB 58, and in his veto message asked for legislation that instead includes therapeutic guidelines for certain psychedelics. He also committed to working with the legislature on broader decriminalization in the future once certain guardrails are in place. The Governor’s full veto message for the bill can be found [here](#).

6) **Support and Opposition.**

Support:

Heroic Hearts Project (Sponsor)

Opposition:

None at this time.

7) **History.**

03/20/24	From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E. D.
02/14/24	Referred to Coms. on B., P. & E. D. and PUB S.
02/06/24	From printer. May be acted upon on or after March 7.
02/05/24	Introduced. Read first time. To Com. on RLS. for assignment. To print.

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Introduced by Senator Wiener

(Principal coauthors: Assembly Members Lowenthal and Waldron)

(Coauthors: Senators Becker, Bradford, Dodd, and Skinner)

(Coauthors: Assembly Members Bryan, Haney, Jackson, Kalra, Lee, Rendon, and Wilson)

February 5, 2024

An act to amend ~~Section 101~~ *Sections 101 and 729* of, to add Chapter 7.1 (commencing with Section 3200) to Division 2 of, and to add Division 11 (commencing with Section 27000) to, the Business and Professions Code, to add Section 1550.6 to the Civil Code, and to amend Sections 11350, 11351, 11352, ~~11364~~, 11364.7, 11377, 11378, 11379, 11390, and 11391 of the Health and Safety Code, relating to ~~regulated psychedelic substances~~. *controlled substances*.

legislative counsel's digest

SB 1012, as amended, Wiener. The ~~Regulated Psychedelic-assisted Therapy Act and the Regulated Psychedelic Substances Control Psychedelic Facilitators Act and the Regulated Psychedelic-Assisted Therapy Act~~.

(1) Existing law provides for the regulation of various professions and vocations by boards established under the jurisdiction of the Department of Consumer ~~Affairs~~. *Affairs in the Business, Consumer Services, and Housing Agency*. Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 schedules, and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law classifies dimethyltryptamine, mescaline, 3,4-methylenedioxymethamphetamine

(MDMA), ibogaine, psilocybin, and psilocyn as Schedule I substances, and prohibits various actions related to those substances, including their sale, possession, transportation, manufacture, or cultivation.

(2) This bill would enact the ~~Regulated Psychedelic-assisted Therapy~~ *Psychedelic Facilitators Act*, which would establish the Board of Regulated Psychedelic Facilitators in the Department of Consumer Affairs to license and regulate ~~psychedelic-assisted therapy~~ *psychedelic* facilitators, as defined. The bill would require the board to be appointed, as specified, by April 1, 2025. The bill would require the board to establish ~~education~~, *educational*, training, and other qualifications and requirements for obtaining a license as a regulated ~~psychedelic-assisted therapy~~ *psychedelic* facilitator and would establish conditions of licensure. The bill would require the board to establish license fees for the reasonable regulatory costs to the board to administer the act. The bill would require the board to begin accepting license applications by April 1, 2026. The bill would make a license subject to renewal every 2 years. The bill would create the ~~Regulated Psychedelic-assisted Therapy~~ *Psychedelic Facilitators* Fund in the State Treasury, would require all funds received pursuant to the act to be credited to the fund, and would make moneys in the fund available to the board for the act's purposes upon appropriation by the Legislature. The bill would require the board, ~~in consultation~~ *consistent with recommendations made by* the Regulated Psychedelic Substances Advisory Committee, which would be created by the bill, to adopt regulations, on or before January 1, 2026, governing the safe provision of regulated ~~psychedelic-assisted therapy~~, *psychedelic facilitation*, including regulations governing the scope of practice for regulated ~~psychedelic-assisted therapy~~ *psychedelic* facilitators and recordkeeping requirements, provided the recordkeeping does not result in the disclosure of personally identifiable information of participants. The bill would require the board to determine which schools and programs meet the requirements of the act and to adopt regulations governing the requirements and process for approving schools and programs related to the provision of regulated ~~psychedelic-assisted therapy~~ *psychedelic facilitation training*. The bill would authorize the board to charge a reasonable fee for the inspection or approval of schools or programs. The bill would make a violation of the act a misdemeanor and subject a licenseholder's license to ~~suspension for 3 years and a \$1,000 fine~~ *suspension or revocation*. The bill would make a violation of specified acts subject to discipline *or denial of a license* by the board in accordance with specified procedures.

By creating a new crime, the bill would impose a state-mandated local program. The bill would make specified practices unfair business practices, including a person without a license holding themselves out as a ~~licensed psychedelic-assisted therapy~~ *regulated psychedelic* facilitator. The bill would ~~prohibit a local government from enacting or enforcing an ordinance that conflicts with the act.~~ *authorize a local government to reasonably regulate the time, place, and manner of regulated psychedelic facilitation within its boundaries.*

(3) This bill would enact the ~~Regulated Psychedelic Substances Control~~ *Psychedelic-Assisted Therapy Act* to establish a comprehensive system to control and regulate the ~~cultivation, production,~~ distribution, transportation, storage, processing, manufacturing, testing, quality control, and sale of regulated psychedelic substances for use in conjunction with ~~regulated psychedelic-assisted therapy.~~ *psychedelic facilitation, as defined, the provision of psychedelic facilitation, the approval of locations where regulated psychedelic facilitation may take place, and the collection and publication of data on the implementation and outcomes of the act.* The bill would define “regulated psychedelic substances” to include dimethyltryptamine; mescaline; 3,4-methylenedioxymethamphetamine (MDMA); psilocybin; psilocyn; and spores or mycelium capable of producing mushrooms that contain psilocybin or psilocyn. The bill would establish the Division of ~~Regulated Psychedelic Substances Control~~ *Psychedelic-Assisted Therapy, to be under the supervision and control of a director appointed by the Governor;* in the Business, Consumer Services, and Housing Agency to administer and enforce the act. The bill would require the division to ~~adopt emergency regulations and to take other actions~~ *take specified actions* to carry out its duties under the act, including conducting investigations and employing peace officers. *The bill would grant to specified personnel the authority of peace officers while engaged in investigating the laws administered by the division or commencing criminal prosecution arising from investigations, as specified.* The bill would require the division, no later than April 1, 2025, to convene a ~~Regulated Psychedelic Substances Advisory Committee~~ *Expert Oversight Committee, to be appointed by the Governor;* to advise the division and the Board of Regulated Psychedelic Facilitators on the development of standards and regulations that include best practices and guidelines that protect public health and safety. The bill would require the ~~advisory oversight~~ *committee,* commencing on January 1, 2026, to publish an annual public report that includes, among

other things, the ~~advisory oversight~~ committee's recommendations to the division *and the board* and whether those recommendations were implemented. The bill would require the division to adopt ~~regulations~~ *regulations, consistent with the recommendations of the oversight committee*, for the administration and enforcement of laws regulating regulated psychedelic substances and services, including regulations ~~that, among other things, that~~ establish categories of licensure and registration, ~~establish requirements governing the safe provision of regulated psychedelic substances to participants, and that establish requirements governing the licensing and operation of psychedelic therapy centers and approved locations, as defined.~~ *registration*. The bill would require the division, no later than April 1, 2026, to begin to accept and process applications for licensure. *The bill would authorize the division to collect fees in connection with activities it regulates.* The bill would create the ~~Regulated Psychedelic Substances Control~~ *Psychedelic-Assisted Therapy* Fund within the State Treasury, and would allocate the funds, upon appropriation by the Legislature, to the division for the purposes of implementing, administering, and enforcing the act. The bill would also create the ~~Regulated Psychedelic Substances~~ *Public Education and Harm Reduction* Fund, to be available to the Office of Community Partnerships and Strategic Communications, upon appropriation by the Legislature, to award grants for public education and harm reduction relating to psychedelic substances. The bill would authorize the division to accept moneys from private sources to supplement state funds, which may be appropriated by the Legislature to the fund. The bill would make a violation of the act a ~~misdemeanor and subject to a fine of up to \$1,000 and forfeiture of a license granted under the act for 3 years.~~ *misdemeanor*. By creating a new crime, the bill would impose a state-mandated local program. The bill would require the division to work with state and local enforcement agencies to implement, administer, and enforce the division's rules and regulations.

(4) Existing law provides that a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor who engages in specified sexual conduct with a patient or client or certain former patients or clients is guilty of sexual exploitation and prescribes specified criminal penalties for acts of sexual exploitation.

This bill would make those provisions applicable to registered psychedelic facilitators. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(4)

(5) This bill would declare that it is the public policy of the people of the State of California that contracts related to the operation of licenses under the *Regulated Psychedelic Facilitators Act* and the *Regulated Psychedelic-Assisted Psychedelic-Assisted Therapy Act* and the *Regulated Psychedelic Substances Control Act* shall be enforceable.

~~(5)~~

(6) This bill would make conforming changes to the California Uniform Controlled Substances Act.

(7) *This bill would state that its provisions are severable.*

~~(6) This~~

(8) *This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.*

~~(7) This bill would state that its provisions are severable.~~

(9) *Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

This bill would make legislative findings to that effect.

~~(8)~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(9) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) (1) California’s current approach to mental
2 health has failed to fulfill its promise. Californians deserve more

1 tools to address mental health issues, including approaches such
 2 as regulated psychedelic-assisted therapy, that are grounded in
 3 treatment, recovery, health, and wellness rather than
 4 criminalization, stigma, suffering, and punishment.

5 (2) Californians are experiencing problematic mental health
 6 issues, ~~including~~ *including*, but not limited to, suicidality, addiction,
 7 depression, and anxiety.

8 (3) An extensive and growing body of research is advancing to
 9 support the efficacy of regulated psychedelic substances combined
 10 with therapy as treatment for depression, anxiety, substance use
 11 disorders, end-of-life distress, other conditions, and overall human
 12 wellness.

13 (4) Psychedelic substances are powerful agents that have known
 14 contraindications for certain populations ~~and, or~~; when used with
 15 certain other substances, ~~and~~ can trigger a variety of adverse
 16 effects. Thus, the use of psychedelic substances must be
 17 accompanied by a strong public education campaign, guardrails
 18 for safe access and use in a supervised environment by trained
 19 facilitators, harm reduction initiatives, and training for first
 20 responders and multiresponders.

21 (5) If accompanied by strong public education, guardrails, and
 22 safety standards, Californians can promote health and healing by
 23 providing regulated access to psychedelic-assisted therapy through
 24 a ~~humane, cost-effective~~, *cost-effective* and responsible approach.

25 (6) Oregon voters enacted Measure 109 in November 2020 and
 26 Colorado voters enacted Proposition 122 in November 2022 to
 27 establish regulated systems of delivering one or more regulated
 28 psychedelic substances in conjunction with therapeutic services.

29 (b) The intent of the Legislature in enacting this act is as follows:

30 ~~(1) Establish a regulated program to allow safe access to~~
 31 ~~regulated psychedelic-assisted therapy for adults 21 years of age~~
 32 ~~and older under the supervision of a licensed psychedelic-assisted~~
 33 ~~therapy facilitator.~~

34 ~~(2) To house the regulatory program within the California~~
 35 ~~Business, Consumer Services, and Housing Agency and to~~
 36 ~~authorize that agency to oversee and regulate manufacture, testing,~~
 37 ~~quality control, transport, and safety of regulated psychedelic~~
 38 ~~substances.~~

39 ~~(3) To create and establish a professional licensing board for~~
 40 ~~psychedelic-assisted therapy facilitators to govern the qualifications~~

1 for education, training, experience, licensure, professional practice,
2 standards of care, appropriate locations for the provision of
3 psychedelic-assisted therapy, ethics, and discipline for
4 psychedelic-assisted therapy facilitators.

5 ~~(4) To create an advisory committee housed within the~~
6 ~~California Business, Consumer Services, and Housing Agency to~~
7 ~~advise and make recommendations to the agency, the professional~~
8 ~~licensing board, and other involved agencies and departments on~~
9 ~~the adoption of rules and the implementation of this act.~~

10 *(1) To create a Psychedelic Substances Public Education and*
11 *Harm Reduction Fund within the Office of Community Partnerships*
12 *and Strategic Communications that may receive public and private*
13 *dollars to provide grants to public and private entities to develop*
14 *and advance education and harm reduction curricula, public*
15 *education campaigns, trainings, and information for the public*
16 *related to the use of psychedelic substances, including an internet*
17 *website, screening tool, and information about contraindications*
18 *and adverse effects and education and training for first responders*
19 *and multiresponders including law enforcement, emergency*
20 *medical services, social services, and fire services.*

21 *(2) To establish a Division of Regulated Psychedelic-Assisted*
22 *Therapy within the Business, Consumer Services, and Housing*
23 *Agency.*

24 *(3) To establish an expert oversight committee comprised of*
25 *subject matter experts appointed by the Governor to advise all*
26 *aspects of the regulatory program, including advising the division,*
27 *the professional licensing board, and all other involved agencies*
28 *and departments on the adoption of rules and the implementation*
29 *of this act.*

30 *(4) To authorize the division, under the guidance of the expert*
31 *oversight committee, (A) to establish a program to allow for*
32 *regulated access to psychedelic facilitation for adults 21 years of*
33 *age and older under the supervision of a licensed psychedelic*
34 *facilitator; (B) to oversee and regulate manufacture, testing, quality*
35 *control, transport, and safety of regulated psychedelic substances*
36 *for this purpose, and (C) to approve appropriate locations for the*
37 *provision of psychedelic facilitation.*

38 *(5) Within the Department of Consumer Affairs, and under the*
39 *guidance of the expert oversight committee, to establish a*
40 *professional licensing board for psychedelic facilitators to govern*

1 *the qualifications for education, training, experience, licensure,*
2 *professional practice, standards of care, ethics, and discipline for*
3 *psychedelic facilitators.*

4 (6) *To authorize the division, under the guidance of the expert*
5 *oversight committee, to collect data and to publish deidentified*
6 *and aggregate data, while strictly protecting the confidentiality*
7 *of program participants.*

8 ~~(5)~~

9 (7) ~~To ensure that the psychedelic-assisted therapy psychedelic~~
10 *facilitation available under the regulated program be accessible,*
11 *equitable, affordable, and safe for adults 21 years of age and older*
12 *for whom psychedelic-assisted therapy psychedelic facilitation is*
13 *potentially beneficial.*

14 ~~(6) Respect~~

15 (8) *To respect and support indigenous cultures, traditions, and*
16 *uses of psychedelic substances and not affect rights or undermine*
17 *any protected status, or practice under other laws related to*
18 *indigenous uses of psychedelic substances, or affect churches*
19 *operating pursuant to the Religious Freedom Restoration Act of*
20 *1993.*

21 ~~(7) To create a fund that may receive both public and private~~
22 ~~dollars to provide grants to public and private entities to develop~~
23 ~~and advance education and harm reduction curricula, public~~
24 ~~education campaigns, trainings, and information for the public~~
25 ~~related to the use of psychedelic substances, including an internet~~
26 ~~website, screening tool, and information about contraindications~~
27 ~~and adverse effects and education and training for first responders~~
28 ~~and multiresponders including law enforcement, emergency~~
29 ~~medical services, social services, and fire services.~~

30 ~~(8)~~

31 (9) *Not affect or limit any rights or activities protected under*
32 *any other local, state, state or federal law to expand upon any rights*
33 *or activities protected by this act.*

34 SEC. 2. Section 101 of the Business and Professions Code is
35 amended to read:

36 101. The department is comprised of the following:

- 37 (a) The Dental Board of California.
- 38 (b) The Medical Board of California.
- 39 (c) The California State Board of Optometry.
- 40 (d) The California State Board of Pharmacy.

- 1 (e) The Veterinary Medical Board.
- 2 (f) The California Board of Accountancy.
- 3 (g) The California Architects Board.
- 4 (h) The State Board of Barbering and Cosmetology.
- 5 (i) The Board for Professional Engineers, Land Surveyors, and
- 6 Geologists.
- 7 (j) The Contractors State License Board.
- 8 (k) The Bureau for Private Postsecondary Education.
- 9 (l) The Bureau of Household Goods and Services.
- 10 (m) The Board of Registered Nursing.
- 11 (n) The Board of Behavioral Sciences.
- 12 (o) The State Athletic Commission.
- 13 (p) The Cemetery and Funeral Bureau.
- 14 (q) The Bureau of Security and Investigative Services.
- 15 (r) The Court Reporters Board of California.
- 16 (s) The Board of Vocational Nursing and Psychiatric
- 17 Technicians.
- 18 (t) The Landscape Architects Technical Committee.
- 19 (u) The Division of Investigation.
- 20 (v) The Bureau of Automotive Repair.
- 21 (w) The Respiratory Care Board of California.
- 22 (x) The Acupuncture Board.
- 23 (y) The Board of Psychology.
- 24 (z) The Podiatric Medical Board of California.
- 25 (aa) The Physical Therapy Board of California.
- 26 (ab) The Arbitration Review Program.
- 27 (ac) The Physician Assistant Board.
- 28 (ad) The Speech-Language Pathology and Audiology and
- 29 Hearing Aid Dispensers Board.
- 30 (ae) The California Board of Occupational Therapy.
- 31 (af) The Osteopathic Medical Board of California.
- 32 (ag) The California Board of Naturopathic Medicine.
- 33 (ah) The Dental Hygiene Board of California.
- 34 (ai) The Professional Fiduciaries Bureau.
- 35 (aj) The State Board of Chiropractic Examiners.
- 36 (ak) The Bureau of Real Estate Appraisers.
- 37 (al) The Structural Pest Control Board.
- 38 (am) The Board of Regulated Psychedelic Facilitators.
- 39 (an) Any other boards, offices, or officers subject to its
- 40 jurisdiction by law.

1 *SEC. 3. Section 729 of the Business and Professions Code is*
 2 *amended to read:*

3 729. (a) Any physician and surgeon, psychotherapist, alcohol
 4 and drug abuse ~~counselor~~ *counselor*, *psychedelic facilitator*, or
 5 any person holding ~~himself or herself~~ *themselves* out to be a
 6 physician and surgeon, psychotherapist, ~~or~~ alcohol and drug abuse
 7 counselor, *or psychedelic facilitator*, who engages in an act of
 8 sexual intercourse, sodomy, oral copulation, or sexual contact with
 9 a patient or client, or with a former patient or client when the
 10 relationship was terminated primarily for the purpose of engaging
 11 in those acts, unless the physician and surgeon, psychotherapist,
 12 ~~or~~ alcohol and drug abuse ~~counselor~~ *counselor*, *or regulated*
 13 *psychedelic facilitator* has referred the patient or client to an
 14 independent and objective physician and surgeon, psychotherapist,
 15 ~~or~~ alcohol and drug abuse ~~counselor~~ *counselor*, *or regulated*
 16 *psychedelic facilitator* recommended by a third-party physician
 17 and surgeon, psychotherapist, ~~or~~ alcohol and drug abuse ~~counselor~~
 18 *counselor*, *or regulated psychedelic facilitator* for treatment, is
 19 guilty of sexual exploitation by a physician and surgeon,
 20 psychotherapist, ~~or~~ alcohol and drug abuse ~~counselor~~ *counselor*,
 21 *or regulated psychedelic facilitator*.

22 (b) Sexual exploitation by a physician and surgeon,
 23 psychotherapist, ~~or~~ alcohol and drug abuse ~~counselor~~ *counselor*,
 24 *or regulated psychedelic facilitator* is a public offense:

25 (1) An act in violation of subdivision (a) shall be punishable by
 26 imprisonment in a county jail for a period of not more than six
 27 months, or a fine not exceeding one thousand dollars (\$1,000), or
 28 by both that imprisonment and fine.

29 (2) Multiple acts in violation of subdivision (a) with a single
 30 victim, when the offender has no prior conviction for sexual
 31 exploitation, shall be punishable by imprisonment in a county jail
 32 for a period of not more than six months, or a fine not exceeding
 33 one thousand dollars (\$1,000), or by both that imprisonment and
 34 fine.

35 (3) An act or acts in violation of subdivision (a) with two or
 36 more victims shall be punishable by imprisonment pursuant to
 37 subdivision (h) of Section 1170 of the Penal Code for a period of
 38 16 months, two years, or three years, and a fine not exceeding ten
 39 thousand dollars (\$10,000); or the act or acts shall be punishable
 40 by imprisonment in a county jail for a period of not more than one

1 year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

3 (4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

12 (5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000).

18 For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

24 (c) For purposes of this section:

25 (1) "Psychotherapist" has the same meaning as defined in Section 728.

27 (2) "Alcohol and drug abuse counselor" means an individual who holds ~~himself or herself~~ *themselves* out to be an alcohol or drug abuse professional or paraprofessional.

30 (3) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

33 (4) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

35 (5) "*Regulated psychedelic facilitator*" has the same meaning as defined in Section 27002.

37 (d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or

1 clients of the physician and surgeon, psychotherapist, or alcohol
2 and drug abuse counselor.

