

## CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 1012

**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 05, 2024

An act to amend Section 101 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.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1012, as introduced, Wiener. The Regulated Psychedelic-assisted Therapy Act and the Regulated Psychedelic Substances Control 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. 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 Act, which would establish the Board of Regulated Psychedelic Facilitators in the Department of Consumer Affairs to license and regulate psychedelic-assisted therapy 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, training, and other qualifications and requirements for obtaining a license as a regulated psychedelic-assisted therapy 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 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 with 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, including regulations governing the scope of practice for regulated psychedelic-assisted therapy 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. 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. The bill would make a violation of specified acts subject to discipline 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 facilitator. The bill would prohibit a local government from enacting or enforcing an ordinance that conflicts with the act.

(3) This bill would enact the Regulated Psychedelic Substances Control Act to establish a comprehensive system to control and regulate the cultivation, distribution, transportation, storage, processing, manufacturing, testing, quality control, and sale of regulated psychedelic substances for use in conjunction with regulated psychedelic-assisted therapy. 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 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 to carry out its duties under the act, including conducting investigations and employing peace officers. The bill would require the division, no later than April 1, 2025, to convene a Regulated Psychedelic Substances Advisory Committee 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 committee, commencing on January 1, 2026, to publish an annual public report that includes, among other things, the advisory committee's recommendations to the division and whether those recommendations were implemented. The bill would require the division to adopt regulations for the administration and enforcement of laws regulating regulated psychedelic substances and services, including regulations that, among other things, 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. The bill would require the division, no later than April 1, 2026, to begin to accept and process applications for licensure. The bill would create the Regulated Psychedelic Substances Control 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 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. 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) 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-assisted Therapy Act and the Regulated Psychedelic Substances Control Act shall be enforceable.

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

(6) 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.

(8) 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.

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## Bill Text

# THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) (1) California's current approach to mental health has failed to fulfill its promise. Californians deserve more tools to address mental health issues, including approaches such as regulated psychedelic-assisted therapy, that are grounded in treatment, recovery, health, and wellness rather than criminalization, stigma, suffering, and punishment.

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

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

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

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

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

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

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

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

(3) To create and establish a professional licensing board for psychedelic-assisted therapy facilitators to govern the qualifications for education, training, experience, licensure, professional practice, standards of care, appropriate locations for the provision of psychedelic-assisted therapy, ethics, and discipline for psychedelic-assisted therapy facilitators.

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

(5) To ensure that the psychedelic-assisted therapy available under the regulated program be accessible, equitable, affordable, and safe for adults 21 years of age and older for whom psychedelic-assisted therapy is potentially beneficial.

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

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

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

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

101. The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The California State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers, Land Surveyors, and Geologists.
- (j) The Contractors State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Household Goods and Services.
- (m) The Board of Registered Nursing.

- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.
- (q) The Bureau of Security and Investigative Services.
- (r) The Court Reporters Board of California.
- (s) The Board of Vocational Nursing and Psychiatric Technicians.
- (t) The Landscape Architects Technical Committee.
- (u) The Division of Investigation.
- (v) The Bureau of Automotive Repair.
- (w) The Respiratory Care Board of California.
- (x) The Acupuncture Board.
- (y) The Board of Psychology.
- (z) The Podiatric Medical Board of California.
- (aa) The Physical Therapy Board of California.
- (ab) The Arbitration Review Program.
- (ac) The Physician Assistant Board.
- (ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (ae) The California Board of Occupational Therapy.
- (af) The Osteopathic Medical Board of California.
- (ag) The California Board of Naturopathic Medicine.
- (ah) The Dental Hygiene Board of California.
- (ai) The Professional Fiduciaries Bureau.
- (aj) The State Board of Chiropractic Examiners.
- (ak) The Bureau of Real Estate Appraisers.
- (al) The Structural Pest Control Board.

*(am) The Board of Regulated Psychedelic Facilitators.*

~~(am)~~

*(an)* Any other boards, offices, or officers subject to its jurisdiction by law.