3 (e) This section does not apply to sexual contact between a
4 physician and surgeon and ~~his or her~~ *their* spouse or person in an
5 equivalent domestic relationship when that physician and surgeon
6 provides medical treatment, other than psychotherapeutic treatment,
7 to ~~his or her~~ *their* spouse or person in an equivalent domestic
8 relationship.

9 (f) If a physician and surgeon, psychotherapist, ~~or~~ alcohol and
10 drug abuse ~~counselor~~ *counselor*, ~~or~~ *psychedelic facilitator* in a
11 professional partnership or similar group has sexual contact with
12 a patient in violation of this section, another physician and surgeon,
13 psychotherapist, ~~or~~ alcohol and drug abuse ~~counselor~~ *counselor*,
14 ~~or~~ *psychedelic facilitator* in the partnership or group shall not be
15 subject to action under this section solely because of the occurrence
16 of that sexual contact.

17 ~~SEC. 3.~~

18 *SEC. 4.* Chapter 7.1 (commencing with Section 3200) is added
19 to Division 2 of the Business and Professions Code, to read:

20
21 **Chapter 7.1. Regulated Psychedelic**
22 **Therapy Facilitators**

23
24
25 **Article 1. General Provisions**

26
27 ~~3200.~~ (a) ~~This act shall be known as the Regulated~~
28 ~~Psychedelic-assisted Therapy Act.~~

29 (b) ~~The intent of the Legislature in acting this act is as follows:~~

30 (1) ~~Establish a regulated program to allow safe access to~~
31 ~~psychedelic-assisted therapy for adults 21 years of age and older~~
32 ~~under the supervision of a licensed facilitator.~~

33 (2) ~~To create and establish a professional licensing board for~~
34 ~~psychedelic-assisted therapy facilitators to govern the qualifications~~
35 ~~for education, training, experience, licensure, professional practice,~~
36 ~~standards of care, ethics, and discipline for psychedelic-assisted~~
37 ~~therapy facilitators.~~

38 (3) ~~Ensure that regulated psychedelic-assisted therapy is~~
39 ~~available, equitable, and affordable for all adults 21 years of age~~

1 and older for whom regulated psychedelic-assisted therapy is
2 appropriate and potentially beneficial.

3 (4) Respect indigenous cultures, traditions, and uses of
4 psychedelic substances and not affect rights or undermine any
5 protected status, or practice under other laws related to indigenous
6 uses of psychedelic substances, or affect churches operating
7 pursuant to the Religious Freedom Restoration Act of 1993.

8 (5) Provide education and harm reduction information for the
9 public related to the use of regulated psychedelic substances,
10 including information about contraindications and adverse effects
11 and training for first responders and multiresponders, including
12 law enforcement, emergency medical services, social services, and
13 fire services.

14 (6) Not affect or limit any rights or activities protected under
15 any other local, state, or federal law to expand upon any rights or
16 activities protected by this act.

17 3201. The Board of Regulated Psychedelic Facilitators is
18 hereby created within the Department of Consumer Affairs to carry
19 out the responsibilities and duties set forth in this chapter.

20 3202. Unless otherwise specified, the following definitions
21 apply for purposes of this chapter:

22 (a) “Administration session” means a session conducted at a
23 regulated psychedelic-assisted therapy establishment or other
24 approved location during which a participant consumes and
25 experiences the effects of a regulated psychedelic substance under
26 the supervision of a regulated psychedelic-assisted therapy
27 facilitator.

28 (b) “Adverse event” or “adverse reaction” means any adverse
29 reaction during or after the psychedelic experience requiring
30 psychiatric, medical, or psychological care.

31 (c) “Approved location” means a location approved by the board
32 for the provision of regulated psychedelic-assisted therapy or a
33 clinic, center, or other premises approved by the State Department
34 of Public Health for the provision of regulated psychedelic-assisted
35 therapy.

36 (d) “Approved school” means a school or educational program
37 approved by the board that meets minimum standards for training
38 and curriculum in regulated psychedelic-assisted therapy
39 facilitation and related subjects established by the board and that
40 has not been otherwise unapproved by the board.

- 1 ~~(e) “Board” means the Board of Regulated Psychedelic~~
2 ~~Facilitators.~~
- 3 ~~(f) “Compensation” means a payment, loan, advance, donation,~~
4 ~~contribution, deposit, gift of money, or anything of value.~~
- 5 ~~(g) “Followup session” means a meeting between a participant~~
6 ~~and a regulated psychedelic-assisted therapy facilitator that occurs~~
7 ~~within 12 to 36 hours after the completion of an administration~~
8 ~~session or sooner, if warranted, to assess well-being, screen for~~
9 ~~adverse reactions and, if needed, make referrals to needed care,~~
10 ~~additional psychosocial support, or other interventions.~~
- 11 ~~(h) “Integration session” means counseling provided by the~~
12 ~~regulated psychedelic-assisted facilitator or other personnel trained~~
13 ~~in postpsychedelic support that is intended to help the participant~~
14 ~~ground themselves and feel oriented, better understand their~~
15 ~~psychedelic experience, and apply insights from their experience~~
16 ~~to healthy behavioral change in their daily life.~~
- 17 ~~(i) “License” means a valid license issued by the board pursuant~~
18 ~~to this chapter.~~
- 19 ~~(j) “Participant” means an individual who is 21 years of age or~~
20 ~~older and who received regulated psychedelic-assisted therapy~~
21 ~~performed by and under the supervision of a regulated~~
22 ~~psychedelic-assisted therapy facilitator.~~
- 23 ~~(k) “Preparation session” means a session conducted between~~
24 ~~the participant and the facilitator before the administration of the~~
25 ~~regulated psychedelic substance. More than one preparation session~~
26 ~~may be indicated to provide participants adequate education and~~
27 ~~instruction, to develop sufficient rapport between participant and~~
28 ~~facilitator before psychedelic substance administration, and to~~
29 ~~revisit informed consent and safety planning. The initial preparation~~
30 ~~session shall include review of the safety screen and considerations~~
31 ~~for exclusion; presentation and discussion of detailed information~~
32 ~~about the psychedelic substance, including its potential risks and~~
33 ~~benefits; presentation and discussion of the therapeutic process,~~
34 ~~including administration session parameters; obtaining informed~~
35 ~~consent; safety planning; and other information as the board may~~
36 ~~determine. If three months or more have passed since the last~~
37 ~~psychedelic administration session conducted by a given participant~~
38 ~~with a given facilitator, this will be considered a new course of~~
39 ~~care, and another initial preparation session must be conducted.~~

1 ~~(l) “Regulated psychedelic substances” has the same meaning~~
2 ~~as in subdivision (i) of Section 27002.~~

3 ~~(m) “Regulated psychedelic assisted therapy” means services~~
4 ~~provided pursuant to this chapter by a regulated~~
5 ~~psychedelic assisted therapy facilitator or other authorized person~~
6 ~~to a participant before, during, and after the participant’s~~
7 ~~consumption of a regulated psychedelic substance, that includes~~
8 ~~all of the following:~~

9 ~~(1) A safety screen.~~

10 ~~(2) One or more preparation sessions.~~

11 ~~(3) An administration session.~~

12 ~~(4) One or more followup sessions.~~

13 ~~(n) “Regulated psychedelic assisted therapy establishment” or~~
14 ~~“establishment” means an approved location where regulated~~
15 ~~psychedelic assisted therapy is performed for compensation.~~

16 ~~(o) “Regulated psychedelic assisted therapy facilitator” means~~
17 ~~a person licensed by the board who satisfies the requirements set~~
18 ~~forth in Section 3220.~~

19 ~~(p) “Safety screen” means a screening for medical conditions,~~
20 ~~mental health conditions, family history, contraindications, and~~
21 ~~pharmacological interactions that must be provided to every~~
22 ~~participant before an administration session.~~

23 ~~(q) “Set” means the mindset of an individual, including the~~
24 ~~individual’s history, personality, and intentions going into~~
25 ~~psychedelic assisted therapy.~~

26 ~~(r) “Setting” means the physical and social environment in which~~
27 ~~the psychedelic assisted therapy experience occurs.~~

28 ~~(s) “Sole provider” means a regulated psychedelic assisted~~
29 ~~therapy business where the owner owns 100 percent of the business~~
30 ~~and is the only person who provides regulated psychedelic assisted~~
31 ~~therapy for compensation for that business pursuant to a valid and~~
32 ~~active license issued in accordance with this chapter.~~

33

34 ~~Article 2. Administration~~

35

36 ~~3210. Protection of the public shall be the highest priority for~~
37 ~~the board in exercising its licensing, regulatory, and disciplinary~~
38 ~~functions. Whenever the protection of the public is inconsistent~~
39 ~~with other interests sought to be promoted, the protection of the~~
40 ~~public shall be paramount.~~

1 ~~3211. (a) The board shall consist of nine members. Seven~~
2 ~~members shall be appointed by the Governor, one public member~~
3 ~~shall be appointed by the Senate Committee on Rules, and one~~
4 ~~public member shall be appointed by the Speaker of the Assembly.~~
5 ~~Members of the board shall include five members who have~~
6 ~~experience facilitating psychedelic-assisted therapy and four public~~
7 ~~members. At least one member shall have experience as a facilitator~~
8 ~~as part of a United States Food and Drug Administration approved~~
9 ~~clinical trial; at least one member shall have experience in training~~
10 ~~and supervising facilitators; at least one member shall be a licensed~~
11 ~~physician or licensed nurse practitioner; at least one member shall~~
12 ~~have experience providing care health care to veterans; and at least~~
13 ~~one member shall be a licensed marriage and family therapist or~~
14 ~~a licensed clinical social worker.~~

15 ~~(b) A member of the board shall be appointed for a four-year~~
16 ~~term. A person shall not serve as a member of the board for more~~
17 ~~than two consecutive terms. A member shall hold office until the~~
18 ~~appointment and qualification of the member's successor, or until~~
19 ~~one year from the expiration of the term for which the member~~
20 ~~was appointed, whichever first occurs. Any vacancy shall be filled~~
21 ~~by appointment by the appointing authority which originally~~
22 ~~appointed the member whose position has become vacant.~~

23 ~~(c) A public member of the board shall be a resident of this state~~
24 ~~for at least one year preceding the public member's appointment.~~

25 ~~(d) A person shall not be appointed as a public member if the~~
26 ~~person or the person's immediate family owns an economic interest~~
27 ~~in a college, school, or institution engaged in regulated~~
28 ~~psychedelic-assisted therapy education. "Immediate family" means~~
29 ~~the public member's spouse, domestic partner, parent, child, or~~
30 ~~child's spouse or domestic partner.~~

31 ~~(e) Each member of the board shall receive a per diem and~~
32 ~~expenses as provided in Section 103.~~

33 ~~(f) The board may appoint a person exempt from civil service~~
34 ~~who shall be designated as an executive officer and who shall~~
35 ~~exercise the powers and perform the duties delegated by the board~~
36 ~~and vested in the executive officer by this chapter.~~

37 ~~(g) Each appointing authority has power to remove from office~~
38 ~~at any time any member of the board appointed by that authority~~
39 ~~pursuant to Section 106.~~

- 1 ~~3213. (a) The board may take any reasonable actions necessary~~
2 ~~to carry out the responsibilities and duties set forth in this chapter,~~
3 ~~including, but not limited to, hiring staff, entering into contracts,~~
4 ~~and developing policies, procedures, rules, and bylaws to~~
5 ~~implement this chapter.~~
- 6 ~~(b) The board may require background checks for employees,~~
7 ~~contractors, volunteers, and board members as a condition of their~~
8 ~~employment, formation of a contractual relationship, or~~
9 ~~participation in board activities.~~
- 10 ~~(c) The board shall establish educational, training, examination,~~
11 ~~practicum, and supervision requirements, different tiers of~~
12 ~~licensing, scope of practice, and qualifications for regulated~~
13 ~~psychedelic-assisted therapy facilitators that protect participant~~
14 ~~safety, eliminate abuse, and reduce harm, and establish procedures~~
15 ~~to collect and report data to better inform use and increase equitable~~
16 ~~access to services.~~
- 17 ~~(d) The board shall issue requirements for psychedelic-assisted~~
18 ~~therapy for both individuals and groups, including those that~~
19 ~~include veterans.~~
- 20 ~~(e) The board shall issue a license to an individual applicant~~
21 ~~who satisfies the requirements of this chapter for that license.~~
- 22 ~~(f) The board shall determine whether the information provided~~
23 ~~to the board in relation to the licensure of an applicant is true and~~
24 ~~accurate and meets the requirements of this chapter. If the board~~
25 ~~has any reason to question whether the information provided is~~
26 ~~true or accurate, or meets the requirements of this chapter, the~~
27 ~~board may make any investigation it deems necessary to establish~~
28 ~~that the information received is accurate and satisfies the criteria~~
29 ~~established by this chapter. The applicant has the burden to prove~~
30 ~~that they are entitled to licensure.~~
- 31 ~~(g) The board shall establish fees for the reasonable regulatory~~
32 ~~costs to the board in administering this chapter. Initial license and~~
33 ~~renewal fees shall be in an amount sufficient, but shall not exceed~~
34 ~~the amount necessary, to support the functions of the board in the~~
35 ~~administration of this chapter. The renewal fee shall be reassessed~~
36 ~~biennially by the board.~~
- 37 ~~(h) The meetings of the board shall be subject to the rules of~~
38 ~~the Bagley Keene Open Meeting Act (Article 9 (commencing with~~
39 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
40 ~~the Government Code). The board may adopt additional policies~~

1 and procedures that provide greater transparency to licenseholders
2 and the public than required by the Bagley-Keene Open Meeting
3 Act.

4 ~~(i) The board shall have the authority to, and shall collect~~
5 ~~available and relevant information and data necessary to, perform~~
6 ~~its functions and duties under this act, but must not disclose the~~
7 ~~identity of any participant or publicly disclose any information~~
8 ~~that could disclose the identity of a participant.~~

9 3214. (a) The board shall be appointed by April 1, 2025. The
10 board shall adopt the regulations set forth in subdivision (b) on or
11 before January 1, 2026, and begin accepting license applications
12 by April 1, 2026.

13 ~~(b) The board, in consultation with the Regulated Psychedelic~~
14 ~~Substances Advisory Committee established pursuant to Section~~
15 ~~27018 and in compliance with the Regulated Psychedelic~~
16 ~~Substances Control Act (Division 11 (commencing with Section~~
17 ~~27000)) and any regulations adopted pursuant to that act, shall~~
18 ~~adopt regulations governing the safe provision of regulated~~
19 ~~psychedelic-assisted therapy by regulated psychedelic-assisted~~
20 ~~therapy facilitators that include, at a minimum, the following:~~

21 ~~(1) Requirements for holding and verifying completion of~~
22 ~~medical and mental health screenings, including a safety screening,~~
23 ~~at least one preparation session, an administration session, and at~~
24 ~~least one followup session and one integration session.~~

25 ~~(2) Health and safety warnings required to be provided to~~
26 ~~participants before regulated psychedelic-assisted therapy begins.~~

27 ~~(3) Educational materials required to be provided to participants~~
28 ~~before regulated psychedelic-assisted therapy begins.~~

29 ~~(4) A medical, mental health, and contraindications safety screen~~
30 ~~that a participant must complete prior to an administration session.~~

31 ~~(5) The informed consent form that each regulated~~
32 ~~psychedelic-assisted therapy facilitator and participant must sign~~
33 ~~before providing or receiving regulated psychedelic-assisted~~
34 ~~therapy verifying that the participant was provided accurate and~~
35 ~~complete health information in accordance with board rules, was~~
36 ~~informed of identified risk factors and contraindications, and~~
37 ~~provided informed consent to receive regulated~~
38 ~~psychedelic-assisted therapy. The form shall also include~~
39 ~~agreements that the participant and facilitator make about how the~~
40 ~~session will be conducted and safety measures that will be followed~~

- 1 to ensure the participant remains safe for the duration of the
2 session.
- 3 (6) Proper supervision during the administration session and
4 safe transportation for the participant when the session is complete.
- 5 (7) Rules to prevent exploitation or abuse during the
6 administration session.
- 7 (8) Requirements for group administration sessions where one
8 or more regulated psychedelic-assisted therapy facilitators provide
9 regulated psychedelic-assisted therapy to more than one participant
10 as part of the same administration session.
- 11 (9) Conditions under which the session must take place,
12 including what should not be present, such as weapons of any sort,
13 mirrors, intense physical stimuli, or triggering or polarizing objects,
14 art, or signs.
- 15 (10) Requirements for postsession integration.
- 16 (11) The restrictions on advertising and marketing regulated
17 psychedelic-assisted therapy and substances, including prohibition
18 on any claims of beneficial health or medical use.
- 19 (12) Insurance requirements to the extent the policies are
20 commercially available and not cost prohibitive.
- 21 (13) Age verification procedures to ensure that a participant is
22 21 years of age or older.
- 23 (14) The scope of practice for regulated psychedelic-assisted
24 therapy facilitators.
- 25 (15) The qualifications, education, and training requirements
26 that regulated psychedelic-assisted therapy facilitators must meet
27 before providing regulated psychedelic-assisted therapy, that shall
28 satisfy all of the following:
- 29 (A) Be tiered depending on the prior education, experience, or
30 training of the facilitator or the complexity of the conditions or
31 the background of the participant.
- 32 (B) Include education and training on participant safety,
33 contraindications, mental health, mental state, physical health,
34 physical state, social and cultural considerations, physical
35 environment, screening, preparation, administration, integration,
36 ethics, facilitation skills, and compliance with new regulations and
37 laws.
- 38 (C) Allow for limited waivers of education and training
39 requirements based on an applicant's prior experience, training,
40 or skill, including, but not limited to, with regulated psychedelic

1 substances, including credit for prior training and experience when
2 that training or experience otherwise meets the standards set by
3 the board.

4 (D) Include practicum requirements with a practicum supervisor.

5 (E) Do not require a professional license or professional degree
6 other than a regulated psychedelic-assisted therapy facilitator
7 license granted pursuant to this chapter for the first tier of licensing
8 established pursuant to paragraph (1).

9 (16) Procedures and policies that allow for compensation for
10 regulated psychedelic-assisted therapy.

11 (17) Procedures and policies that allow for the provision of
12 regulated psychedelic-assisted therapy to more than one participant
13 at a time in group administration sessions.

14 (18) Oversight and supervision requirements for regulated
15 psychedelic-assisted therapy facilitators, including professional
16 responsibility standards and continuing education requirements,
17 including limited hours within a regulated psychedelic-assisted
18 therapy facilitator support network with peer support.

19 (19) A complaint, review, and disciplinary process for regulated
20 psychedelic-assisted therapy facilitators who engage in misconduct.

21 (20) Recordkeeping, privacy, and confidentiality requirements
22 for regulated psychedelic-assisted therapy facilitators, provided
23 the recordkeeping does not result in the disclosure to the public or
24 any governmental agency of personally identifiable information
25 of participants.

26 (21) Deidentified data collection and reporting requirements
27 for psychedelic-assisted therapy facilitators and participants
28 pertaining to the implementation and outcomes of this act, to
29 comprehensively measure its success, safety, quality, impact on
30 individuals' well-being and public health, including adverse events
31 experienced during, immediately after, or after the passage of time
32 with information about substance, dosage, and other contextual
33 information.

34 (22) Requirements for the safe and secure handling and
35 assurance of quality control of regulated psychedelic substances
36 by regulated psychedelic-assisted therapy facilitators.

37 3214.5. The Regulated Psychedelic-assisted Therapy Advisory
38 Committee established pursuant to Section 27018 shall advise the
39 board on the development of standards and regulations pursuant
40 to this chapter, including best practices and guidelines that protect

1 the public health and safety while ensuring a regulated environment
2 to provide safe access to regulated psychedelic-assisted therapy.