**SEC. 3.** Chapter 7.1 (commencing with Section 3200) is added to Division 2 of the Business and Professions Code, to read:

**CHAPTER 7.1. Regulated Psychedelic Therapy Facilitators****Article 1. General Provisions**

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

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

- (1) Establish a regulated program to allow safe access to psychedelic-assisted therapy for adults 21 years of age and older under the supervision of a licensed facilitator.
- (2) To create and establish a professional licensing board for psychedelic-assisted therapy facilitators to govern the qualifications for education, training, experience, licensure, professional practice, standards of care, ethics, and discipline for psychedelic-assisted therapy facilitators.
- (3) Ensure that regulated psychedelic-assisted therapy is available, equitable, and affordable for all adults 21 years of age and older for whom regulated psychedelic-assisted therapy is appropriate and potentially beneficial.
- (4) Respect indigenous cultures, traditions, and uses of psychedelic substances and not affect rights or undermine any protected status, or practice under other laws related to indigenous uses of psychedelic substances, or affect churches operating pursuant to the Religious Freedom Restoration Act of 1993.
- (5) Provide education and harm reduction information for the public related to the use of regulated psychedelic substances, including information about contraindications and adverse effects and training for first responders and multiresponders, including law enforcement, emergency medical services, social services, and fire services.
- (6) Not affect or limit any rights or activities protected under any other local, state, or federal law to expand upon any rights or activities protected by this act.

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

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

- (a) “Administration session” means a session conducted at a regulated psychedelic-assisted therapy establishment or other approved location during which a participant consumes and experiences the effects of a regulated psychedelic substance under the supervision of a regulated psychedelic-assisted therapy facilitator.
- (b) “Adverse event” or “adverse reaction” means any adverse reaction during or after the psychedelic experience requiring psychiatric, medical, or psychological care.
- (c) “Approved location” means a location approved by the board for the provision of regulated psychedelic-assisted therapy or a clinic, center, or other premises approved by the State Department of Public Health for the provision of regulated psychedelic-assisted therapy.
- (d) “Approved school” means a school or educational program approved by the board that meets minimum standards for training and curriculum in regulated psychedelic-assisted therapy facilitation and related subjects established by the board and that has not been otherwise unapproved by the board.
- (e) “Board” means the Board of Regulated Psychedelic Facilitators.
- (f) “Compensation” means a payment, loan, advance, donation, contribution, deposit, gift of money, or anything of value.

(g) “Followup session” means a meeting between a participant and a regulated psychedelic-assisted therapy facilitator that occurs within 12 to 36 hours after the completion of an administration session or sooner, if warranted, to assess well-being, screen for adverse reactions and, if needed, make referrals to needed care, additional psychosocial support, or other interventions.

(h) “Integration session” means counseling provided by the regulated psychedelic-assisted facilitator or other personnel trained in postpsychedelic support that is intended to help the participant ground themselves and feel oriented, better understand their psychedelic experience, and apply insights from their experience to healthy behavioral change in their daily life.

(i) “License” means a valid license issued by the board pursuant to this chapter.

(j) “Participant” means an individual who is 21 years of age or older and who received regulated psychedelic-assisted therapy performed by and under the supervision of a regulated psychedelic-assisted therapy facilitator.

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

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

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

- (1) A safety screen.
- (2) One or more preparation sessions.
- (3) An administration session.
- (4) One or more followup sessions.

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

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

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

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

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

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

## Article 2. Administration

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

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

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

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

(d) A person shall not be appointed as a public member if the person or the person’s immediate family owns an economic interest in a college, school, or institution engaged in regulated psychedelic-assisted therapy education. “Immediate family” means the public member’s spouse, domestic partner, parent, child, or child’s spouse or domestic partner.

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

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

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

3213. (a) The board may take any reasonable actions necessary to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement this chapter.

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

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

- (d) The board shall issue requirements for psychedelic-assisted therapy for both individuals and groups, including those that include veterans.
- (e) The board shall issue a license to an individual applicant who satisfies the requirements of this chapter for that license.
- (f) The board shall determine whether the information provided to the board in relation to the licensure of an applicant is true and accurate and meets the requirements of this chapter. If the board has any reason to question whether the information provided is true or accurate, or meets the requirements of this chapter, the board may make any investigation it deems necessary to establish that the information received is accurate and satisfies the criteria established by this chapter. The applicant has the burden to prove that they are entitled to licensure.
- (g) The board shall establish fees for the reasonable regulatory costs to the board in administering this chapter. Initial license and renewal fees shall be in an amount sufficient, but shall not exceed the amount necessary, to support the functions of the board in the administration of this chapter. The renewal fee shall be reassessed biennially by the board.
- (h) The meetings of the board shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to licenseholders and the public than required by the Bagley-Keene Open Meeting Act.
- (i) The board shall have the authority to, and shall collect available and relevant information and data necessary to, perform its functions and duties under this act, but must not disclose the identity of any participant or publicly disclose any information that could disclose the identity of a participant.