3 ~~3215. (a) The board shall determine which schools and
4 programs meet the requirements of this chapter.~~

5 ~~(b) The board shall adopt regulations governing the requirements
6 and process for approving schools and programs for the provision
7 of regulated psychedelic-assisted therapy training. The regulations
8 shall include, among other things, acceptable curriculums, facility
9 requirements, student-teacher ratios, practicum requirements,
10 substance-specific training, and provisions for the acceptance of
11 accreditation from a recognized accreditation body or other form
12 of acceptance.~~

13 ~~(c) The board may consider expedited approval or partial
14 approval for programs that are already in existence in the state to
15 train licensed mental health professionals in the provision of
16 psychedelic-assisted therapy.~~

17 ~~(d) The board shall exercise its authority to approve, deny
18 approval of, and unapprove schools or programs and specify
19 corrective action in keeping with the purposes set forth in
20 subdivision (b) of Section 3200.~~

21 ~~(e) The board may charge a reasonable fee for the inspection
22 or approval of schools or programs, provided the fees do not exceed
23 the reasonable cost of the inspection or approval process.~~

24 ~~(f) The board shall post on its internet website the date that a
25 letter proposing to deny a school or program's application for
26 approval or reapproval or requesting corrective action has been
27 sent to the school and the final outcome and date of that proposed
28 action.~~

29 ~~3216. The board may hold hearings, take testimony, administer
30 oaths, subpoena witnesses, and issue subpoenas for the production
31 of books, records, or documents of any kind.~~

32

33

Article 3. Licensure

34

35 ~~3220. (a) To obtain licensure as a regulated
36 psychedelic-assisted therapy facilitator, an applicant shall submit
37 a written application and provide the board with satisfactory
38 evidence that the applicant meets all of the following requirements
39 for the tier of facilitator license they are applying for:~~

40 ~~(1) The applicant is 21 years of age or older.~~

1 ~~(2) The applicant has successfully completed the curriculum in~~
2 ~~regulated psychedelic-assisted therapy facilitation and related~~
3 ~~subjects and the number of hours established by the board, that~~
4 ~~incorporates appropriate school assessment of student knowledge~~
5 ~~and skills, prior experience accepted by the board as an equivalent~~
6 ~~to, or equivalent to a portion of, the required curricula or practicum~~
7 ~~requirement, including existing licensure in a health or mental~~
8 ~~health profession, and any practicum experience that is required~~
9 ~~by the board. All of the hours shall be from schools or programs~~
10 ~~approved by the board. For purposes of this section, “unapproved”~~
11 ~~means that the board determined that it will not accept hours from~~
12 ~~a school toward licensure.~~

13 ~~(3) The applicant has passed a regulated psychedelic-assisted~~
14 ~~therapy facilitator competency assessment examination that meets~~
15 ~~generally recognized principles and standards and that is created~~
16 ~~and administered by the board or an entity designated by the board.~~

17 ~~(4) The applicant has successfully passed a background~~
18 ~~investigation pursuant to Section 3222, and has not violated any~~
19 ~~of the provisions of this chapter.~~

20 ~~(5) All fees required by the board have been paid.~~

21 ~~(b) The board may issue a license to an applicant who meets~~
22 ~~the qualifications of this chapter if the applicant holds a current~~
23 ~~and valid registration, licensure, or license from any other state~~
24 ~~whose licensure requirements meet or exceed those defined within~~
25 ~~this chapter. If an applicant has received education at a school or~~
26 ~~program that is not approved by the board, the board shall have~~
27 ~~the discretion to give credit for comparable academic or~~
28 ~~experiential work completed by an applicant in a program outside~~
29 ~~of California, or for work completed by an applicant in a program~~
30 ~~in California before the enactment of this act.~~

31 ~~(c) If an applicant has received education at a school or program~~
32 ~~located outside of California or a school located in a country~~
33 ~~outside of the United States that does not meet the requirements~~
34 ~~of Section 3215 to be an approved school or program, the board~~
35 ~~shall have the discretion to give credit for comparable academic~~
36 ~~or experiential work completed by an applicant toward licensure.~~

37 ~~(d) A license issued pursuant to this chapter and any~~
38 ~~identification card issued by the board shall be surrendered to the~~
39 ~~board by any licenseholder whose license is suspended or revoked.~~

1 3221. Except as otherwise provided, a license issued pursuant
2 to this chapter shall be subject to renewal every two years in the
3 manner prescribed by the board. A license issued by the board
4 shall expire after two years unless renewed as prescribed.

5 3222. (a) Before issuing a license to an applicant, the board
6 shall require the applicant to submit fingerprint images as directed
7 by the board in a form consistent with the requirements of this
8 section.

9 (b) The board shall submit the fingerprint images and related
10 information to the Department of Justice to obtaining information
11 as to the existence and nature of a record of state and federal level
12 convictions and of state and federal level arrests for which the
13 Department of Justice establishes that the applicant or candidate
14 was released on bail or on their own recognizance pending trial.

15 (c) Requests for federal level criminal offender record
16 information received by the Department of Justice pursuant to this
17 section shall be forwarded to the Federal Bureau of Investigation
18 by the Department of Justice. The Department of Justice shall
19 review the information returned from the Federal Bureau of
20 Investigation, and shall compile and disseminate a fitness
21 determination regarding the applicant or candidate to the board.
22 The Department of Justice shall provide information to the board
23 pursuant to subdivision (p) of Section 11105 of the Penal Code.

24 (d) The Department of Justice and the board shall charge a fee
25 sufficient to cover the cost of processing the request for state and
26 federal level criminal offender record information.

27 (e) The board shall request subsequent arrest notification service
28 from the Department of Justice, as provided under Section 11105.2
29 of the Penal Code, for all applicants for licensure for whom
30 fingerprint images and related information are submitted to conduct
31 a search for state and federal level criminal offender record
32 information.

33 (f) The board may receive arrest notifications and other
34 background materials about applicants and licenseholders from a
35 city, county, or city and county.

36 3223. In addition to the other requirements of this chapter, a
37 licenseholder shall do all of the following:

38 (a) Make available for display the licenseholder's original
39 license at any location where the licenseholder provides regulated
40 psychedelic-assisted therapy for compensation. A licenseholder

1 shall have their identification card in their possession while
2 providing regulated psychedelic-assisted therapy for compensation.

3 (b) Provide their full name and license number upon the request
4 of a member of the public, the board, or a member of law
5 enforcement, or a local governmental agency charged with
6 regulating establishments, at the location where they are providing
7 regulated psychedelic-assisted therapy for compensation.

8 (c) Include the name under which the individual is licensed and
9 their license number in any advertising of regulated
10 psychedelic-assisted therapy for compensation.

11 (d) Notify the board within 30 days of any changes in the
12 licenseholder's home address or the address of any establishment
13 or other location where the licenseholder provides regulated
14 psychedelic-assisted therapy for compensation. A licenseholder
15 also shall notify the board of the licenseholder's primary email
16 address, if any, and notify the board within 30 days of a change
17 of the primary email address.

18

19

Article 4. Enforcement

20

21 3230. Unless otherwise specified, a violation of this chapter is
22 a misdemeanor and shall result in suspension of the licenseholder's
23 license for three years and a fine not to exceed one thousand dollars
24 (\$1,000).

25 3231. (a) It is a violation of this chapter for an applicant or a
26 licenseholder to commit any of the following acts, the commission
27 of which is grounds for the board to deny an application for a
28 license or to impose discipline on a licenseholder:

29 (1) Unprofessional conduct, including, but not limited to, any
30 of the following:

31 (A) Engaging in sexual relations with a client or a former client
32 within two years following termination of therapy, soliciting sexual
33 relations with a client, or committing an act of sexual abuse, or
34 sexual misconduct with a client, or committing an act punishable
35 as a sexually related crime, if that act or solicitation is substantially
36 related to the qualifications, functions, or duties of a licensed
37 psychedelic-assisted therapy facilitator or occurs before, during,
38 or after a preparation, administration, or followup session.

- 1 ~~(B) Practicing facilitation on a suspended license, practicing~~
2 ~~without a license, or practicing outside of the conditions of a~~
3 ~~license.~~
- 4 ~~(C) Engaging in financial misconduct, manipulation, or a conflict~~
5 ~~of interest with a client.~~
- 6 ~~(D) Engaging in fraud, coercion, or verbal abuse with a client.~~
- 7 ~~(E) Violating the terms of consent or agreements entered into~~
8 ~~with the client during the preparation session.~~
- 9 ~~(F) Discriminating against a client on the basis of race, color,~~
10 ~~ancestry, national origin, religion, creed, gender, sex, sexual~~
11 ~~orientation, age, disability, marital status, and any other basis~~
12 ~~enumerated under California law.~~
- 13 ~~(2) Procuring or attempting to procure a license by fraud,~~
14 ~~misrepresentation, or mistake.~~
- 15 ~~(3) Failing to fully disclose all information requested on the~~
16 ~~application.~~
- 17 ~~(4) Impersonating an applicant or acting as a proxy for an~~
18 ~~applicant in any examination referred to in this chapter for the~~
19 ~~issuance of a license.~~
- 20 ~~(5) Impersonating a licenseholder or permitting or allowing a~~
21 ~~nonlicensed person to use a license.~~
- 22 ~~(6) Violating or attempting to violate, directly or indirectly, or~~
23 ~~assisting in or abetting the violation of, or conspiring to violate,~~
24 ~~any provision of this chapter or any rule or regulation adopted by~~
25 ~~the board.~~
- 26 ~~(7) Committing any fraudulent, dishonest, or corrupt act that is~~
27 ~~substantially related to the qualifications, functions, or duties of a~~
28 ~~licenseholder.~~
- 29 ~~(8) Offering or giving commissions, rebates, or other forms of~~
30 ~~remuneration for the referral of clients.~~
- 31 ~~(9) Denial of licensure, revocation, suspension, restriction,~~
32 ~~citation, or any other disciplinary action against an applicant or~~
33 ~~licenseholder by another state or territory of the United States, by~~
34 ~~any other governmental agency, or by another California healing~~
35 ~~arts professional licensing board. A certified copy of the decision,~~
36 ~~order, judgment, or citation shall be conclusive evidence of these~~
37 ~~actions.~~
- 38 ~~(10) Being convicted of any felony or misdemeanor, or being~~
39 ~~held liable in an administrative or civil action for an act, that is~~
40 ~~substantially related to the qualifications, functions, or duties of a~~

1 licenseholder. A record of the conviction or other judgment or
2 liability shall be conclusive evidence of the crime or liability.

3 (11) Failing to act within the limitations created by a physical
4 illness, physical condition, or behavioral, mental health, or
5 substance use disorder that renders the licensee unable to perform
6 psychedelic-assisted therapy services with reasonable skill and
7 safety to the participant.

8 (b) The board may deny an application for a license for the
9 commission of any of the acts described in subdivision (a). The
10 board may also discipline a licenseholder, in any manner permitted
11 by this chapter, for the commission of any of those acts by a
12 licenseholder.

13 (c) The board shall deny an application for a license, or revoke
14 the license of a licenseholder, if the applicant or licenseholder is
15 required to register pursuant to the Sex Offender Registration Act
16 (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1
17 of the Penal Code), or is required to register as a sex offender in
18 another state.

19 3232. (a) An applicant for a license shall not be denied a
20 license and a licenseholder shall not be disciplined pursuant to this
21 chapter except according to procedures that satisfy the requirements
22 of this section.

23 (b) The board may discipline a licenseholder by any of the
24 following methods:

25 (1) Placing the licenseholder on probation, which may include
26 limitations or conditions on practice.

27 (2) Suspending the license and the rights conferred by this
28 chapter on a licenseholder for a period not to exceed one year.

29 (3) Suspending or staying the disciplinary order, or portions of
30 it, with or without conditions.

31 (4) Revoking the license.

32 (5) Taking other action the board deems proper, as authorized
33 by this chapter.

34 (e) The board may issue an initial license on probation, with
35 specific terms and conditions, to any applicant.

36 (d) Any denial or discipline shall be decided upon and imposed
37 in good faith and in a fair and reasonable manner.

38 (e) Any notice required under this section may be given by any
39 method reasonably calculated to provide actual notice. Notice
40 given by mail shall be given by first-class or certified mail sent to

1 the last address of the applicant or licensee shown on the board's
2 records.

3 ~~(f) An applicant or licenseholder may challenge a denial or~~
4 ~~discipline decision issued pursuant to this section in a court of~~
5 ~~competent jurisdiction. Any action challenging a denial or~~
6 ~~discipline, including any claim alleging defective notice, shall be~~
7 ~~commenced within 90 days after the effective date of the denial~~
8 ~~or discipline. A license issued pursuant to this chapter is not a~~
9 ~~fundamental vested right and judicial review of denial and~~
10 ~~disciplinary decisions made by the board shall be conducted using~~
11 ~~the substantial evidence standard of review. If the action is~~
12 ~~successful, the court may order any relief, including reinstatement,~~
13 ~~that it finds equitable under the circumstances.~~

14 ~~(g) This section governs only the procedures for denial or~~
15 ~~discipline decision and not the substantive grounds for the denial~~
16 ~~or discipline. Denial or discipline based upon substantive grounds~~
17 ~~that violates contractual or other rights of the applicant or licensee,~~
18 ~~or is otherwise unlawful, is not made valid by compliance with~~
19 ~~this section.~~

20 3233. ~~(a) It is an unfair business practice for a person to do~~
21 ~~any of the following:~~

22 ~~(1) To hold themselves out or to use the title of "licensed~~
23 ~~psychedelic-assisted therapy facilitator," "regulated~~
24 ~~psychedelic-assisted therapy facilitator," or any other term, such~~
25 ~~as "licensed," or "certified," in any manner that implies that the~~
26 ~~person is licensed as a psychedelic-assisted therapy facilitator,~~
27 ~~unless that person currently holds an active and valid license issued~~
28 ~~by the board pursuant to this chapter.~~

29 ~~(2) To falsely state or advertise or put out any sign or card or~~
30 ~~other device, or to falsely represent to the public through any print~~
31 ~~or electronic media, that they or any other individual are licensed,~~
32 ~~certified, or registered by a governmental agency as a regulated~~
33 ~~psychedelic-assisted therapy facilitator.~~

34 ~~(b) In addition to any other available remedies, engaging in any~~
35 ~~of the prohibited behaviors described in subdivision (a) constitutes~~
36 ~~unfair competition under Section 17200.~~

37 ~~(c) Nothing in this chapter shall be construed to limit the~~
38 ~~provisions of the Medical Practice Act (Chapter 5 (commencing~~
39 ~~with Section 2000)), the Clinical Social Worker Practice Act~~
40 ~~(Chapter 14 (commencing with Section 4991)), the Nursing~~

1 Practice Act (Chapter 6 (commencing with Section 2700)), the
2 Psychology Licensing Law (Chapter 6.6 (commencing with Section
3 2901)), the Licensed Marriage and Family Therapist Act (Chapter
4 13 (commencing with Section 4980.04)), the Naturopathic Doctors
5 Act (Chapter 8.2 (commencing with Section 3610)), or any other
6 licensed profession.

7 3234. ~~(a) Notwithstanding any other law, a city, county, or
8 city and county shall not enact or enforce an ordinance that
9 conflicts with this chapter.~~

10 ~~(b) A local government shall impose and enforce only reasonable
11 and necessary fees and regulations on establishments, in keeping
12 with the requirements of existing law and being mindful of the
13 need to protect legitimate business owners and regulated
14 psychedelic-assisted therapy facilitators.~~

15 3235. ~~The superior court of a county of competent jurisdiction
16 may, upon a petition by any person, issue an injunction or any
17 other relief the court deems appropriate for a violation of this
18 chapter by any person or establishment operating in that county
19 subject to the provisions of this chapter. An injunction proceeding
20 under this section shall be governed by Chapter 3 (commencing
21 with Section 525) of Title 7 of Part 2 of the Code of Civil
22 Procedure.~~

23 3236. ~~(a) This chapter shall be liberally construed to effectuate
24 its purposes.~~

25 ~~(b) The provisions of this chapter are severable. If any provision
26 of this chapter or its application is held invalid, that invalidity shall
27 not affect other provisions or applications that can be given effect
28 without the invalid provision or application.~~

29 ~~(c) If any provision of this chapter or the application of these
30 provisions to any person or circumstance is held to be invalid, the
31 invalidity shall not affect other provisions or applications of the
32 chapter that can be given effect without the invalid provision or
33 application, and to this end the provisions of this chapter are
34 severable.~~

35 3237. ~~The board may discipline an owner of an establishment
36 for the conduct of any individual providing regulated
37 psychedelic-assisted therapy on the establishment's premises or
38 under the supervision of the establishment.~~

39 3238. ~~A person engaged in a profession or occupation subject
40 to licensure pursuant to this division shall not be subject to~~

1 ~~discipline by another professional licensing board solely for~~
2 ~~providing professional services related to activity permitted under~~
3 ~~this chapter or for engaging in any activity that is lawful under this~~
4 ~~chapter that is not subject to criminal penalty under state law. This~~
5 ~~act does not authorize a person to engage in malpractice or to~~
6 ~~violate the standards of professional practice for which a person~~
7 ~~is licensed.~~

8 3239. ~~It is the public policy of the people of the State of~~
9 ~~California that contracts related to the operation of licenses under~~
10 ~~this chapter should be enforceable and no contract entered into by~~
11 ~~a licensee, its employees, or its agents, as permitted pursuant to a~~
12 ~~valid license issued by the board, or by those who allow property~~
13 ~~to be used by a licensee, its employees, or its agents, as permitted~~
14 ~~pursuant to a valid license issued by the board, shall be deemed~~
15 ~~unenforceable on the basis that the actions or conduct permitted~~
16 ~~pursuant to the license are prohibited by federal law.~~

17
18 *Article 1. General Provisions*

19
20 3200. *This act shall be known as the Regulated Psychedelic*
21 *Facilitators Act.*

22 3201. *The Board of Regulated Psychedelic Facilitators is*
23 *hereby created within the Department of Consumer Affairs to carry*
24 *out the responsibilities and duties set forth in this chapter.*

25 3202. *For purposes of this chapter, the following definitions*
26 *apply:*

27 (a) *“Administration session” means a session conducted at an*
28 *approved location during which a participant consumes and*
29 *experiences the effects of a regulated psychedelic substance under*
30 *the supervision of a regulated psychedelic facilitator.*

31 (b) *“Adverse event” or “adverse reaction” means any adverse*
32 *reaction during or after the psychedelic experience, including, but*
33 *not limited to, headache, nausea, and dizziness.*

34 (c) *“Approved location” means a location approved by the*
35 *division for the provision of regulated psychedelic facilitation or*
36 *a clinic, center, or other facility licensed by the State Department*
37 *of Public Health.*

38 (d) *“Approved school” means a school or educational program*
39 *approved by the board that meets minimum standards for training*

- 1 *and curriculum in regulated psychedelic facilitation and related*
2 *subjects and that has not been otherwise approved by the board.*
3 (e) *“Board” means the Board of Regulated Psychedelic*
4 *Facilitators.*
5 (f) *“Clinic” shall have the same meaning as set forth in Section*
6 *1200 of the Health and Safety Code.*
7 (g) *“Compensation” means a payment, loan, advance, donation,*
8 *contribution, deposit, gift of money, or anything of value.*
9 (h) *“Division” means the Division of Regulated*
10 *Psychedelic-Assisted Therapy established pursuant to Division 11*
11 *(commencing with Section 27000).*
12 (i) *“Expert oversight committee” means the Regulated*
13 *Psychedelic Substances Expert Oversight Committee.*
14 (j) *“Followup evaluation” means contact between a participant*
15 *and a regulated psychedelic facilitator that occurs within 12 to*
16 *72 hours after the completion of an administration session or*
17 *sooner, if warranted, to assess well-being, screen for adverse*
18 *reactions, and, if needed, make referrals to needed care, additional*
19 *psychosocial support, or other interventions.*
20 (k) *“Fund” means the Regulated Psychedelic Facilitators Fund.*
21 (l) *“Integration session” means counseling provided by a*
22 *regulated psychedelic facilitator or other personnel trained in*
23 *postpsychedelic support that is intended to help the participant*
24 *better understand their psychedelic experience and apply insights*
25 *from their experience to their daily life.*
26 (m) *“License” means a valid license issued pursuant to this*
27 *chapter.*
28 (n) *“Participant” means a person 21 years of age or older who*
29 *purchases or receives a regulated psychedelic substance from a*
30 *regulated psychedelic licensee for use in conjunction with regulated*
31 *psychedelic facilitation at an approved location and under the*
32 *supervision of a licensed psychedelic facilitator.*
33 (o) *“Preparation session” means a session conducted between*
34 *a participant and a psychedelic facilitator before the administration*
35 *of the regulated psychedelic substance. More than one preparation*
36 *session may be indicated to provide participants adequate*
37 *education and instruction, to develop sufficient rapport between*
38 *the participant and psychedelic facilitator before the psychedelic*
39 *substance administration, and to revisit informed consent and*
40 *safety planning. The initial preparation session shall include review*

1 of the safety screen and considerations for exclusion; presentation
2 and discussion of detailed information about the psychedelic
3 substance, including its potential risks and benefits; presentation
4 and discussion of the therapeutic process, including administration
5 session parameters; obtaining informed consent; safety planning;
6 and other information as the board may determine. If three months
7 or more have passed since the last psychedelic administration
8 session conducted by a given participant with a given facilitator,
9 this will be considered a new course of care, and another initial
10 preparation session must be conducted.

11 (p) “Produce” means the growing, cultivating, processing, and
12 manufacturing of regulated psychedelic substances.

13 (q) (1) “Regulated psychedelic substances” means the following
14 substances as defined in Section 11054 of the Health and Safety
15 Code:

16 (A) Dimethyltryptamine.

17 (B) Mescaline.

18 (C) 3,4-methylenedioxymethamphetamine (MDMA).

19 (D) Psilocybin.

20 (E) Psilocyn.

21 (F) Spores or mycelium capable of producing mushrooms that
22 contain psilocybin or psilocyn.

23 (2) “Regulated psychedelic substances” does not include peyote,
24 including all parts of the plant classified botanically as
25 *Lophophora williamsii*, whether growing or not, its seeds, any
26 extract from any part of the plant, and every compound, salt,
27 derivative, mixture, or preparation of the plant, or its seeds or
28 extracts.

29 (r) “Regulated psychedelic substance licensee” means an entity
30 that holds a license in any of the categories for licensure or
31 registration established by this division. A regulated psychedelic
32 substance licensee may receive compensation for regulated
33 psychedelic substances only in connection with use in regulated
34 psychedelic facilitation provided at an approved location.

35 (s) “Regulated psychedelic facilitation” means services provided
36 pursuant to this division by a regulated psychedelic facilitator to
37 a participant before, during, and after the participant’s
38 consumption of a regulated psychedelic substance, including all
39 of the following:

40 (1) A safety screen.

1 (2) *One or more preparation sessions.*

2 (3) *An administration session.*

3 (4) *One or more followup evaluations.*

4 (5) *One or more integration sessions.*

5 (t) *“Regulated psychedelic facilitation location” or “approved*
6 *location” means an approved location where psychedelic*
7 *facilitation is performed.*

8 (u) *“Regulated psychedelic facilitator” means a person licensed*
9 *by the Board of Regulated Psychedelic Facilitators pursuant to*
10 *this division.*

11 (v) *“Safety screen” means a screening for medical conditions,*
12 *mental health conditions, family history, contraindications, and*
13 *pharmacological interactions that must be provided to every*
14 *participant before an administration session.*

15 (w) *“Serious adverse event” or “serious adverse reaction”*
16 *means an adverse reaction during or after the psychedelic*
17 *experience requiring psychiatric, medical, or psychological care.*

18 (x) *“Set” means the mindset of an individual, including the*
19 *individual’s history, personality, and intentions going into*
20 *psychedelic facilitation.*

21 (y) *“Setting” means the physical and social environment in*
22 *which the psychedelic facilitation occurs.*

23 (z) *“Sole provider” means a regulated psychedelic facilitator*
24 *business where the owner owns 100 percent of the business and*
25 *is the only person who provides regulated psychedelic facilitation*
26 *for compensation for that business pursuant to a valid and active*
27 *license issued in accordance with this division.*

28

29 *Article 2. Administration*

30

31 3210. *The protection of the public shall be the highest priority*
32 *for the board in exercising its licensing, regulatory, and*
33 *disciplinary functions under this chapter. Whenever the protection*
34 *of the public is inconsistent with other interests sought to be*
35 *promoted, the protection of the public shall be paramount.*

36 3211. (a) *The board shall consist of nine members. Seven*
37 *members shall be appointed by the Governor; one public member*
38 *shall be appointed by the Senate Committee on Rules, and one*
39 *public member shall be appointed by the Speaker of the Assembly.*
40 *Members of the board shall include five members who have*

1 *expertise in psychedelic facilitation and four public members. At*
2 *least one member shall have experience as a facilitator as part of*
3 *a United States Food and Drug Administration-approved clinical*
4 *trial; at least one member shall have experience in training and*
5 *supervising facilitators; at least one member shall be a licensed*
6 *physician or licensed advanced practice clinician; at least one*
7 *member shall have experience providing mental health care to*
8 *veterans; and at least one member shall be a licensed marriage*
9 *and family therapist, a licensed clinical social worker or*
10 *board-certified chaplain.*

11 *(b) A member of the board shall be appointed for a four-year*
12 *term. A person shall not serve as a member of the board for more*
13 *than two consecutive terms. A member shall hold office until the*
14 *appointment and qualification of the member's successor, or until*
15 *one year from the expiration of the term for which the member*
16 *was appointed, whichever first occurs. Any vacancy shall be filled*
17 *by appointment by the appointing authority which originally*
18 *appointed the member whose position has become vacant.*

19 *(c) Members of the board shall be a resident of this state for at*
20 *least one year preceding the member's appointment.*

21 *(d) A person shall not be appointed as a public member if the*
22 *person or the person's immediate family owns an economic interest*
23 *in a college, school, or institution engaged in regulated psychedelic*
24 *facilitation education. For purposes of this section, "immediate*
25 *family" means the public member's spouse, domestic partner,*
26 *parent, child, or child's spouse or domestic partner.*

27 *(e) Each member of the board shall receive a per diem and*
28 *expenses as provided in Section 103.*

29 *(f) The board may appoint a person exempt from civil service*
30 *who shall be designated as an executive officer and who shall*
31 *exercise the powers and perform the duties delegated by the board*
32 *and vested in the executive officer by this chapter.*

33 *(g) Each appointing authority has power to remove from office*
34 *at any time any member of the board appointed by that authority*
35 *pursuant to Section 106.*

36 *3212. (a) The board may take any reasonable actions*
37 *necessary to carry out the responsibilities and duties set forth in*
38 *this chapter, including, but not limited to, hiring staff, employing*
39 *consultants, entering into contracts, and developing policies,*
40 *procedures, rules, and bylaws to implement this chapter.*

1 (b) The board may require background checks for employees,
2 contractors, volunteers, and board members as a condition of their
3 employment, formation of a contractual relationship, or
4 participation in board activities.

5 (c) The board shall establish educational, training, examination,
6 practicum, and supervision requirements, different tiers of
7 licensing, scope of practice, and qualifications for regulated
8 psychedelic facilitators that protect participant safety, eliminate
9 abuse, and reduce harm, and establish procedures to collect and
10 report data to better inform use and increase equitable access to
11 services.

12 (d) The board shall establish the professional standards for
13 regulated psychedelic facilitators to provide psychedelic facilitation
14 for both individuals and groups, including those that include
15 veterans, and including the number of participants served.

16 (e) The board shall take into account considerations related to
17 and engage in consultation with indigenous communities.

18 (f) The board shall develop a system to allow for the purchase
19 and administration of regulated psychedelic substances in the
20 presence of a facilitator but without the facilitator directly handling
21 the regulated psychedelic substances so that the facilitator may
22 avoid trafficking in Schedule I or Schedule II substances.

23 (g) The board shall issue a license to an individual applicant
24 who satisfies the requirements of this chapter for that license.

25 (h) The board shall determine whether the information provided
26 to the board in relation to the licensure of an applicant is true and
27 accurate and meets the requirements of this chapter. If the board
28 has any reason to question whether the information provided is
29 true or accurate, or meets the requirements of this chapter, the
30 board may make any investigation it deems necessary to establish
31 that the information received is accurate and satisfies the criteria
32 established by this chapter. The applicant has the burden to prove
33 that they are entitled to licensure.

34 (i) The board shall establish fees for the reasonable regulatory
35 costs to the board in administering this chapter. Initial license and
36 renewal fees shall be in an amount sufficient, but shall not exceed
37 the amount necessary, to support the functions of the board in the
38 administration of this chapter. The renewal fee shall be reassessed
39 biennially by the board.

1 (j) *The meetings of the board shall be subject to the rules of the*
2 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
3 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
4 *the Government Code). The board may adopt additional policies*
5 *and procedures that provide greater transparency to licenseholders*
6 *and the public than required by the Bagley-Keene Open Meeting*
7 *Act. To protect sensitive information it receives, and the safety*
8 *and security of participants, facilitators, staff, and approved*
9 *locations, the board may hold closed sessions for the purpose of*
10 *reviewing and discussing confidential and proprietary materials,*
11 *intellectual property, and private information, including, but not*
12 *limited to, personal information contained in licenses, medical*
13 *records, research studies, and complaints.*

14 (k) *The board shall have the authority to require regulated*
15 *psychedelic facilitators to collect and report relevant information*
16 *and data.*

17 3213. (a) *The board shall be appointed by April 1, 2025. The*
18 *board shall adopt the regulations set forth in subdivision (b) on*
19 *or before January 1, 2026, and begin accepting license*
20 *applications by April 1, 2026.*

21 (b) *The board, consistent with recommendations made by the*
22 *Regulated Psychedelic Substances Expert Oversight Committee*
23 *established pursuant to Section 27018 and in compliance with this*
24 *act and any regulations adopted pursuant to this act, shall adopt*
25 *regulations governing the safe provision of regulated psychedelic*
26 *facilitation by regulated psychedelic facilitators that include, at*
27 *a minimum, all of the following:*

28 (1) *Requirements for holding and verifying completion of*
29 *medical and mental health screenings, including a safety screen,*
30 *at least one preparation session, an administration session, at*
31 *least one followup evaluation, and at least one integration session.*

32 (2) *Health and safety warnings required to be provided to*
33 *participants before regulated psychedelic facilitation begins.*

34 (3) *Educational materials required to be provided to participants*
35 *before regulated psychedelic facilitation begins.*

36 (4) *A medical, mental health, family history and*
37 *contraindications safety screen that a participant must complete*
38 *prior to an administration session.*

- 1 (5) *The informed consent form that each regulated psychedelic*
2 *facilitator and participant must sign before providing or receiving*
3 *regulated psychedelic facilitation verifying all of the following:*
4 (A) *The participant was provided accurate and complete health*
5 *information in accordance with board rules.*
6 (B) *The participant was informed the regulated psychedelic*
7 *substances have not received FDA approval.*
8 (C) *The participant was informed of potential and identified*
9 *risks, benefits, contraindications, and negative outcomes of the*
10 *psychedelic substance, and the method of administration and*
11 *facilitation process. The form shall also include agreements that*
12 *the participant and the psychedelic facilitator make about how the*
13 *session will be conducted and the safety measures that will be*
14 *followed to ensure the participant remains safe for the duration*
15 *of the session.*
16 (6) *Proper supervision during the administration session and*
17 *safe transportation for the participant when the session is complete.*
18 (7) *Rules to prevent exploitation or abuse.*
19 (8) *Requirements for group administration sessions where one*
20 *or more regulated psychedelic facilitators provide regulated*
21 *psychedelic facilitation to more than one participant as part of*
22 *the same administration session.*
23 (9) *Conditions of the set and setting in which the administration*
24 *session must take place, including what should not be present,*
25 *such as weapons, mirrors, intense physical stimuli, or triggering*
26 *or polarizing objects, art, or signs.*
27 (10) *Proper locations for where regulated psychedelic*
28 *facilitation may take place.*
29 (11) *Requirements for postsession followup and integration.*
30 (12) *The restrictions for psychedelic facilitators on advertising*
31 *and marketing regulated psychedelic facilitation and substances,*
32 *including prohibition on claims of beneficial health or medical*
33 *use unless in compliance with the requirements of the Federal*
34 *Food, Drug, and Cosmetic Act.*
35 (13) *Insurance requirements to the extent the policies are*
36 *commercially available and not cost prohibitive.*
37 (14) *Age verification procedures to ensure that a participant is*
38 *21 years of age or older.*
39 (15) *The scope of practice for regulated psychedelic facilitators.*

1 *(16) The qualifications, education, and training requirements*
2 *that regulated psychedelic facilitators must meet before providing*
3 *regulated psychedelic facilitation that shall satisfy all of the*
4 *following:*

5 *(A) Be tiered depending on the prior education, experience, or*
6 *training of the psychedelic facilitator or the complexity of the*
7 *conditions or the background of the participant.*

8 *(B) Include education and training on participant safety,*
9 *contraindications, mental health, mental state, physical health,*
10 *physical state, social and cultural considerations, physical*
11 *environment, screening, preparation, administration, integration,*
12 *ethics, facilitation skills, and compliance with California*
13 *regulations and laws.*

14 *(C) Allow for limited waivers of education and training*
15 *requirements based on an applicant's prior experience, training,*
16 *or skill with regulated psychedelic substances, including, but not*
17 *limited to, credit for prior training and experience when that*
18 *training or experience otherwise meets the standards set by the*
19 *board.*

20 *(D) Include practicum requirements with a practicum*
21 *supervisor.*

22 *(E) Do not require a professional license or professional degree*
23 *other than a regulated psychedelic facilitator license granted*
24 *pursuant to this chapter for at least one of the tiers of licensing*
25 *established pursuant to subparagraph (A).*

26 *(17) Procedures and policies that allow for compensation for*
27 *regulated psychedelic facilitation.*

28 *(18) Oversight and supervision requirements for regulated*
29 *psychedelic facilitators, including professional responsibility*
30 *standards and continuing education requirements, including limited*
31 *hours within a regulated psychedelic facilitator support network*
32 *with peer support.*

33 *(19) A complaint, review, and disciplinary process for regulated*
34 *psychedelic facilitators who engage in misconduct.*

35 *(20) Recordkeeping, privacy, and confidentiality requirements*
36 *for regulated psychedelic facilitators, provided the recordkeeping*
37 *does not result in the unauthorized disclosure to the public or any*
38 *unauthorized governmental agency of personally identifiable*
39 *information of participants.*

1 (21) Deidentified data collection and reporting requirements
2 for psychedelic facilitators pertaining to the implementation and
3 outcomes of this act, to comprehensively measure its success,
4 safety, quality, impact on individuals' well-being and public health,
5 including adverse events experienced during, immediately after,
6 or after the passage of time with information about substance,
7 dosage, and other contextual information.

8 (22) Requirements for the safe and secure handling and
9 assurance of quality control of regulated psychedelic substances
10 by regulated psychedelic facilitators.

11 3214. (a) The board shall determine which schools and
12 programs meet the requirements of this chapter.

13 (b) The board shall adopt regulations governing the
14 requirements and process for approving schools and programs
15 for the provision of regulated psychedelic facilitation training.
16 The regulations shall include, among other things, acceptable
17 curriculum, facility requirements, student-teacher ratios,
18 practicum requirements, substance-specific training, and
19 provisions for the acceptance of accreditation from a recognized
20 accreditation body or other form of acceptance.

21 (c) The board may consider expedited approval or partial
22 approval for programs that are already in existence in the state
23 to train licensed mental health professionals in the provision of
24 psychedelic facilitation.

25 (d) The board shall exercise its authority to approve, deny
26 approval of, and unapprove schools or programs and specify
27 corrective action.

28 (e) The board may charge a reasonable fee for the inspection
29 or approval of schools or programs, provided the fees do not
30 exceed the reasonable cost of the inspection or approval process.

31 (f) The board shall post on its internet website the date that a
32 letter proposing to deny a school or program's application for
33 approval or reapproval or requesting corrective action has been
34 sent to the school and the final outcome and date of that proposed
35 action.

36 3215. The board may hold hearings, take testimony, administer
37 oaths, subpoena witnesses, and issue subpoenas for the production
38 of books, records, or documents of any kind.

1
2 *Article 3. Licensure*
3

4 3220. (a) *To obtain licensure as a regulated psychedelic*
5 *facilitator, an applicant shall submit a written application and*
6 *provide the board with satisfactory evidence that the applicant*
7 *meets all of the following requirements for the tier of facilitator*
8 *license they are applying for:*

9 (1) *The applicant is 21 years of age or older.*

10 (2) *The applicant has successfully completed the curriculum in*
11 *regulated psychedelic facilitation and related subjects and the*
12 *number of hours established by the board that incorporates*
13 *appropriate school assessment of student knowledge and skills,*
14 *prior experience accepted by the board as an equivalent to, or*
15 *equivalent to a portion of, the required curricula or practicum*
16 *requirement, including existing licensure in a health or mental*
17 *health profession, and any practicum experience that is required*
18 *by the board. All of the hours shall be from schools or programs*
19 *approved by the board. For purposes of this section, “unapproved”*
20 *means that the board determined that it will not accept hours from*
21 *a school toward licensure.*

22 (3) *The applicant has passed a regulated psychedelic facilitator*
23 *competency assessment examination that meets generally*
24 *recognized principles and standards and that is created and*
25 *administered by the board or an entity designated by the board.*

26 (4) *The applicant has successfully passed a background*
27 *investigation pursuant to Section 27032, and has not violated any*
28 *of the provisions of this chapter.*

29 (5) *All fees required by the board have been paid.*

30 (b) *The board may issue a license to an applicant who meets*
31 *the qualifications of this chapter if the applicant holds a current*
32 *and valid registration, licensure, or license from any other state*
33 *whose licensure requirements meet or exceed those defined within*
34 *this chapter. If an applicant has received education at a school or*
35 *program that is not approved by the board, the board shall have*
36 *the discretion to give credit for comparable academic or*
37 *experiential work completed by an applicant in a program outside*
38 *of California, or for work completed by an applicant in a program*
39 *in California before the enactment of this act.*

1 (c) If an applicant has received education at a school or
2 program located outside of California or a school located in a
3 country outside of the United States that does not meet the
4 requirements of Section 27024 to be an approved school or
5 program, the board shall have the discretion to give credit for
6 comparable academic or experiential work completed by an
7 applicant toward licensure.

8 (d) A license issued pursuant to this chapter and any
9 identification card issued by the board shall be surrendered to the
10 board by any licenseholder whose license is suspended or revoked.

11 3221. Except as otherwise provided, a license issued pursuant
12 to this chapter shall be subject to renewal every two years in the
13 manner prescribed by the board. A license issued by the board
14 shall expire after two years unless renewed as prescribed.

15 3222. (a) Before issuing a license to an applicant, the board
16 shall require the applicant to submit fingerprint images as directed
17 by the board in a form consistent with the requirements of this
18 section.

19 (b) The board shall submit the fingerprint images and related
20 information to the Department of Justice to obtain information as
21 to the existence and nature of a record of state- and federal-level
22 convictions and of state- and federal-level arrests for which the
23 Department of Justice establishes that the applicant or candidate
24 was released on bail or on their own recognizance pending trial.

25 (c) Requests for federal-level criminal offender record
26 information received by the Department of Justice pursuant to this
27 section shall be forwarded to the Federal Bureau of Investigation
28 by the Department of Justice. The Department of Justice shall
29 review the information returned from the Federal Bureau of
30 Investigation, and shall compile and disseminate a fitness
31 determination regarding the applicant or candidate to the board.
32 The Department of Justice shall provide information to the board
33 pursuant to subdivision (p) of Section 11105 of the Penal Code.

34 (d) The Department of Justice and the board shall charge a fee
35 sufficient to cover the cost of processing the request for state- and
36 federal-level criminal offender record information.