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

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

- (1) Requirements for holding and verifying completion of medical and mental health screenings, including a safety screening, at least one preparation session, an administration session, and at least one followup session and one integration session.
- (2) Health and safety warnings required to be provided to participants before regulated psychedelic-assisted therapy begins.
- (3) Educational materials required to be provided to participants before regulated psychedelic-assisted therapy begins.
- (4) A medical, mental health, and contraindications safety screen that a participant must complete prior to an administration session.
- (5) The informed consent form that each regulated psychedelic-assisted therapy facilitator and participant must sign before providing or receiving regulated psychedelic-assisted therapy verifying that the participant was provided accurate and complete health information in accordance with board rules, was informed of identified risk factors and contraindications, and provided informed consent to receive regulated psychedelic-assisted therapy. The form shall also include agreements that the participant and facilitator make about how the session will be conducted and safety measures that will be followed to ensure the participant remains safe for the duration of the session.

- (6) Proper supervision during the administration session and safe transportation for the participant when the session is complete.
- (7) Rules to prevent exploitation or abuse during the administration session.
- (8) Requirements for group administration sessions where one or more regulated psychedelic-assisted therapy facilitators provide regulated psychedelic-assisted therapy to more than one participant as part of the same administration session.
- (9) Conditions under which the session must take place, including what should not be present, such as weapons of any sort, mirrors, intense physical stimuli, or triggering or polarizing objects, art, or signs.
- (10) Requirements for postsession integration.
- (11) The restrictions on advertising and marketing regulated psychedelic-assisted therapy and substances, including prohibition on any claims of beneficial health or medical use.
- (12) Insurance requirements to the extent the policies are commercially available and not cost prohibitive.
- (13) Age verification procedures to ensure that a participant is 21 years of age or older.
- (14) The scope of practice for regulated psychedelic-assisted therapy facilitators.
- (15) The qualifications, education, and training requirements that regulated psychedelic-assisted therapy facilitators must meet before providing regulated psychedelic-assisted therapy, that shall satisfy all of the following:
  - (A) Be tiered depending on the prior education, experience, or training of the facilitator or the complexity of the conditions or the background of the participant.
  - (B) Include education and training on participant safety, contraindications, mental health, mental state, physical health, physical state, social and cultural considerations, physical environment, screening, preparation, administration, integration, ethics, facilitation skills, and compliance with new regulations and laws.
  - (C) Allow for limited waivers of education and training requirements based on an applicant's prior experience, training, or skill, including, but not limited to, with regulated psychedelic substances, including credit for prior training and experience when that training or experience otherwise meets the standards set by the board.
  - (D) Include practicum requirements with a practicum supervisor.
  - (E) Do not require a professional license or professional degree other than a regulated psychedelic-assisted therapy facilitator license granted pursuant to this chapter for the first tier of licensing established pursuant to paragraph (1).
- (16) Procedures and policies that allow for compensation for regulated psychedelic-assisted therapy.
- (17) Procedures and policies that allow for the provision of regulated psychedelic-assisted therapy to more than one participant at a time in group administration sessions.
- (18) Oversight and supervision requirements for regulated psychedelic-assisted therapy facilitators, including professional responsibility standards and continuing education requirements, including limited hours within a regulated psychedelic-assisted therapy facilitator support network with peer support.

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

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

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

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

3214.5. The Regulated Psychedelic-assisted Therapy Advisory Committee established pursuant to Section 27018 shall advise the board on the development of standards and regulations pursuant to this chapter, including best practices and guidelines that protect the public health and safety while ensuring a regulated environment to provide safe access to regulated psychedelic-assisted therapy.

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

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

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

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

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

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

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

### **Article 3. Licensure**

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

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

(2) The applicant has successfully completed the curriculum in regulated psychedelic-assisted therapy facilitation and related subjects and the number of hours established by the board, that incorporates

appropriate school assessment of student knowledge and skills, prior experience accepted by the board as an equivalent to, or equivalent to a portion of, the required curricula or practicum requirement, including existing licensure in a health or mental health profession, and any practicum experience that is required by the board. All of the hours shall be from schools or programs approved by the board. For purposes of this section, “unapproved” means that the board determined that it will not accept hours from a school toward licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Make available for display the licenseholder's original license at any location where the licenseholder provides regulated psychedelic-assisted therapy for compensation. A licenseholder shall have their identification card in their possession while providing regulated psychedelic-assisted therapy for compensation.