37 (e) The board shall request subsequent arrest notification service
38 from the Department of Justice, as provided under Section 11105.2
39 of the Penal Code, for all applicants for licensure for whom
40 fingerprint images and related information are submitted to

1 *conduct a search for state- and federal-level criminal offender*
2 *record information.*

3 *(f) The board may receive arrest notifications and other*
4 *background materials about applicants and licenseholders from*
5 *a city, county, or city and county.*

6 *3223. In addition to the other requirements of this chapter, a*
7 *licenseholder shall do all of the following:*

8 *(a) Make available for display the licenseholder's original*
9 *license at any location where the licenseholder provides regulated*
10 *psychedelic facilitation. A licenseholder shall have their*
11 *identification card in their possession while providing regulated*
12 *psychedelic facilitation.*

13 *(b) Provide their full name and license number upon the request*
14 *of a member of the public, the board, or a member of law*
15 *enforcement, or a local governmental agency charged with*
16 *regulating establishments, at the location where they are providing*
17 *regulated psychedelic facilitation.*

18 *(c) Include the name under which the individual is licensed and*
19 *their license number in any advertising of regulated psychedelic*
20 *facilitation.*

21 *(d) Notify the board within 30 days of any changes in the*
22 *licenseholder's home address or the address of any establishment*
23 *or other location where the licenseholder provides regulated*
24 *psychedelic facilitation. A licenseholder also shall notify the board*
25 *of the licenseholder's primary email address, if any, and notify*
26 *the board within 30 days of a change of the primary email address.*

27

28

Article 4. Enforcement

29

30 *3230. Unless otherwise specified, any person who violates any*
31 *of the provisions of this chapter is guilty of a misdemeanor*
32 *punishable by imprisonment in county jail not exceeding six*
33 *months, by a fine not to exceed two thousand five hundred dollars*
34 *(\$2500), or by both, and which may result in the suspension or*
35 *revocation of the licenseholder's license.*

36 *3231. (a) It is a violation of this chapter for an applicant or*
37 *a licenseholder to commit any of the following acts, the commission*
38 *of which is grounds for the board to deny an application for a*
39 *license or to impose discipline on a licenseholder:*

- 1 (1) *Unprofessional conduct, including, but not limited to, any*
2 *of the acts listed in the following paragraphs in this subdivision.*
- 3 (2) *Engaging in sexual relations with a participant or a former*
4 *participant within two years following termination of services,*
5 *soliciting sexual relations with a participant, or committing an*
6 *act of sexual abuse, or sexual misconduct with a participant, or*
7 *committing an act punishable as a sexually related crime, if that*
8 *act or solicitation is substantially related to the qualifications,*
9 *functions, or duties of a licensed psychedelic facilitator or occurs*
10 *before, during, or after a preparation, administration, followup*
11 *evaluation, or integration session.*
- 12 (3) *Practicing facilitation on a suspended license, practicing*
13 *without a license, or practicing outside of the conditions of a*
14 *license.*
- 15 (4) *Engaging in financial misconduct, manipulation, or a conflict*
16 *of interest with a participant.*
- 17 (5) *Engaging in fraud, coercion, or verbal abuse with a*
18 *participant.*
- 19 (6) *Violating the terms of consent or agreements entered into*
20 *with the participant during the preparation session.*
- 21 (7) *Discriminating against a participant on the basis of race,*
22 *color, ancestry, national origin, religion, creed, gender, sex, sexual*
23 *orientation, age, disability, marital status, and any other basis*
24 *enumerated under California law.*
- 25 (8) *Procuring or attempting to procure a license by fraud,*
26 *misrepresentation, or mistake.*
- 27 (9) *Failing to fully disclose all information requested on the*
28 *application.*
- 29 (10) *Impersonating an applicant or acting as a proxy for an*
30 *applicant in any examination referred to in this chapter for the*
31 *issuance of a license.*
- 32 (11) *Impersonating a licenseholder or permitting or allowing*
33 *a nonlicensed person to use a license.*
- 34 (12) *Violating or attempting to violate, directly or indirectly,*
35 *or assisting in or abetting the violation of, or conspiring to violate,*
36 *any provision of this chapter or any rule or regulation adopted by*
37 *the board.*
- 38 (13) *Committing any fraudulent, dishonest, or corrupt act that*
39 *is substantially related to the qualifications, functions, or duties*
40 *of a licenseholder.*

1 (14) *Offering or giving commissions, rebates, or other forms of*
2 *remuneration for the referral of participants.*

3 (15) *Denial of licensure, revocation, suspension, restriction,*
4 *citation, or any other disciplinary action against an applicant or*
5 *licenseholder by another state or territory of the United States, by*
6 *any other governmental agency, or by another California healing*
7 *arts professional licensing board. A certified copy of the decision,*
8 *order, judgment, or citation shall be conclusive evidence of these*
9 *actions.*

10 (16) *Being convicted of any felony or misdemeanor, or being*
11 *held liable in an administrative or civil action for an act, that is*
12 *substantially related to the qualifications, functions, or duties of*
13 *a licenseholder. A record of the conviction or other judgment or*
14 *liability shall be conclusive evidence of the crime or liability.*

15 (17) *Failing to act within the limitations created by a physical*
16 *illness, physical condition, or behavioral, mental health, or*
17 *substance use disorder that renders the licenseholder unable to*
18 *perform psychedelic facilitation services with reasonable skill and*
19 *safety to the participant.*

20 (b) *The board may deny an application for a license for the*
21 *commission of any of the acts described in subdivision (a). The*
22 *board may also discipline a licenseholder, in any manner permitted*
23 *by this chapter, for the commission of any of those acts by a*
24 *licenseholder.*

25 (c) *The board shall deny an application for a license, or revoke*
26 *the license of a licenseholder, if the applicant or licenseholder is*
27 *required to register pursuant to the Sex Offender Registration Act*
28 *(Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1*
29 *of the Penal Code), or is required to register as a sex offender in*
30 *another state.*

31 3232. (a) *An applicant for a license shall not be denied a*
32 *license and a licenseholder shall not be disciplined pursuant to*
33 *this chapter except according to procedures that satisfy the*
34 *requirements of this section.*

35 (b) *The board may discipline a licenseholder by any of the*
36 *following methods:*

37 (1) *Placing the licenseholder on probation, which may include*
38 *limitations or conditions on practice.*

39 (2) *Suspending the license and the rights conferred by this*
40 *chapter on a licenseholder for a period not to exceed one year.*

1 (3) *Suspending or staying the disciplinary order, or portions of*
2 *it, with or without conditions.*

3 (4) *Revoking the license.*

4 (5) *Taking other action the board deems proper, as authorized*
5 *by this chapter.*

6 (6) *The board may issue an initial license on probation, with*
7 *specific terms and conditions, to any applicant.*

8 (c) *Any denial or discipline shall be decided upon and imposed*
9 *in good faith and in a fair and reasonable manner.*

10 (d) *Any notice required under this section may be given by any*
11 *method reasonably calculated to provide actual notice. Notice*
12 *given by mail shall be given by first-class or certified mail sent to*
13 *the last address of the applicant or licenseholder shown on the*
14 *board's records.*

15 (e) *An applicant or licenseholder may challenge a denial or*
16 *discipline decision issued pursuant to this section in a court of*
17 *competent jurisdiction. Any action challenging a denial or*
18 *discipline, including any claim alleging defective notice, shall be*
19 *commenced within 90 days after the effective date of the denial or*
20 *discipline. A license issued pursuant to this chapter is not a*
21 *fundamental vested right and judicial review of denial and*
22 *disciplinary decisions made by the board shall be conducted using*
23 *the substantial evidence standard of review. If the action is*
24 *successful, the court may order any relief, including reinstatement,*
25 *that it finds equitable under the circumstances.*

26 (f) *This section governs only the procedures for denial or*
27 *discipline decision and not the substantive grounds for the denial*
28 *or discipline. Denial or discipline based upon substantive grounds*
29 *that violates contractual or other rights of the applicant or*
30 *licenseholder, or is otherwise unlawful, is not made valid by*
31 *compliance with this section.*

32 3233. (a) *It is an unfair business practice for a person to do*
33 *any of the following:*

34 (1) *To hold themselves out or to use the title of "licensed*
35 *psychedelic facilitator," "regulated psychedelic facilitator," or*
36 *any other term, such as "licensed," or "certified," in any manner*
37 *that implies that the person is licensed as a psychedelic facilitator,*
38 *unless that person currently holds an active and valid license*
39 *issued by the board pursuant to this chapter.*

1 (2) *To falsely state or advertise or put out any sign or card or*
2 *other device, or to falsely represent to the public through any print*
3 *or electronic media, that they or any other individual are licensed,*
4 *certified, or registered by a governmental agency as a regulated*
5 *psychedelic facilitator.*

6 (3) *To advertise, market, or brand services that make any health*
7 *or medical claims or state that the regulated psychedelic*
8 *substances have been found to be safe and effective for any*
9 *particular purpose.*

10 (b) *In addition to any other available remedies, engaging in*
11 *any of the prohibited behaviors described in subdivision (a)*
12 *constitutes unfair competition under Section 17200.*

13 (c) *Nothing in this chapter shall be construed to limit the*
14 *provisions of the Medical Practice Act (Chapter 5 (commencing*
15 *with Section 2000) of Division 2), the Clinical Social Worker*
16 *Practice Act (Chapter 14 (commencing with Section 4991) of*
17 *Division 2), the Nursing Practice Act (Chapter 6 (commencing*
18 *with Section 2700) of Division 2), the Psychology Licensing Law*
19 *(Chapter 6.6 (commencing with Section 2901) of Division 2), the*
20 *Licensed Marriage and Family Therapist Act (Chapter 13*
21 *(commencing with Section 4980) of Division 2), the Naturopathic*
22 *Doctors Act (Chapter 8.2 (commencing with Section 3610) of*
23 *Division 2), or any other licensed profession.*

24 3234. (a) *The board shall establish a procedure for those*
25 *persons and parties affected by decisions of the board to protest*
26 *and appeal those decisions.*

27 (b) *An interested person may seek judicial review of any final*
28 *decision of the board.*

29 (c) *Any individual or entity may commence a legal action for a*
30 *writ of mandate to compel the board to perform the acts mandated*
31 *by this board.*

32 3235. *This chapter shall not be construed to permit the sale of*
33 *psychedelic substances to an individual for personal use or to*
34 *permit the sale of psychedelic substances for any purpose outside*
35 *of use for psychedelic facilitation with a licensed psychedelic*
36 *facilitator at an approved location.*

37 3236. *This chapter shall not be construed to permit the knowing*
38 *transfer of any psychedelic substances, with or without*
39 *remuneration, to a person under 21 years of age or to allow a*
40 *person under 21 years of age to possess, use, purchase, obtain,*

1 cultivate, process, prepare, deliver, or sell or otherwise transfer
2 any psychedelic substance.

3 3237. (a) A city, county, or a city and county may reasonably
4 regulate the time, place, and manner of regulated psychedelic
5 facilitation within its boundaries.

6 (b) A city, county, or a city and county shall not ban or
7 completely prohibit regulated psychedelic facilitators operating
8 in accordance with this chapter and board rules within its
9 boundaries.

10 (c) A city, county, or a city and county shall not ban or
11 completely prohibit the provision of regulated psychedelic
12 facilitation offered in accordance with this chapter and board
13 rules.

14 (d) A city, county, or a city and county shall not enact a greater
15 fine or penalty for conduct related to regulated psychedelic
16 facilitation or substances than is allowed under state law.

17 (e) A city, county, or a city and county shall not require an
18 additional license or the payment of a fee in addition to the state
19 license and fee for conduct related to regulated psychedelic
20 facilitation or regulated psychedelic substance licensees, other
21 than generally applicable licenses and fees that apply to all
22 businesses operating within the jurisdiction.

23 (f) A city, county, or a city and county shall not prohibit the
24 transportation of regulated psychedelic substances through its
25 jurisdiction on public roads by a licensee or as otherwise allowed
26 by this chapter.

27 3238. (a) Notwithstanding any other law, except as otherwise
28 provided in this chapter, a person shall not be arrested, prosecuted,
29 penalized, sanctioned, or otherwise denied any benefit and shall
30 not be subject to seizure or forfeiture of assets for allowing
31 property the person owns, occupies, or manages to be used for
32 any of the activities conducted lawfully under this chapter at an
33 approved location or for enrolling or employing a person who
34 engages in regulated psychedelic substance-related activities
35 lawfully under this act.

36 (b) The use of regulated psychedelic substances in connection
37 with regulated psychedelic facilitation shall not disqualify a person
38 from any needed medical procedure or medical treatment or any
39 other lawful health-related service.

1 (c) *The use of regulated psychedelic substances lawfully under*
2 *this act shall not, by itself, be the basis for punishing a person*
3 *currently under parole, probation, or other state-supervised*
4 *release, including pretrial release.*

5 (d) *Nothing in this chapter shall restrict the sale, possession,*
6 *display, or cultivation of living fungi, plants, or seeds that were*
7 *lawful before the enactment of this section.*

8 (e) *Engaging in regulated psychedelic substance-related*
9 *activities authorized under this chapter shall not, by itself, be the*
10 *basis to deny eligibility for any public assistance program, unless*
11 *required by federal law.*

12 3239. *Nothing in this chapter shall be construed to affect any*
13 *of the following:*

14 (a) *Laws prohibiting the sale, administering, furnishing, or*
15 *giving away of psychedelic substances, or the offering to sell,*
16 *administer, furnish, or give away psychedelic substances, to a*
17 *person younger than 21 years of age.*

18 (b) *The ability of public and private employers to maintain,*
19 *enact, and enforce workplace policies prohibiting or restricting*
20 *actions or conduct otherwise permitted under this chapter in the*
21 *workplace or by their employees.*

22 (c) *Laws prohibiting persons from engaging in actions or*
23 *conduct that endanger others.*

24 (d) *Laws pertaining to driving or operating a motor vehicle,*
25 *boat, vessel, aircraft, or other vehicle or device used for*
26 *transportation under the influence of regulated psychedelic*
27 *substances.*

28 (e) *The ability of a state or local governmental agency to*
29 *prohibit or restrict actions or conduct otherwise permitted under*
30 *this chapter within a building owned, leased, or occupied by the*
31 *state or local governmental agency.*

32 (f) *The ability of an individual or private entity to prohibit or*
33 *restrict actions or conduct otherwise permitted under this chapter*
34 *on the individual's or entity's privately owned property.*

35 (g) *Laws pertaining to actions or conduct otherwise permitted*
36 *under this chapter on the grounds of, or within, any facility or*
37 *institution under the jurisdiction of the Department of Corrections*
38 *and Rehabilitation or the Division of Juvenile Justice, or on the*
39 *grounds of any other facility or institution referenced in Section*
40 *4573 of the Penal Code.*

1 *(h) Laws pertaining to actions or conduct otherwise permitted*
 2 *under this chapter on the grounds of a school providing instruction*
 3 *in kindergarten or any grades 1 to 12, inclusive.*

4 *(i) Laws protecting indigenous cultures, traditions, and uses of*
 5 *psychedelic substances and, any protected status, or practice under*
 6 *other laws related to indigenous uses of psychedelic substances,*
 7 *or churches operating pursuant to the federal Religious Freedom*
 8 *Restoration Act of 1993 (42 U.S.C. Sec. 2000bb-4 et seq.).*

9 3240. *A person engaged in a profession or occupation subject*
 10 *to licensure shall not be subject to disciplinary action by a*
 11 *professional licensing board solely for providing professional*
 12 *services related to activity permitted under this chapter or for*
 13 *engaging in any activity that is lawful under this chapter that is*
 14 *not subject to criminal penalty under state law. This chapter does*
 15 *not permit a person to engage in malpractice or to violate the*
 16 *standards of professional practice for which a person is licensed.*

17

18

Article 5. Revenue

19

20 3250. (a) ~~The Regulated—Psychedelic-assisted—Therapy~~
 21 *Psychedelic Facilitators Fund is hereby created in the State*
 22 *Treasury.*

23 (b) ~~Except as otherwise specified, all funds received pursuant~~
 24 *to this chapter shall be credited to deposited into the fund.*

25 (c) ~~Notwithstanding Section 16305.7 of the Government Code,~~
 26 *the fund shall include any interest and dividends earned on the*
 27 *moneys in the fund.*

28 ~~(d) Notwithstanding Section 13340 of the Government Code,~~
 29 ~~all—All~~ *moneys in the fund shall be allocated to the board, upon*
 30 *appropriation by the Legislature, to carry out the purposes of this*
 31 *chapter.*

32 (e) ~~All moneys collected as a result of fees imposed under this~~
 33 *chapter shall be deposited directly into the fund.*

34 (f) ~~All moneys collected as a result of penalties imposed under~~
 35 *this division shall be deposited directly into the General Fund, to*
 36 *be available upon appropriation by the Legislature.*

37 ~~SEC. 4.~~

38 *SEC. 5. Division 11 (commencing with Section 27000) is added*
 39 *to the Business and Professions Code, to read:*

1 DIVISION 11. REGULATED PSYCHEDELIC SUBSTANCES
2 CONTROL ~~PSYCHEDELIC-ASSISTED THERAPY ACT~~

3
4 Chapter 1. General
5

6 27000. (a) This division shall be known and may be cited as
7 the Regulated Psychedelic Substances Control *Psychedelic-Assisted*
8 *Therapy Act*.

9 (b) The purpose and intent of this division is to establish a
10 comprehensive system to control and regulate the ~~cultivation,~~
11 *following*:

12 (1) *The provision of psychedelic facilitation.*

13 (2) *The production, distribution, transportation, storage,*
14 *processing, manufacturing, testing, quality control, and sale of*
15 *regulated psychedelic substances for use only in conjunction with*
16 *regulated psychedelic-assisted therapy pursuant to the Regulated*
17 *Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with*
18 *Section 3200) of Division 2).* *psychedelic facilitation at approved*
19 *locations.*

20 (3) *The approval of locations where regulated psychedelic*
21 *facilitation may take place.*

22 (4) *The collection and publication of deidentified and aggregate*
23 *data and information on the implementation and outcomes of this*
24 *act.*

25 27001. The Division of Regulated ~~Psychedelic Substances~~
26 ~~Control~~ *Psychedelic-Assisted Therapy* is hereby established in the
27 Business, Consumer Services, and Housing Agency to administer
28 this division. The division shall be under the supervision and
29 control of a director.

30 27002. As used in this division, the following definitions apply:

31 (a) ~~“Advisory committee” means the Regulated Psychedelic~~
32 ~~Substances Advisory Committee.~~

33 (b) ~~“Board” means the Board of Regulated Psychedelic~~
34 ~~Facilitators established pursuant to Chapter 7.1 (commencing with~~
35 ~~Section 3200) of Division 2.~~

36 (c) ~~“Clinic” shall have the same meaning as set forth in Section~~
37 ~~1200 of the Health and Safety Code.~~

38 (d) ~~“Cultivate” means the growing and cultivating of regulated~~
39 ~~psychedelic substances.~~

1 ~~(e) “Division” means the Division of Regulated Psychedelic~~
2 ~~Substances Control.~~

3 ~~(f) “Participant” means a person 21 years of age or older who~~
4 ~~purchases or receives a regulated psychedelic substance from a~~
5 ~~regulated psychedelic licensee for use in conjunction with regulated~~
6 ~~psychedelic-assisted therapy at a licensed location and under the~~
7 ~~supervision of a licensed psychedelic-assisted therapy facilitator.~~

8 ~~(g) “Regulated psychedelic substance licensee” means an entity~~
9 ~~that holds a license in any of the categories for licensure or~~
10 ~~registration established by the division pursuant to paragraph (1)~~
11 ~~of subdivision (a) of Section 27030. A regulated psychedelic~~
12 ~~substance licensee may receive compensation for regulated~~
13 ~~psychedelic substances in connection with use in regulated~~
14 ~~psychedelic-assisted therapy provided at a licensed establishment.~~

15 ~~(a) “Administration session” means a session conducted at an~~
16 ~~approved location during which a participant consumes and~~
17 ~~experiences the effects of a regulated psychedelic substance under~~
18 ~~the supervision of a regulated psychedelic facilitator.~~

19 ~~(b) “Adverse event” or “adverse reaction” means any adverse~~
20 ~~reaction during or after the psychedelic experience, including, but~~
21 ~~not limited to, headache, nausea, and dizziness.~~

22 ~~(c) “Approved location” means a location approved by the~~
23 ~~division for the provision of regulated psychedelic facilitation or~~
24 ~~a clinic, center, or other facility licensed by the State Department~~
25 ~~of Public Health.~~

26 ~~(d) “Approved school” means a school or educational program~~
27 ~~approved by the board that meets minimum standards for training~~
28 ~~and curriculum in regulated psychedelic facilitation and related~~
29 ~~subjects and that has not been otherwise approved by the board.~~

30 ~~(e) “Board” means the Board of Regulated Psychedelic~~
31 ~~Facilitators established pursuant to Chapter 7.1 (commencing~~
32 ~~with Section 3200) of Division 2.~~

33 ~~(f) “Clinic” shall have the same meaning as set forth in Section~~
34 ~~1200 of the Health and Safety Code.~~

35 ~~(g) “Compensation” means a payment, loan, advance, donation,~~
36 ~~contribution, deposit, gift of money, or anything of value.~~

37 ~~(h) “Division” means the Division of Regulated~~
38 ~~Psychedelic-Assisted Therapy.~~

39 ~~(i) “Expert oversight committee” means the Regulated~~
40 ~~Psychedelic Substances Expert Oversight Committee.~~

1 (j) “Followup evaluation” means contact between a participant
2 and a regulated psychedelic facilitator that occurs within 12 to
3 72 hours after the completion of an administration session or
4 sooner, if warranted, to assess well-being, screen for adverse
5 reactions, and, if needed, make referrals to needed care, additional
6 psychosocial support, or other interventions.

7 (k) “Fund” means the Regulated Psychedelic-Assisted Therapy
8 Fund.

9 (l) “Integration session” means counseling provided by a
10 regulated psychedelic facilitator or other personnel trained in
11 postpsychedelic support that is intended to help the participant
12 better understand their psychedelic experience and apply insights
13 from their experience to their daily life.

14 (m) “License” means a valid license issued pursuant to this
15 division.

16 (n) “Participant” means a person 21 years of age or older who
17 purchases or receives a regulated psychedelic substance from a
18 regulated psychedelic licensee for use in conjunction with regulated
19 psychedelic facilitation at an approved location and under the
20 supervision of a licensed psychedelic facilitator.

21 (o) “Preparation session” means a session conducted between
22 a participant and a psychedelic facilitator before the administration
23 of the regulated psychedelic substance. More than one preparation
24 session may be indicated to provide participants adequate
25 education and instruction, to develop sufficient rapport between
26 the participant and psychedelic facilitator before the psychedelic
27 substance administration, and to revisit informed consent and
28 safety planning. The initial preparation session shall include review
29 of the safety screen and considerations for exclusion; presentation
30 and discussion of detailed information about the psychedelic
31 substance, including its potential risks and benefits; presentation
32 and discussion of the therapeutic process, including administration
33 session parameters; obtaining informed consent; safety planning;
34 and other information as the board may determine. If three months
35 or more have passed since the last psychedelic administration
36 session conducted by a given participant with a given facilitator,
37 this will be considered a new course of care, and another initial
38 preparation session must be conducted.

39 (p) “Produce” means the growing, cultivating, processing, and
40 manufacturing of regulated psychedelic substances.

- 1 ~~(h)~~
2 (q) (1) “Regulated psychedelic substances” means the following
3 substances as defined in Section 11054 of the Health and Safety
4 Code:
5 (A) Dimethyltryptamine.
6 (B) Mescaline.
7 (C) 3,4-methylenedioxymethamphetamine (MDMA).
8 (D) Psilocybin.
9 (E) Psilocyn.
10 (F) Spores or mycelium capable of producing mushrooms that
11 contain psilocybin or psilocyn.
12 (2) “Regulated psychedelic substances” does not include peyote,
13 including all parts of the plant classified botanically as *Lophophora*
14 *williamsii*, whether growing or not, its seeds, any extract from any
15 part of the plant, and every compound, salt, derivative, mixture,
16 or preparation of the plant, or its seeds or extracts.
17 ~~(i) “Regulated psychedelic assisted therapy” means services~~
18 ~~provided by a regulated psychedelic assisted therapy facilitator in~~
19 ~~accordance with the Regulated Psychedelic assisted Therapy Act~~
20 ~~(Chapter 7.1 (commencing with Section 3200) of Division 2).~~
21 ~~(j) “Regulated psychedelic assisted therapy facilitator” means~~
22 ~~a person licensed by the Board of Regulated Psychedelic~~
23 ~~Facilitators pursuant to Chapter 7.1 (commencing with Section~~
24 ~~3200) of Division 2.~~
25 (r) “Regulated psychedelic substance licensee” means an entity
26 that holds a license in any of the categories for licensure or
27 registration established by this division. A regulated psychedelic
28 substance licensee may receive compensation for regulated
29 psychedelic substances only in connection with use in regulated
30 psychedelic facilitation provided at an approved location.
31 (s) “Regulated psychedelic facilitation” means services provided
32 pursuant to this division by a regulated psychedelic facilitator to
33 a participant before, during, and after the participant’s
34 consumption of a regulated psychedelic substance, including all
35 of the following:
36 (1) A safety screen.
37 (2) One or more preparation sessions.
38 (3) An administration session.
39 (4) One or more followup evaluations.
40 (5) One or more integration sessions.

1 (t) “Regulated psychedelic facilitation location” or “approved
2 location” means an approved location where psychedelic
3 facilitation is performed.

4 (u) “Regulated psychedelic facilitator” means a person licensed
5 by the Board of Regulated Psychedelic Facilitators pursuant to
6 Chapter 7.1 (commencing with Section 3200) of Division 2.

7 (v) “Safety screen” means a screening for medical conditions,
8 mental health conditions, family history, contraindications, and
9 pharmacological interactions that must be provided to every
10 participant before an administration session.

11 (w) “Serious adverse event” or “serious adverse reaction”
12 means an adverse reaction during or after the psychedelic
13 experience requiring psychiatric, medical, or psychological care.

14 (x) “Set” means the mindset of an individual, including the
15 individual’s history, personality, and intentions going into
16 psychedelic facilitation.

17 (y) “Setting” means the physical and social environment in
18 which the psychedelic facilitation occurs.

19 (z) “Sole provider” means a regulated psychedelic facilitator
20 business where the owner owns 100 percent of the business and
21 is the only person who provides regulated psychedelic facilitation
22 for compensation for that business pursuant to a valid and active
23 license issued in accordance with this division.

24

25 Chapter 2. Administration

26

27 27010. (a) The Governor shall appoint the director of the
28 division, subject to confirmation by the Senate. The director shall
29 serve under the direction and supervision of the Secretary of
30 Business, Consumer Services, and Housing and at the pleasure of
31 the Governor.

32 (b) Every power granted to or duty imposed upon the director
33 under this division may be exercised or performed in the name of
34 the director by a deputy or assistant director or by a chief, subject
35 to conditions and limitations that the director may prescribe.

36 (c) The director may employ and appoint all employees
37 necessary to properly administer the work of the division, in
38 accordance with civil service laws and regulations.

39 (d) The division has the power, duty, purpose, responsibility,
40 and jurisdiction to regulate regulated psychedelic substances *and*

1 *the provision of psychedelic facilitation, and to approve locations*
2 *where psychedelic facilitation may take place, as provided in this*
3 *division.*

4 27011. The protection of the public shall be the highest priority
5 for the division in exercising its licensing, regulatory, and
6 disciplinary functions under this division. Whenever the protection
7 of the public is inconsistent with other interests sought to be
8 promoted, the protection of the public shall be paramount.

9 27012. (a) It being a matter of statewide concern, except as
10 otherwise authorized in this division, the division shall have the
11 sole authority to create, issue, deny, renew, discipline, condition,
12 suspend, or revoke ~~regulated psychedelic substance licenses.~~
13 *licenses issued pursuant to this division.*

14 (b) The division may collect fees in connection with activities
15 it regulates. The division may create ~~licenses~~ *licenses, permits,*
16 *and registrations* in addition to those identified in this division
17 that the division deems necessary to effectuate its duties under this
18 division.

19 (c) For the performance of its duties, the division has the power
20 conferred by Article 2 (commencing with Section 11180) of
21 Chapter 2 of Part 1 of Division 3 of Title 2 of the Government
22 Code.

23 27013. (a) The division shall provide on its internet website
24 information regarding the status of every license issued by the
25 division in accordance with the California Public Records Act
26 (Division 10 (commencing with Section 7920.000) of Title 1 of
27 the Government Code) and the Information Practices Act of 1977
28 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
29 4 of Division 3 of the Civil Code).

30 (b) The information provided on the division's internet website
31 pursuant to subdivision (a) shall include information on suspensions
32 and revocations of licenses and final decisions adopted by the
33 division pursuant to the Administrative Procedure Act (Chapter
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code) relating to persons or businesses
36 licensed or regulated by the division.

37 (c) *The information provided on the division's internet website*
38 *shall include deidentified and aggregate data on the*
39 *implementation and outcomes of this act that is required to be*
40 *collected and published pursuant to this division.*

1 27014. (a) The division shall adopt regulations *as*
2 *recommended by the expert oversight committee and* as may be
3 necessary to implement, administer, and enforce its duties under
4 this division in accordance with Chapter 3.5 (commencing with
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code. ~~Those rules and regulations shall be consistent with the~~
7 ~~purposes and intent of the Regulated Psychedelic-assisted Therapy~~
8 ~~Act (Chapter 7.1 (commencing with Section 3200) of Division 2),~~
9 ~~as specified in Section 3200.~~

10 (b) (1) The division may adopt emergency regulations to
11 consolidate, clarify, or make consistent regulations.

12 (2) The division may readopt any emergency regulation
13 authorized by this section that is the same as, or substantially
14 equivalent to, an emergency regulation previously adopted as
15 authorized by this section. Any readoption shall be limited to one
16 time for each regulation.

17 (3) Notwithstanding any other law, the adoption of emergency
18 regulations and the readoption of emergency regulations authorized
19 by this section shall be deemed an emergency and necessary for
20 the immediate preservation of the public peace, health, safety, or
21 general welfare. The emergency regulations and the readopted
22 emergency regulations authorized by this section shall be each
23 submitted to the Office of Administrative Law for filing with the
24 Secretary of State and shall remain in effect for no more than 180
25 days, by which time final regulations may be adopted.

26 (c) Regulations issued under this division shall be necessary to
27 achieve the purposes of this division, based on best available
28 evidence, and shall mandate only commercially feasible procedures,
29 technology, or other requirements, and shall not unreasonably
30 restrain or inhibit the development of alternative procedures or
31 technology to achieve the same substantive requirements, nor shall
32 the regulations make compliance so onerous that the operation
33 under a license is not worthy of being carried out in practice by a
34 reasonably prudent businessperson.

35 (d) The division shall adopt regulations concerning psilocybin,
36 psilocyn, *the spores or mycelium capable of producing mushrooms*
37 *that contain psilocybin and psilocyn,* and
38 3,4-methylenedioxymethamphetamine (MDMA) not later than
39 January 1, 2026. At least every two years thereafter, the division
40 shall adopt regulations concerning additional substances identified

1 as regulated psychedelic substances in subdivision (h) of Section
2 27002, if recommended by the ~~advisory~~ *expert oversight*
3 committee.

4 27015. (a) Notice of any action of the division required by
5 this division to be given may be signed and given by the director
6 or an authorized employee of the division and may be made
7 personally or in the manner prescribed by Section 1013 of the
8 Code of Civil Procedure, or in the manner prescribed by Section
9 124 of this code.

10 (b) Notwithstanding subdivision (c) of Section 11505 of the
11 Government Code, whenever written notice, including a notice,
12 order, or document served pursuant to Chapter 3.5 (commencing
13 with Section 11340), Chapter 4 (commencing with Section 11370),
14 or Chapter 5 (commencing with Section 11500), of Part 1 of
15 Division 3 of Title 2 of the Government Code, is required to be
16 given by the division, the notice may be given by regular mail
17 addressed to the last known address of the licensee or by personal
18 service, at the option of the division.

19 27016. (a) The division may make or cause to be made any
20 investigation it deems necessary to carry out its duties under this
21 division.

22 (b) The chief of enforcement and all investigators, inspectors,
23 and deputies of the division identified by the director have the
24 authority of peace officers while engaged in exercising the powers
25 granted or performing the duties imposed upon them in
26 investigating the laws administered by the division or commencing
27 directly or indirectly any criminal prosecution arising from any
28 investigation conducted under these laws. All persons herein
29 referred to shall be deemed to be acting within the scope of
30 employment with respect to all acts and matters set forth in this
31 section.

32 (c) The division may employ individuals, who are not peace
33 officers, to provide investigative services.

34 (d) Notwithstanding any other law, the division may employ
35 peace officers and shall be exempt from the requirements of Section
36 13540 of the Penal Code.

37 27017. For any hearing held pursuant to this division, the
38 division may delegate the power to hear and decide to an
39 administrative law judge. Any hearing before an administrative
40 law judge shall be pursuant to the procedures, rules, and limitations

1 prescribed in Chapter 5 (commencing with Section 11500) of Part
2 1 of Division 3 of Title 2 of the Government Code.

3 27018. (a) No later than April 1, 2025, the division shall
4 convene an ~~advisory expert oversight~~ committee, to be known as
5 the Regulated Psychedelic Substances ~~Advisory Expert Oversight~~
6 Committee, to advise the division and the board on the
7 development of standards and regulations pursuant to this ~~division~~
8 ~~and the Regulated Psychedelic-assisted Therapy Act (Chapter 7.1~~
9 ~~(commencing with Section 3200) of Division 2)~~; *division*, including
10 best practices and guidelines that protect public health and safety
11 while ensuring a regulated environment to provide safe access to
12 regulated ~~psychedelic-assisted therapy~~. *psychedelic facilitation*.

13 (b) *There shall be 14 members of the expert oversight committee*
14 *appointed by the Governor.*

15 ~~(b)~~

16 (c) The ~~advisory expert oversight~~ committee members shall
17 include, but not be limited to, at least one person with expertise in
18 ~~all~~ *each* of the following:

- 19 (1) Mental or behavioral health.
- 20 (2) ~~Regulated psychedelic-assisted therapy~~. *Psychedelic*
21 *facilitation*.
- 22 (3) Issues confronting veterans.
- 23 (4) Developing and implementing evaluation methodologies to
24 assess the outcomes of a program, including its achievements,
25 safety, quality, and impact on individuals.
- 26 (5) Health care insurance or barriers in access to health care.
- 27 (6) Emergency medical services or first responders.
- 28 (7) Mycology and regulated psychedelic substance cultivation.
- 29 (8) Training ~~regulated psychedelic-assisted therapy~~ *psychedelic*
30 *facilitators*.
- 31 ~~(9) Harm reduction.~~
- 32 ~~(10) Municipal psychedelic policy.~~
- 33 (9) *The provision of harm reduction.*
- 34 (10) *Harm reduction systems.*
- 35 (11) Regulated psychedelic substance research.
- 36 (12) Indigenous uses of ~~regulated~~ psychedelic substances.
- 37 (13) Public health data collection.
- 38 (14) *Expertise in naturopathic medicine.*

39 (d) *The members of the expert oversight committee shall reside*
40 *in the State of California.*

1 (e) Each member of the expert oversight committee shall be
 2 appointed for a term of four years with staggered terms. A vacancy
 3 on the committee shall be filled by appointment for the unexpired
 4 term.

5 (f) Not later than the first of June of each calendar year, the
 6 committee shall elect a chairperson and a vice chairperson from
 7 its membership.

8 ~~(e)~~

9 (g) The advisory expert oversight committee shall:

10 (1) Consider all matters submitted to it by the division or the
 11 board.

12 (2) Create subcommittees for particular aspects of the work.

13 ~~(2)~~

14 (3) Advise the division and the board on guidelines, rules, and
 15 regulations that include:

16 (A) Accurate and culturally appropriate public health approaches
 17 regarding use, effect, and risk reduction for regulated
 18 ~~psychedelic-assisted therapy~~ *psychedelic facilitation* and regulated
 19 psychedelic substances and the content and scope of related
 20 educational campaigns.

21 (B) Research related to the efficacy and regulation of regulated
 22 psychedelic substances, including recommendations related to
 23 product safety, harm reduction, and cultural responsibility.

24 (C) Affordable, equitable, ethical, inclusive, and culturally
 25 responsible access to regulated psychedelic-assisted therapy and
 26 requirements to ensure access to regulated ~~psychedelic-assisted~~
 27 ~~therapy~~ *psychedelic facilitation* is affordable, equitable, ethical,
 28 inclusive, and culturally responsible.

29 (D) Identifying existing state funds and programs for improving
 30 public health outcomes and advising as to how these funds and
 31 programs may include *psychedelic facilitation and services* as
 32 options and be used to make access to *psychedelic facilitation and*
 33 *services* more affordable to low-income individuals.

34 (E) Education, training curricula, and training for first
 35 responders and multiresponders, including law enforcement,
 36 emergency medical services, social services, and fire services.

37 ~~(E)~~

38 (F) Requirements, methods, *data collection*, reporting, and
 39 publication of information pertaining to the implementation and
 40 outcomes of this act, in order to comprehensively measure its

1 success, safety, quality, impact on individuals’ well-being and
2 public health.

3 ~~(F)~~

4 (G) Sustainability issues related to regulated psychedelic
5 substances and impact on Indigenous cultures and ~~document~~
6 existing reciprocity efforts and continuing support measures that
7 are needed.

8 ~~(G) Whether other substances should be added pursuant to
9 subdivision (d) of Section 27014.~~

10 (H) Potential future ~~regulation~~ *regulation, policy reform*, and
11 use of additional psychedelic substances with therapeutic potential,
12 beyond those included in ~~this division and the Regulated
13 Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with
14 Section 3200) of Division 2)~~. *subdivision (d) of Section 27014.*

15 ~~(d)~~

16 (h) Commencing on January 1, 2026, the ~~advisory expert~~
17 *oversight* committee shall publish on ~~its~~ *the division’s* internet
18 website an annual report describing its activities including, but not
19 limited to, the recommendations the ~~advisory expert oversight~~
20 committee made to the division and the board during the
21 immediately preceding calendar year and whether those
22 recommendations were implemented by the division.

23 ~~(e)~~

24 (i) Each member of the ~~advisory expert oversight~~ committee
25 shall be reimbursed for traveling and other expenses necessarily
26 incurred in the performance of official duties. The payments in
27 each instance shall be made only from the fund *from which the*
28 *expenses of the division are paid* and shall be subject to the
29 availability of moneys.

30

31 Chapter 3. *General* Licensing

32

33 27030. (a) Except as specified in Section 27014, the division
34 shall, ~~in consultation with the advisory~~ *consistent with the*
35 *recommendations of the expert oversight* committee and in
36 accordance with the Administrative Procedure Act (Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code), adopt regulations consistent with this
39 division for the administration and enforcement of laws regulating

1 regulated psychedelic substances and services. The regulations
2 shall do all of the following:

3 (1) License qualified persons or entities for activities related to
4 regulated psychedelic substances that include:

5 (A) Establishing categories of licensure and registration
6 including, but not limited to, the following:

7 (i) A cultivation, processing, ~~manufacture, delivery, or sales only~~
8 ~~license that would allow for the provision and sale of regulated~~
9 ~~psychedelic substances at the premises of a separately licensed~~
10 ~~psychedelic assisted therapy center or approved location for use~~
11 ~~during an administration session at that psychedelic assisted~~
12 ~~therapy center or or manufacture license that would allow solely~~
13 ~~for the provision and sale of regulated psychedelic substances at~~
14 ~~the premises of an approved location for use during the~~
15 ~~administration session of a regulated psychedelic facilitation at~~
16 ~~that approved location.~~

17 (ii) A testing license for the testing of regulated psychedelic
18 substances for quality, concentration, and contaminants.

19 (B) *Approving locations where psychedelic substances may be*
20 *provided to participants in conjunction with psychedelic facilitation*
21 *by a regulated psychedelic facilitator.*

22 ~~(B)~~

23 (C) Establishing license application, issuance, denial, renewal,
24 suspension, and revocation procedures.

25 ~~(C)~~

26 (D) Establishing application, licensing, and renewal fees that
27 shall be sufficient, but not exceed the amount necessary, to cover
28 the cost of administering this division, and, for licensing and
29 renewal fees, scaled based on either the volume of business of the
30 licensee or the gross annual revenue of the licensee.

31 (2) In collaboration with the Board of Regulated Psychedelic
32 Facilitators, establish requirements governing the safe provision
33 of regulated psychedelic substances to participants *at approved*
34 *locations* that include:

35 (A) Contraindications due to medical condition, mental health
36 history, *family history*, and pharmacological interactions and
37 contraindications for the particular substances being used.

38 (B) Health and safety warnings to be provided to participants
39 before regulated psychedelic substances are provided.

40 (C) Recommended dosages of regulated psychedelic substances.

1 (D) Documentation that the regulated ~~psychedelic-assisted~~
2 ~~therapy~~ *psychedelic* facilitator is properly licensed pursuant to
3 ~~Chapter 7.1 (commencing with Section 3200) of Division 2. this~~
4 *division.*

5 (E) *Documentation that the location of the regulated psychedelic*
6 *facilitation is properly licensed or approved pursuant to*
7 *regulations promulgated pursuant to this division.*

8 ~~(E)~~

9 (F) Safe transportation for the participant when the session is
10 complete.

11 ~~(F)~~

12 (G) Provisions to allow a ~~psychedelic-assisted therapy center~~
13 ~~or facilitator to refuse to provide regulated psychedelic substances~~
14 ~~or therapy psychedelic facilitation center or psychedelic facilitator~~
15 *to refuse to provide regulated psychedelic substances or facilitation*
16 *to a participant.*

17 ~~(G)~~

18 (H) Procedures for handling and reporting *adverse reactions*
19 *and serious adverse reactions.*

20 (I) *Limitations on the number of licenses for cultivation,*
21 *processing, or manufacture of regulated psychedelic substances*
22 *and the volume of regulated psychedelic substances produced by*
23 *licensees to ensure the amount of regulated psychedelic substances*
24 *does not exceed the amount necessary to meet the demand for*
25 *regulated psychedelic facilitation.*

26 ~~(H)~~

27 (J) The requirements and standards for testing ~~of~~ regulated
28 psychedelic substances for quality, concentration, and
29 contaminants.

30 (K) *The requirements for labeling regulated psychedelic*
31 *substances.*

32 ~~(K)~~

33 (L) Prohibitions on advertising, branding, and marketing
34 regulated psychedelic ~~substances or making substances, including~~
35 *prohibitions on claiming the regulated psychedelic substance is*
36 *safe and effective or making health or medical claims about*
37 ~~regulated psychedelic substances. substances unless in compliance~~
38 *with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec.*
39 *301 et seq.).*

40 ~~(L)~~

- 1 (M) Insurance requirements to the extent that the policies are
- 2 commercially available and not cost prohibitive.
- 3 ~~(K)~~
- 4 (N) Age verification procedures to ensure that a participant is
- 5 21 years of age or older.
- 6 (3) Establish the requirements governing the licensing and
- 7 operation of ~~psychedelic-assisted therapy~~ licensees, including
- 8 *psychedelic facilitation* centers and approved locations that include:
- 9 (A) Oversight requirements for regulated psychedelic licensees.
- 10 (B) Recordkeeping, privacy, and confidentiality requirements
- 11 for regulated psychedelic licensees, provided the recordkeeping
- 12 does not result in the disclosure to the public or any *unauthorized*
- 13 governmental agency of personally identifiable information of
- 14 participants.
- 15 (C) Deidentified data collection and reporting requirements for
- 16 pertaining to the implementation and outcomes of this act.
- 17 (D) Security requirements for regulated psychedelic licensees,
- 18 including requirements for protection of each licensed
- 19 ~~psychedelic-assisted therapy~~ *psychedelic facilitation* center
- 20 location.
- 21 (E) Procedures and policies that allow for regulated psychedelic
- 22 licensees to receive compensation for ~~services~~ and regulated
- 23 psychedelic substances provided in conjunction with ~~therapeutic~~
- 24 ~~services~~ *facilitation services at approved locations*.
- 25 (F) Procedures and policies to ensure statewide access to
- 26 regulated ~~psychedelic-assisted therapy~~ *psychedelic facilitation*.
- 27 ~~(G) Rules that prohibit an individual from having a financial~~
- 28 ~~interest in more than five psychedelic-assisted therapy locations.~~
- 29 ~~(H)~~
- 30 (G) Rules that allow for regulated psychedelic licensees to share
- 31 the same premises with other regulated psychedelic licensees or
- 32 to share the same premises with health care ~~facilities so that a~~
- 33 ~~participant may receive regulated psychedelic substances from~~
- 34 ~~one regulated psychedelic licensee and complete the administration~~
- 35 ~~session at a separately owned and approved location.~~ *facilities*.
- 36 ~~(I)~~
- 37 (H) Rules that allow a regulated ~~psychedelic-assisted therapy~~
- 38 *psychedelic facilitator* to provide regulated ~~psychedelic-assisted~~
- 39 ~~therapy~~ *psychedelic facilitation* to a participant at an approved
- 40 location.