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

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

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

#### **Article 4. Enforcement**

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

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

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

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

(B) Practicing facilitation on a suspended license, practicing without a license, or practicing outside of the conditions of a license.

(C) Engaging in financial misconduct, manipulation, or a conflict of interest with a client.

(D) Engaging in fraud, coercion, or verbal abuse with a client.

(E) Violating the terms of consent or agreements entered into with the client during the preparation session.

(F) Discriminating against a client on the basis of race, color, ancestry, national origin, religion, creed, gender, sex, sexual orientation, age, disability, marital status, and any other basis enumerated under California law.

(2) Procuring or attempting to procure a license by fraud, misrepresentation, or mistake.

- (3) Failing to fully disclose all information requested on the application.
  - (4) Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in this chapter for the issuance of a license.
  - (5) Impersonating a licenseholder or permitting or allowing a nonlicensed person to use a license.
  - (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any rule or regulation adopted by the board.
  - (7) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licenseholder.
  - (8) Offering or giving commissions, rebates, or other forms of remuneration for the referral of clients.
  - (9) Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or licenseholder by another state or territory of the United States, by any other governmental agency, or by another California healing arts professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
  - (10) Being convicted of any felony or misdemeanor, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a licenseholder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
  - (11) Failing to act within the limitations created by a physical illness, physical condition, or behavioral, mental health, or substance use disorder that renders the licensee unable to perform psychedelic-assisted therapy services with reasonable skill and safety to the participant.
- (b) The board may deny an application for a license for the commission of any of the acts described in subdivision (a). The board may also discipline a licenseholder, in any manner permitted by this chapter, for the commission of any of those acts by a licenseholder.
- (c) The board shall deny an application for a license, or revoke the license of a licenseholder, if the applicant or licenseholder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.
322. (a) An applicant for a license shall not be denied a license and a licenseholder shall not be disciplined pursuant to this chapter except according to procedures that satisfy the requirements of this section.
- (b) The board may discipline a licenseholder by any of the following methods:
- (1) Placing the licenseholder on probation, which may include limitations or conditions on practice.
  - (2) Suspending the license and the rights conferred by this chapter on a licenseholder for a period not to exceed one year.
  - (3) Suspending or staying the disciplinary order, or portions of it, with or without conditions.
  - (4) Revoking the license.
  - (5) Taking other action the board deems proper, as authorized by this chapter.
- (c) The board may issue an initial license on probation, with specific terms and conditions, to any applicant.

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

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

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

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

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

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

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

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

(c) Nothing in this chapter shall be construed to limit the provisions of the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), the Psychology Licensing Law (Chapter 6.6 (commencing with Section 2901)), the Licensed Marriage and Family Therapist Act (Chapter 13 (commencing with Section 4980.04)), the Naturopathic Doctors Act (Chapter 8.2 (commencing with Section 3610)), or any other licensed profession.

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

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

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

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

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

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

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

3238. A person engaged in a profession or occupation subject to licensure pursuant to this division shall not be subject to discipline by another professional licensing board solely for providing professional services related to activity permitted under this chapter or for engaging in any activity that is lawful under this chapter that is not subject to criminal penalty under state law. This act does not authorize a person to engage in malpractice or to violate the standards of professional practice for which a person is licensed.

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

#### **Article 5. Revenue**

3250. (a) The Regulated Psychedelic-assisted Therapy Fund is hereby created in the State Treasury.

(b) Except as otherwise specified, all funds received pursuant to this chapter shall be credited to 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 moneys in the fund shall be allocated to the board, upon appropriation by the Legislature, to carry out the purposes of this chapter.

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

(f) 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.

**SEC. 4.** Division 11 (commencing with Section 27000) is added to the Business and Professions Code, to read:

### **DIVISION 11. Regulated Psychedelic Substances Control Act**

#### **CHAPTER 1. General**

27000. (a) This division shall be known and may be cited as the Regulated Psychedelic Substances Control Act.

(b) The purpose and intent of this division is to establish a comprehensive system to control and regulate the cultivation, distribution, transportation, storage, processing, manufacturing, testing, quality control, and sale of regulated psychedelic substances for use in conjunction with regulated psychedelic-assisted therapy pursuant to the Regulated Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with Section 3200) of Division 2).

27001. The Division of Regulated Psychedelic Substances Control is hereby established in the Business, Consumer Services, and Housing Agency to administer this division. The division shall be under the supervision and control of a director.