1 ~~(J)~~

2 (I) Rules that allow for approval of locations where regulated
3 ~~psychedelic-assisted therapy~~ *psychedelic facilitation* may be
4 provided by licensed ~~psychedelic-assisted therapy~~ *psychedelic*
5 facilitators, including, but not limited to, health care facilities,
6 clinics, and private residences.

7 (4) Establish procedures, policies, and programs to ensure that
8 the licensing of regulated psychedelic substances and the provision
9 of regulated ~~psychedelic-assisted therapy~~ *psychedelic facilitation*
10 is equitable and inclusive and to promote the licensing of and the
11 provision of regulated ~~psychedelic-assisted therapy~~ *psychedelic*
12 *facilitation* to persons from low-income communities; to persons
13 who face barriers to access to health care; to persons who have a
14 history of traditional or indigenous use of regulated psychedelic
15 substances; to persons who are or were first responders; and to
16 persons who are veterans. The procedures, policies, and programs
17 shall include, but are not limited to:

18 (A) Reduced fees for licensure and other support services for
19 applicants, which may include loans and grants.

20 (B) Incentivizing the provision of regulated ~~psychedelic-assisted~~
21 ~~therapy~~ *psychedelic facilitation* at a reduced cost to low-income
22 individuals.

23 (C) Incentivizing geographic and cultural diversity in licensing
24 and the provision and availability of ~~regulated psychedelic-assisted~~
25 ~~therapy~~ *psychedelic facilitation*.

26 (D) A process for annually reviewing the effectiveness of the
27 policies and programs promulgated under this paragraph.

28 ~~(5) Gather and publish, on an annual basis, adequate information~~
29 ~~to evaluate the implementation, safety, equity, quality, and~~
30 ~~outcomes of this division and Chapter 7.1 (commencing with~~
31 ~~Section 3200) of Division 2, following sound data and privacy~~
32 ~~protocols, without revealing any identifiable details pertaining to~~
33 ~~individual participants.~~

34 ~~(6)~~

35 (5) Adopt, amend, and repeal rules as necessary to implement
36 this division and to protect the public health and safety.

37 (b) Upon receiving a complete application for a license under
38 this division, the division shall have 120 days to issue its decision
39 on the application.

1 (c) The division may suspend or revoke a regulated psychedelic
2 substances license under regulations made pursuant to this division
3 upon written notice of a violation and, if applicable, an opportunity
4 to cure any violation within 30 days of the notice.

5 (d) The division shall enforce the laws and regulations relating
6 to the cultivation, *producing, manufacturing, processing*, preparing,
7 delivery, storage, sale, and testing of regulated psychedelic
8 substances. The division shall conduct investigations of compliance
9 with this division and shall perform regular inspections of licensees
10 and the books and records of licensees as necessary to enforce this
11 division. The division shall cooperate with appropriate state and
12 local organizations to provide training to law enforcement officers
13 of the state and its political subdivisions.

14 (e) The division shall annually publish a report of its actions
15 during each year containing a comprehensive description of its
16 activities and a statement of revenue and expenses of the division.

17 (f) The division shall have the authority to collect available and
18 relevant information and data necessary to performs its functions
19 and duties under this act, but must not disclose the identity of any
20 participant or publicly disclose any information that could disclose
21 the identity of a participant.

22 (g) The division shall deposit all license fees, registration fees,
23 and monetary penalties collected pursuant to this division in the
24 ~~Regulated Psychedelic Substances Control~~ *Psychedelic-Assisted*
25 *Therapy* Fund established in Section ~~27060~~. 27080.

26 (h) In carrying out its duties under this division, the division
27 shall ~~consult with~~ *be guided by* the Regulated Psychedelic
28 ~~Substances Advisory~~ *Expert Oversight* Committee and may also
29 consult with other state agencies or any other individual or entity
30 the division finds necessary.

31 27031. (a) ~~Actions~~ *Notwithstanding any other law, actions*
32 and conduct by a licensee that are authorized pursuant to a valid
33 license issued by the division, and by those who allow property to
34 be used by a licensee, as permitted pursuant to a valid license
35 issued by the division, are lawful under state and local law, and
36 shall not be a violation of state or local law.

37 (b) No state or local governmental agency shall impose any
38 criminal, civil, or administrative penalty on any licensee or on
39 those who allow property to be used by a licensee solely for actions

1 or conduct permitted pursuant to a valid license issued by the
2 division.

3 (c) Actions and conduct by a licensee that are permitted pursuant
4 to a valid license issued by the division, and by those who allow
5 property to be used by a licensee, as permitted pursuant to a valid
6 license issued by the division, shall not be a basis for seizure or
7 forfeiture of any products, materials, equipment, property, or assets
8 under state or local law.

9 (d) Nothing in this section shall be construed or interpreted to:

10 (1) Prevent the division from enforcing its rules and regulations
11 against a licensee.

12 (2) Prevent a state or local governmental agency from enforcing
13 a law, rule, or regulation that is not in conflict with the provisions
14 of this division or the rules and regulations of the ~~division, and is~~
15 ~~consistent with the intents and purposes of the Regulated~~
16 ~~Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with~~
17 ~~Section 3200) of Division 2), as specified in Section 3200.~~ *division.*

18 (3) Prevent a city, county, or a city and county from enforcing
19 a local zoning ordinance, local ordinance of general application,
20 or local ordinance enacted pursuant to ~~Section 27046.~~ *27055.*

21 27032. (a) Not later than April 1, 2026, the division shall begin
22 to accept and process applications for licensure.

23 (b) Upon receipt of an application for licensure and any
24 applicable fee, the division shall make a thorough investigation to
25 determine whether the applicant and the premises qualify for the
26 license and have complied with the provisions of this division.

27 (c) The division shall deny an application under either of the
28 following circumstances:

29 (1) The applicant or the premises for which the license is applied
30 do not qualify for licensure under rules and regulations enacted
31 by the division pursuant to this division.

32 (2) Issuance would conflict with any local zoning ordinance,
33 local ordinance of general application, or local ordinance enacted
34 pursuant to ~~Section 27046.~~ *27055.*

35 (d) The division may refuse to issue any license for premises
36 located within 1,000 feet of a school providing instruction in
37 kindergarten or any of grades 1 to 12, inclusive.

Chapter 4. Enforcement

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3 27040. A violation of this division is a misdemeanor and shall
4 ~~result in~~ *be punishable by imprisonment in county jail for six*
5 *months*, a fine of not less than one thousand dollars ~~(\$1,000)~~
6 *(\$1,000), or both*, and forfeiture of any license granted under this
7 ~~division for three years.~~ *division.*

8 27041. (a) The division shall work with state and local law
9 enforcement agencies for the purposes of implementing,
10 administering, and enforcing the division's rules and regulations
11 and taking appropriate action against licensees and others who fail
12 to comply with these rules and regulations or with state law.

13 (b) The division may bring a legal action to enjoin a violation
14 or potential violation of, or to compel compliance with, any
15 provision of this division or rules and regulations promulgated by
16 the division. The legal action shall be brought in the county in
17 which the violation occurred or may occur. Any proceedings
18 brought pursuant to this section shall conform to the requirements
19 of Chapter 3 (commencing with Section 525) of Title 7 of Part 2
20 of the Code of Civil Procedure.

21 (c) State and local law enforcement agencies shall immediately
22 notify the division of any arrests made that involve a licensee or
23 a licensed premises and actions or conduct under the division's
24 jurisdiction. The division shall promptly investigate whether the
25 arrests warrant suspension or revocation of a license.

26 (d) Nothing in this division shall be construed or interpreted to
27 limit a state or local law enforcement agency's ability to investigate
28 unlawful activity in relation to a licensee or licensed premises.

29 27042. (a) The division shall establish a procedure for those
30 persons and parties affected by decisions of the division to protest
31 and appeal those decisions.

32 (b) An interested person may seek judicial review of any final
33 decision of the division.

34 (c) Any individual or entity may commence a legal action for
35 a writ of mandate to compel the division to perform the acts
36 mandated by this division.

37 27043. This division shall not be construed to permit the sale
38 of psychedelic substances to an individual for personal ~~use.~~ *use*
39 *or to permit the sale of psychedelic substances for any purpose*

1 *outside of use for psychedelic facilitation with a licensed*
2 *psychedelic facilitator at an approved location.*

3 27044. This division shall not be construed to permit the
4 knowing transfer of any psychedelic substances, with or without
5 remuneration, to a person under 21 years of age or to allow a person
6 under 21 years of age to possess, use, purchase, obtain, cultivate,
7 process, prepare, deliver or sell or otherwise transfer any
8 psychedelic substance.

9 27046. (a) A city, county, or a city and county may reasonably
10 regulate the time, place, and manner of the operation of regulated
11 psychedelic substance licensees pursuant to this division within
12 its boundaries.

13 (b) A city, county, or a city and county shall not ban or
14 completely prohibit the establishment or operation of regulated
15 psychedelic *substance* licensees operating in accordance with this
16 division and division rules within its boundaries.

17 (c) A city, county, or a city and county shall not ban or
18 completely prohibit the provision of regulated ~~psychedelic-assisted~~
19 ~~therapy~~ *psychedelic facilitation* offered in accordance with this
20 division and division rules.

21 (d) A city, county, or a city and county shall not enact a greater
22 fine or penalty for conduct related to regulated ~~psychedelic-assisted~~
23 ~~therapy~~ *psychedelic facilitation* or substances than is allowed under
24 state law.

25 (e) A city, county, or a city and county shall not require an
26 additional license or the payment of a fee in addition to the state
27 license and fee for conduct related to regulated ~~psychedelic-assisted~~
28 ~~therapy~~ *psychedelic facilitation* or regulated ~~psychedelic-assisted~~
29 *psychedelic* substance licensees, other than generally applicable
30 licenses and fees that apply to all businesses operating with the
31 jurisdiction.

32 (f) A city, county, or a city and county shall not prohibit the
33 transportation of regulated psychedelic substances through its
34 jurisdiction on public roads by a licensee or as otherwise allowed
35 by this division.

36 27047. (a) Notwithstanding any other law, except as otherwise
37 provided in this division, a person shall not be arrested, prosecuted,
38 penalized, sanctioned, or otherwise denied any benefit and shall
39 not be subject to seizure or forfeiture of assets for allowing property
40 the person owns, occupies, or manages to be used for any of the

1 activities conducted lawfully under this division *at an approved*
2 *location* or for enrolling or employing a person who engages in
3 regulated psychedelic substance-related activities lawfully under
4 this act.

5 (b) The use of regulated psychedelic substances *in connection*
6 *with regulated psychedelic facilitation* shall not disqualify a person
7 from any needed medical procedure or medical treatment or any
8 other lawful health-related service.

9 (c) The use of regulated psychedelic substances lawfully under
10 this act shall not, by itself, be the basis for punishing a person
11 currently under parole, probation, or other state-supervised release,
12 including pretrial release.

13 (d) Nothing in this division shall restrict the sale, possession,
14 display, or cultivation of living fungi, plants, or seeds that were
15 lawful before the enactment of this section.

16 (e) Engaging in regulated psychedelic substance-related
17 activities authorized under this division shall not, by itself, be the
18 basis to deny eligibility for any public assistance program, unless
19 required by federal law.

20 27048. Nothing in this division shall be construed to affect any
21 of the following:

22 (a) Laws prohibiting the sale, administering, furnishing, or
23 giving away of psychedelic substances, or the offering to sell,
24 administer, furnish, or give away psychedelic substances, to a
25 person younger than 21 years of age.

26 (b) The ability of public and private employers to maintain,
27 enact, and enforce workplace policies prohibiting or restricting
28 actions or conduct otherwise permitted under this division in the
29 workplace or by their employees.

30 (c) Laws prohibiting persons from engaging in actions or
31 conduct that endanger others.

32 (d) Laws pertaining to driving or operating a motor vehicle,
33 boat, vessel, aircraft, or other vehicle or device used for
34 transportation under the influence of regulated psychedelic
35 substances.

36 (e) The ability of a state or local governmental agency to prohibit
37 or restrict actions or conduct otherwise permitted under this
38 division within a building owned, leased, or occupied by the state
39 or local governmental agency.

1 (f) The ability of an individual or private entity to prohibit or
2 restrict actions or conduct otherwise permitted under this division
3 on the individual's or entity's privately owned property.

4 (g) Laws pertaining to actions or conduct otherwise permitted
5 under this division on the grounds of, or within, any facility or
6 institution under the jurisdiction of the ~~division~~ Department of
7 Corrections and Rehabilitation or the Division of Juvenile Justice,
8 or on the grounds of any other facility or institution referenced in
9 Section 4573 of the Penal Code.

10 (h) Laws pertaining to actions or conduct otherwise permitted
11 under this division on the grounds of a school providing instruction
12 in kindergarten or any grades 1 to 12, inclusive.

13 (i) Laws protecting indigenous cultures, traditions, and uses of
14 psychedelic substances and, any protected status, or practice under
15 other laws related to indigenous uses of psychedelic substances,
16 or churches operating pursuant to the federal Religious Freedom
17 Restoration Act of 1993 (42 U.S.C. Sec. 2000bb-4 ~~et seq.~~ *seq.*).

18 27049. A person engaged in a profession or occupation subject
19 to licensure shall not be subject to disciplinary action by a
20 professional licensing board solely for providing professional
21 services related to activity permitted under this division or for
22 engaging in any activity that is lawful under this division that is
23 not subject to criminal penalty under state law. This division does
24 not permit a person to engage in malpractice or to violate the
25 standards of professional practice for which a person is licensed.

26 27050. Notwithstanding any other law, unless required by
27 federal law, mental health, substance use disorder, or behavioral
28 health services otherwise covered under the California Medical
29 Assistance Program set forth in Chapter 7 (commencing with
30 Section 14000) of Part 3 of Division 9 of the Welfare and
31 Institutions Code shall not be denied on the basis that they are
32 covered in conjunction with regulated ~~psychedelic-assisted therapy~~
33 *psychedelic facilitation* or that regulated psychedelic substances
34 are prohibited by federal law. No insurance or insurance provider
35 is required to cover the cost of a regulated psychedelic substance
36 itself.

37 27051. *It is the public policy of the people of the State of*
38 *California that contracts related to the operation of licenses under*
39 *this chapter and the Regulated Psychedelic Facilitators Act*
40 *(Chapter 7.1 (commencing with Section 3200) of Division 2) should*

1 *be enforceable and no contract entered into by a licensee, its*
 2 *employees, or its agents, as permitted pursuant to a valid license*
 3 *issued by the board or division, or by those who allow property*
 4 *to be used by a licensee, its employees, or its agents, as permitted*
 5 *pursuant to a valid license issued by the board or division, shall*
 6 *be deemed unenforceable on the basis that the actions or conduct*
 7 *permitted pursuant to the license are prohibited by federal law.*

8 ~~27051.~~

9 27052. The provisions of this division are severable. If any
 10 provision of this division or its application is held invalid, that
 11 invalidity shall not affect other provisions or applications that can
 12 be given effect without the invalid provision or application.

13

14 **Chapter 5. Collection and Review of Information**

15

16 27060. *The division shall collect and annually publish*
 17 *information on the division's website pertaining to the*
 18 *implementation and outcomes of this act to comprehensively*
 19 *measure its success, safety, quality, and impact on individuals'*
 20 *well-being and public health.*

21 27061. *The division shall consult with the State Department*
 22 *of Public Health on the best data collection, processing, and*
 23 *reporting methodologies.*

24 27062. *The division may contract or collaborate with one or*
 25 *more California public universities to research and evaluate the*
 26 *implementation and outcomes of this act pertaining to its success,*
 27 *safety, quality, and impact on individuals' well-being and public*
 28 *health, and the potential benefits and risks of regulated psychedelic*
 29 *substances and psychedelic facilitation.*

30 27063. *The division shall ensure that any information shared*
 31 *publicly is deidentified or aggregated such that no individual*
 32 *participant is identified.*

33 27064. *Information and data collected pursuant to the*
 34 *requirements of this division shall not be sold.*

Chapter 5-6. Revenue

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~~27060.~~
27070. (a) The Regulated ~~Psychedelic Substances Control~~ *Psychedelic-Assisted Therapy* Fund is hereby created within the State Treasury.

(b) All fees collected pursuant to this division shall be deposited into the fund.

(c) Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on the moneys in the fund.

~~(d) Notwithstanding Section 13340 of the Government Code,~~ *all* All moneys in the fund shall be allocated, upon appropriation by the Legislature, to the division solely for the purposes of implementing, administering, and enforcing this division, including, but not limited to, the costs incurred by the division for its administrative expenses.

(e) All moneys collected as a result of penalties imposed under this division shall be deposited directly into the General Fund, to be available upon appropriation by the Legislature.

~~27061.~~
27071. The ~~Regulated~~ *Psychedelic Substances Public Education and Harm Reduction* Fund is hereby established in the State Treasury. Moneys in the fund shall be available to the Office of Community Partnerships and Strategic Communications upon appropriation by the Legislature. The division may accept moneys from private sources to supplement state funds, which may be appropriated by the Legislature to the fund. Moneys in the fund may be used by the Office of Community Partnerships and Strategic Communications to award grants for the following purposes:

(a) Public education relating to ~~psychedelic substances.~~ *substances, including their limitations and potential risks, and mitigation measures, in addition to potential benefits.*

(b) Harm reduction relating to psychedelic substances.

(c) *The office shall solicit input from the expert oversight committee and other subject matter experts and service providers with relevant expertise as to the administration of the grant program. In addition, the office shall periodically evaluate each program it is funding to determine the effectiveness of the program.*

1 ~~SEC. 5.~~

2 *SEC. 6.* Section 1550.6 is added to the Civil Code, to read:

3 1550.6. Notwithstanding any law, it is the public policy of the
4 people of the State of California that contracts related to the
5 operation of licenses under the Regulated ~~Psychedelic-assisted~~
6 ~~Therapy~~ *Psychedelic Facilitators Act* (Chapter 7.1 (commencing
7 with Section 3200) of Division 2 of the Business and Professions
8 Code) or the Regulated ~~Psychedelic Substances Control~~
9 *Psychedelic-Assisted Therapy Act* (Division 11 (commencing with
10 Section 27000) of the Business and Professions Code) shall be
11 enforceable. No contract entered into by a licensee, as permitted
12 pursuant to a valid license issued by the Division of Regulated
13 ~~Psychedelic Substances Control~~ *Psychedelic-Assisted Therapy* or
14 the Board of Regulated Psychedelic Facilitators, or by those who
15 allow property to be used by a licensee, as permitted pursuant to
16 a valid license issued by the Division of Regulated ~~Psychedelic~~
17 ~~Substances Control~~ *Psychedelic-Assisted Therapy* or the Board of
18 Regulated Psychedelic Facilitators, shall be deemed unenforceable
19 on the basis that the actions or conduct permitted pursuant to the
20 license are prohibited by federal law.

21 ~~SEC. 6.~~

22 *SEC. 7.* Section 11350 of the Health and Safety Code is
23 amended to read:

24 11350. (a) Except as otherwise provided in this ~~division and~~
25 ~~in~~ *division, Chapter 7.1 (commencing with Section 3200) of*
26 *Division 2 of the Business and Professions Code, or Division 11*
27 *(commencing with Section 27000) of the Business and Professions*
28 *Code, every person who possesses (1) any controlled substance*
29 *specified in subdivision (b), (c), (e), or paragraph (1) of subdivision*
30 *(f) of Section 11054, specified in paragraph (14), (15), or (20) of*
31 *subdivision (d) of Section 11054, or specified in subdivision (b)*
32 *or (c) of Section 11055, or specified in subdivision (h) of Section*
33 *11056, or (2) any controlled substance classified in Schedule III,*
34 *IV, or V that is a narcotic drug, unless upon the written prescription*
35 *of a physician, dentist, podiatrist, or veterinarian licensed to*
36 *practice in this state, shall be punished by imprisonment in a county*
37 *jail for not more than one year, except that such person shall instead*
38 *be punished pursuant to subdivision (h) of Section 1170 of the*
39 *Penal Code if that person has one or more prior convictions for an*
40 *offense specified in clause (iv) of subparagraph (C) of paragraph*

1 (2) of subdivision (e) of Section 667 of the Penal Code or for an
2 offense requiring registration pursuant to subdivision (c) of Section
3 290 of the Penal Code.

4 (b) Except as otherwise provided in this division, *Chapter 7.1*
5 *(commencing with Section 3200) of Division 2 of the Business and*
6 *Professions Code, or Division 11 (commencing with Section 27000)*
7 *of the Business and Professions Code*, whenever a person who
8 possesses any of the controlled substances specified in subdivision
9 (a), the judge may, in addition to any punishment provided for
10 pursuant to subdivision (a), assess against that person a fine not
11 to exceed seventy dollars (\$70) with proceeds of this fine to be
12 used in accordance with Section 1463.23 of the Penal Code. The
13 court shall, however, take into consideration the defendant's ability
14 to pay, and no defendant shall be denied probation because of their
15 inability to pay the fine permitted under this subdivision.

16 (c) Except in unusual cases in which it would not serve the
17 interest of justice to do so, whenever a court grants probation
18 pursuant to a felony conviction under this section, in addition to
19 any other conditions of probation that may be imposed, the
20 following conditions of probation shall be ordered:

21 (1) For a first offense under this section, a fine of at least one
22 thousand dollars (\$1,000) or community service.

23 (2) For a second or subsequent offense under this section, a
24 fine of at least two thousand dollars (\$2,000) or community service.

25 (3) If a defendant does not have the ability to pay the minimum
26 fines specified in paragraphs (1) and (2), community service shall
27 be ordered in lieu of the fine.

28 (d) It is not unlawful for a person other than the prescription
29 holder to possess a controlled substance described in subdivision
30 (a) if both of the following apply:

31 (1) The possession of the controlled substance is at the direction
32 or with the express authorization of the prescription holder.

33 (2) The sole intent of the possessor is to deliver the prescription
34 to the prescription holder for its prescribed use or to discard the
35 substance in a lawful manner.

36 (e) This section does not permit the use of a controlled substance
37 by a person other than the prescription holder or permit the
38 distribution or sale of a controlled substance that is otherwise
39 inconsistent with the prescription.

1 ~~SEC. 7.~~

2 *SEC. 8.* Section 11351 of the Health and Safety Code is
3 amended to read:

4 11351. Except as otherwise provided in this ~~division and in~~
5 *division, Chapter 7.1 (commencing with Section 3200) of Division*
6 *2 of the Business and Professions Code, or Division 11*
7 *(commencing with Section 27000) of the Business and Professions*
8 *Code, every person who possesses for sale or purchases for*
9 *purposes of sale (1) any controlled substance specified in*
10 *subdivision (b), (c), or (e) of Section 11054, specified in paragraph*
11 *(14), (15), or (20) of subdivision (d) of Section 11054, or specified*
12 *in subdivision (b) or (c) of Section 11055, or specified in*
13 *subdivision (h) of Section 11056, or (2) any controlled substance*
14 *classified in Schedule III, IV, or V which is a narcotic drug, shall*
15 *be punished by imprisonment pursuant to subdivision (h) of Section*
16 *1170 of the Penal Code for two, three, or four years.*

17 ~~SEC. 8.~~

18 *SEC. 9.* Section 11352 of the Health and Safety Code is
19 amended to read:

20 11352. (a) Except as otherwise provided in this ~~division and~~
21 *in division, Chapter 7.1 (commencing with Section 3200) of*
22 *Division 2 of the Business and Professions Code, or Division 11*
23 *(commencing with Section 27000) of the Business and Professions*
24 *Code, every person who transports, imports into this state, sells,*
25 *furnishes, administers, or gives away, or offers to transport, import*
26 *into this state, sell, furnish, administer, or give away, or attempts*
27 *to import into this state or transport (1) any controlled substance*
28 *specified in subdivision (b), (c), or (e), or paragraph (1) of*
29 *subdivision (f) of Section 11054, specified in paragraph (14), (15),*
30 *or (20) of subdivision (d) of Section 11054, or specified in*
31 *subdivision (b) or (c) of Section 11055, or specified in subdivision*
32 *(h) of Section 11056, or (2) any controlled substance classified in*
33 *Schedule III, IV, or V which is a narcotic drug, unless upon the*
34 *written prescription of a physician, dentist, podiatrist, or*
35 *veterinarian licensed to practice in this state, shall be punished by*
36 *imprisonment pursuant to subdivision (h) of Section 1170 of the*
37 *Penal Code for three, four, or five years.*

38 (b) Notwithstanding the penalty provisions of subdivision (a),
39 any person who transports any controlled substances specified in
40 subdivision (a) within this state from one county to another

1 noncontiguous county shall be punished by imprisonment pursuant
2 to subdivision (h) of Section 1170 of the Penal Code for three, six,
3 or nine years.

4 (c) For purposes of this section, “transports” means to transport
5 for sale.

6 (d) This section does not preclude or limit the prosecution of
7 an individual for aiding and abetting the commission of, or
8 conspiring to commit, or acting as an accessory to, any act
9 prohibited by this section.

10 ~~SEC. 9. Section 11364 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~11364. (a) Except as provided in Division 11 (commencing~~
13 ~~with Section 27000) of the Business and Professions Code, it is~~
14 ~~unlawful to possess an opium pipe or any device, contrivance,~~
15 ~~instrument, or paraphernalia used for unlawfully injecting or~~
16 ~~smoking (1) a controlled substance specified in subdivision (b),~~
17 ~~(c), or (e) or paragraph (1) of subdivision (f) of Section 11054,~~
18 ~~specified in paragraph (14), (15), or (20) of subdivision (d) of~~
19 ~~Section 11054, specified in subdivision (b) or (c) of Section 11055,~~
20 ~~or specified in paragraph (2) of subdivision (d) of Section 11055,~~
21 ~~or (2) a controlled substance that is a narcotic drug classified in~~
22 ~~Schedule III, IV, or V.~~

23 ~~(b) This section shall not apply to hypodermic needles or~~
24 ~~syringes that have been containerized for safe disposal in a~~
25 ~~container that meets state and federal standards for disposal of~~
26 ~~sharps waste.~~

27 ~~(c) Until January 1, 2026, as a public health measure intended~~
28 ~~to prevent the transmission of HIV, viral hepatitis, and other~~
29 ~~bloodborne diseases among persons who use syringes and~~
30 ~~hypodermic needles, and to prevent subsequent infection of sexual~~
31 ~~partners, newborn children, or other persons, this section shall not~~
32 ~~apply to the possession solely for personal use of hypodermic~~
33 ~~needles or syringes.~~

34 ~~SEC. 10. Section 11364.7 of the Health and Safety Code is~~
35 ~~amended to read:~~

36 ~~11364.7. (a) (1) Except as provided in *Chapter 7.1*~~
37 ~~(*commencing with Section 3200*) of *Division 2 of the Business and*~~
38 ~~*Professions Code* or *Division 11 (commencing with Section 27000)*~~
39 ~~of the Business and Professions Code and as otherwise authorized~~
40 ~~by law, any person who delivers, furnishes, or transfers, possesses~~

1 with intent to deliver, furnish, or transfer, or manufactures with
2 the intent to deliver, furnish, or transfer, drug paraphernalia,
3 knowing, or under circumstances where one reasonably should
4 know, that it will be used to plant, propagate, cultivate, grow,
5 harvest, compound, convert, produce, process, prepare, test,
6 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,
7 or otherwise introduce into the human body a controlled substance,
8 except as provided in subdivision (b), in violation of this division,
9 is guilty of a misdemeanor.

10 (2) A public entity, its agents, or employees shall not be subject
11 to criminal prosecution for distribution of hypodermic needles or
12 syringes or any materials deemed by a local or state health
13 department to be necessary to prevent the spread of communicable
14 diseases, or to prevent drug overdose, injury, or disability to
15 participants in clean needle and syringe exchange projects
16 authorized by the public entity pursuant to Chapter 18
17 (commencing with Section 121349) of Part 4 of Division 105.

18 (b) Except as authorized by law, any person who manufactures
19 with intent to deliver, furnish, or transfer drug paraphernalia
20 knowing, or under circumstances where one reasonably should
21 know, that it will be used to plant, propagate, cultivate, grow,
22 harvest, manufacture, compound, convert, produce, process,
23 prepare, test, analyze, pack, repack, store, contain, conceal, inject,
24 ingest, inhale, or otherwise introduce into the human body cocaine,
25 cocaine base, heroin, phencyclidine, or methamphetamine in
26 violation of this division shall be punished by imprisonment in a
27 county jail for not more than one year, or in the state prison.

28 (c) Except as authorized by law, any person, 18 years of age or
29 over, who violates subdivision (a) by delivering, furnishing, or
30 transferring drug paraphernalia to a person under 18 years of age
31 who is at least three years younger, or who, upon the grounds of
32 a public or private elementary, vocational, junior high, or high
33 school, possesses a hypodermic needle, as defined in paragraph
34 (7) of subdivision (a) of Section 11014.5, with the intent to deliver,
35 furnish, or transfer the hypodermic needle, knowing, or under
36 circumstances where one reasonably should know, that it will be
37 used by a person under 18 years of age to inject into the human
38 body a controlled substance, is guilty of a misdemeanor and shall
39 be punished by imprisonment in a county jail for not more than

1 one year, by a fine of not more than one thousand dollars (\$1,000),
2 or by both that imprisonment and fine.

3 (d) The violation, or the causing or the permitting of a violation,
4 of subdivision (a), (b), or (c) by a holder of a business or liquor
5 license issued by a city, county, or city and county, or by the State
6 of California, and in the course of the licensee's business shall be
7 grounds for the revocation of that license.

8 (e) All drug paraphernalia defined in Section 11014.5 is subject
9 to forfeiture and may be seized by any peace officer pursuant to
10 Section 11471 unless its distribution has been authorized pursuant
11 to subdivision (a).

12 (f) If any provision of this section or the application thereof to
13 any person or circumstance is held invalid, it is the intent of the
14 Legislature that the invalidity shall not affect other provisions or
15 applications of this section that can be given effect without the
16 invalid provision or application and to this end the provisions of
17 this section are severable.

18 SEC. 11. Section 11377 of the Health and Safety Code is
19 amended to read:

20 11377. (a) Except as authorized by law and as otherwise
21 provided in subdivision (b) or Section 11375, or in Article 7
22 (commencing with Section 4211) of Chapter 9 of Division ~~2 or in~~
23 *2, Chapter 7.1 (commencing with Section 3200) of Division 2 of*
24 *the Business and Professions Code, or Division 11 (commencing*
25 *with Section 27000) of the Business and Professions Code, every*
26 *person who possesses any controlled substance that is (1) classified*
27 *in Schedule III, IV, or V, and that is not a narcotic drug, (2)*
28 *specified in subdivision (d) of Section 11054, except paragraphs*
29 *(13), (14), (15), and (20) of subdivision (d), (3) specified in*
30 *paragraph (11) of subdivision (c) of Section 11056, (4) specified*
31 *in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5)*
32 *specified in subdivision (d), (e), or (f) of Section 11055, unless*
33 *upon the prescription of a physician, dentist, podiatrist, or*
34 *veterinarian, licensed to practice in this state, shall be punished by*
35 *imprisonment in a county jail for a period of not more than one*
36 *year, except that such person may instead be punished pursuant*
37 *to subdivision (h) of Section 1170 of the Penal Code if that person*
38 *has one or more prior convictions for an offense specified in clause*
39 *(iv) of subparagraph (C) of paragraph (2) of subdivision (e) of*
40 *Section 667 of the Penal Code or for an offense requiring*

1 registration pursuant to subdivision (c) of Section 290 of the Penal
2 Code.

3 (b) The judge may assess a fine not to exceed seventy dollars
4 (\$70) against any person who violates subdivision (a), with the
5 proceeds of this fine to be used in accordance with Section 1463.23
6 of the Penal Code. The court shall, however, take into consideration
7 the defendant's ability to pay, and no defendant shall be denied
8 probation because of their inability to pay the fine permitted under
9 this subdivision.

10 (c) It is not unlawful for a person other than the prescription
11 holder to possess a controlled substance described in subdivision
12 (a) if both of the following apply:

13 (1) The possession of the controlled substance is at the direction
14 or with the express authorization of the prescription holder.

15 (2) The sole intent of the possessor is to deliver the prescription
16 to the prescription holder for its prescribed use or to discard the
17 substance in a lawful manner.

18 (d) This section does not permit the use of a controlled substance
19 by a person other than the prescription holder or permit the
20 distribution or sale of a controlled substance that is otherwise
21 inconsistent with the prescription.

22 SEC. 12. Section 11378 of the Health and Safety Code is
23 amended to read:

24 11378. Except as otherwise provided in Article 7 (commencing
25 with Section 4110) of Chapter 9 of Division ~~2~~ or in 2, *Chapter 7.1*
26 *(commencing with Section 3200) of Division 2 of the Business and*
27 *Professions Code, or* Division 11 (commencing with Section
28 27000) of the Business and Professions Code, a person who
29 possesses for sale a controlled substance that meets any of the
30 following criteria shall be punished by imprisonment pursuant to
31 subdivision (h) of Section 1170 of the Penal Code:

32 (a) The substance is classified in Schedule III, IV, or V and is
33 not a narcotic drug, except the substance specified in subdivision
34 (g) of Section 11056.

35 (b) The substance is specified in subdivision (d) of Section
36 11054, except paragraphs (13), (14), (15), (20), (21), (22), and
37 (23) of subdivision (d).

38 (c) The substance is specified in paragraph (11) of subdivision
39 (c) of Section 11056.

1 (d) The substance is specified in paragraph (2) or (3) of
2 subdivision (f) of Section 11054.

3 (e) The substance is specified in subdivision (d), (e), or (f),
4 except paragraph (3) of subdivision (e) and subparagraphs (A) and
5 (B) of paragraph (2) of subdivision (f), of Section 11055.

6 SEC. 13. Section 11379 of the Health and Safety Code is
7 amended to read:

8 11379. (a) Except as otherwise provided in subdivision (b)
9 and in Article 7 (commencing with Section 4211) of Chapter 9 of
10 Division ~~2 or in 2~~, *Chapter 7.1 (commencing with Section 3200)*
11 *of Division 2 of the Business and Professions Code, or Division*
12 *11 (commencing with Section 27000) of the Business and*
13 *Professions Code, every person who transports, imports into this*
14 *state, sells, furnishes, administers, or gives away, or offers to*
15 *transport, import into this state, sell, furnish, administer, or give*
16 *away, or attempts to import into this state or transport any*
17 *controlled substance that is (1) classified in Schedule III, IV, or V*
18 *and that is not a narcotic drug, except subdivision (g) of Section*
19 *11056, (2) specified in subdivision (d) of Section 11054, except*
20 *paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision*
21 *(d), (3) specified in paragraph (11) of subdivision (c) of Section*
22 *11056, (4) specified in paragraph (2) or (3) of subdivision (f) of*
23 *Section 11054, or (5) specified in subdivision (d) or (e), except*
24 *paragraph (3) of subdivision (e), or specified in subparagraph (A)*
25 *of paragraph (1) of subdivision (f), of Section 11055, unless upon*
26 *the prescription of a physician, dentist, podiatrist, or veterinarian,*
27 *licensed to practice in this state, shall be punished by imprisonment*
28 *pursuant to subdivision (h) of Section 1170 of the Penal Code for*
29 *a period of two, three, or four years.*

30 (b) Notwithstanding the penalty provisions of subdivision (a),
31 *and except as provided in Chapter 7.1 (commencing with Section*
32 *3200) of Division 2 of the Business and Professions Code or*
33 *Division 11 (commencing with Section 27000) of the Business*
34 *and Professions Code, any person who transports any controlled*
35 *substances specified in subdivision (a) within this state from one*
36 *county to another noncontiguous county shall be punished by*
37 *imprisonment pursuant to subdivision (h) of Section 1170 of the*
38 *Penal Code for three, six, or nine years.*

39 (c) For purposes of this section, “transports” means to transport
40 for sale.

1 (d) This section does not preclude or limit prosecution under
2 an aiding and abetting theory, accessory theory, or a conspiracy
3 theory.

4 SEC. 14. Section 11390 of the Health and Safety Code is
5 amended to read:

6 11390. Except as provided in *Chapter 7.1 (commencing with*
7 *Section 3200) of Division 2 of the Business and Professions Code*
8 *or Division 11 (commencing with Section 27000) of the Business*
9 *and Professions Code and as otherwise authorized by law, every*
10 *person who, with intent to produce a controlled substance specified*
11 *in paragraph (18) or (19) of subdivision (d) of Section 11054,*
12 *cultivates any spores or mycelium capable of producing mushrooms*
13 *or other material that contains such a controlled substance shall*
14 *be punished by imprisonment in the county jail for a period of not*
15 *more than one year or in the state prison.*

16 SEC. 15. Section 11391 of the Health and Safety Code is
17 amended to read:

18 11391. (a) Except as provided in *Chapter 7.1 (commencing*
19 *with Section 3200) of Division 2 of the Business and Professions*
20 *Code or Division 11 (commencing with Section 27000) of the*
21 *Business and Professions Code and as otherwise authorized by*
22 *law, every person who transports, imports into this state, sells,*
23 *furnishes, gives away, or offers to transport, import into this state,*
24 *sell, furnish, or give away any spores or mycelium capable of*
25 *producing mushrooms or other material that contain a controlled*
26 *substance specified in paragraph (18) or (19) of subdivision (d) of*
27 *Section 11054 for the purpose of facilitating a violation of Section*
28 *11390 shall be punished by imprisonment in the county jail for a*
29 *period of not more than one year or in the state prison.*

30 (b) For purposes of this section, “transport” means to transport
31 for sale.

32 (c) This section does not preclude or limit prosecution for any
33 aiding and abetting or conspiracy offenses.

34 SEC. 16. This act shall not be construed to require a person to
35 violate a federal law, exempt a person from a federal law, or
36 obstruct the enforcement of a federal law.

37 *SEC. 17. The provisions of this act are severable. If any*
38 *provision of this act or its application is held invalid, that invalidity*
39 *shall not affect other provisions or applications that can be given*
40 *effect without the invalid provision or application.*

1 ~~SEC. 17.~~

2 *SEC. 18.* The Legislature finds and declares that, in order to
3 protect the health, safety, and welfare of persons in the entire state,
4 establishing a uniform standard of licensure for regulated
5 ~~psychedelic-assisted therapy regulated psychedelic-assisted therapy~~
6 *psychedelic* facilitators upon which consumers may rely to identify
7 individuals who have achieved specified levels of education,
8 training, and skill is a matter of statewide concern and is not a
9 municipal affair as that term is used in Section 5 of Article XI of
10 the California Constitution. Therefore, ~~Sections 3 and 4 of this act~~
11 ~~adding Chapter 7.1 (commencing with Section 3200) to Division~~
12 ~~2 of, and Section 5 of this act adding Division 11 (commencing~~
13 ~~with Section 27000) to, the Business and Professions Code apply~~
14 *applies* to all cities, including charter cities.

15 ~~SEC. 18.~~ The provisions of this act are severable. If any
16 provision of this act or its application is held invalid, that invalidity
17 shall not affect other provisions or applications that can be given
18 effect without the invalid provision or application.

19 ~~SEC. 19.~~ No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

28 ~~SEC. 20.~~

29 *SEC. 19.* The Legislature finds and declares that ~~Sections 3~~
30 ~~and 4~~ *Section 5* of this act, which ~~add Sections 3214 and 27030,~~
31 ~~respectively,~~ *adds Sections 27023, 27040, and 27073* to the
32 Business and Professions Code, ~~impose~~ *imposes* a limitation on
33 the public’s right of access to the meetings of public bodies or the
34 writings of public officials and agencies within the meaning of
35 Section 3 of Article I of the California Constitution. Pursuant to
36 that constitutional provision, the Legislature makes the following
37 findings to demonstrate the interest protected by this limitation
38 and the need for protecting that interest:

39 In order to establish appropriate recordkeeping by licensees
40 engaging in activities authorized by this act while also protecting

1 the privacy of members of the public seeking or engaging in
2 regulated ~~psychedelic-assisted therapy~~, *psychedelic facilitation*, it
3 is necessary that personally identifiable information of members
4 of the public remain confidential.

5 *SEC. 20. No reimbursement is required by this act pursuant*
6 *to Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

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