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

- (a) “Advisory committee” means the Regulated Psychedelic Substances Advisory Committee.
- (b) “Board” means the Board of Regulated Psychedelic Facilitators established pursuant to Chapter 7.1 (commencing with Section 3200) of Division 2.
- (c) “Clinic” shall have the same meaning as set forth in Section 1200 of the Health and Safety Code.
- (d) “Cultivate” means the growing and cultivating of regulated psychedelic substances.
- (e) “Division” means the Division of Regulated Psychedelic Substances Control.
- (f) “Participant” means a person 21 years of age or older who purchases or receives a regulated psychedelic substance from a regulated psychedelic licensee for use in conjunction with regulated psychedelic-assisted therapy at a licensed location and under the supervision of a licensed psychedelic-assisted therapy facilitator.
- (g) “Regulated psychedelic substance licensee” means an entity that holds a license in any of the categories for licensure or registration established by the division pursuant to paragraph (1) of subdivision (a) of Section 27030. A regulated psychedelic substance licensee may receive compensation for regulated psychedelic substances in connection with use in regulated psychedelic-assisted therapy provided at a licensed establishment.
- (h) (1) “Regulated psychedelic substances” means the following substances as defined in Section 11054 of the Health and Safety Code:
  - (A) Dimethyltryptamine.
  - (B) Mescaline.
  - (C) 3,4-methylenedioxymethamphetamine (MDMA).
  - (D) Psilocybin.
  - (E) Psilocyn.
  - (F) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocyn.
- (2) “Regulated psychedelic substances” does not include peyote, including all parts of the plant classified botanically as *Lophophora williamsii*, whether growing or not, its seeds, any extract from any part of the plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seeds or extracts.
- (i) “Regulated psychedelic-assisted therapy” means services provided by a regulated psychedelic-assisted therapy facilitator in accordance with the Regulated Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with Section 3200) of Division 2).
- (j) “Regulated psychedelic-assisted therapy facilitator” means a person licensed by the Board of Regulated Psychedelic Facilitators pursuant to Chapter 7.1 (commencing with Section 3200) of Division 2.

## CHAPTER 2. Administration

27010. (a) The Governor shall appoint the director of the division, subject to confirmation by the Senate. The director shall serve under the direction and supervision of the Secretary of Business, Consumer Services, and

Housing and at the pleasure of the Governor.

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

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

(d) The division has the power, duty, purpose, responsibility, and jurisdiction to regulate regulated psychedelic substances as provided in this division.

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

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

(b) The division may collect fees in connection with activities it regulates. The division may create licenses in addition to those identified in this division that the division deems necessary to effectuate its duties under this division.

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

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

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

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

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

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

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

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

(d) The division shall adopt regulations concerning psilocybin, psilocyn, and 3,4-methylenedioxymethamphetamine (MDMA) not later than January 1, 2026. At least every two years thereafter, the division shall adopt regulations concerning additional substances identified as regulated psychedelic substances in subdivision (h) of Section 27002, if recommended by the advisory committee.

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

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

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

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

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

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

27017. For any hearing held pursuant to this division, the division may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

27018. (a) No later than April 1, 2025, the division shall convene an advisory committee, to be known as the Regulated Psychedelic Substances Advisory Committee, to advise the division and the board on the development of standards and regulations pursuant to this division and the Regulated Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with Section 3200) of Division 2), including best practices and guidelines that protect public health and safety while ensuring a regulated environment to provide safe access to regulated psychedelic-assisted therapy.

(b) The advisory committee members shall include, but not be limited to, at least one person with expertise in all of the following:

(1) Mental or behavioral health.

- (2) Regulated psychedelic-assisted therapy.
  - (3) Issues confronting veterans.
  - (4) Developing and implementing evaluation methodologies to assess the outcomes of a program, including its achievements, safety, quality, and impact on individuals.
  - (5) Health care insurance or barriers in access to health care.
  - (6) Emergency medical services or first responders.
  - (7) Mycology and regulated psychedelic substance cultivation.
  - (8) Training regulated psychedelic-assisted therapy facilitators.
  - (9) Harm reduction.
  - (10) Municipal psychedelic policy.
  - (11) Regulated psychedelic substance research.
  - (12) Indigenous uses of regulated psychedelic substances.
  - (13) Public health data collection.
- (c) The advisory committee shall:
- (1) Consider all matters submitted to it by the division or the board.
  - (2) Advise the division and the board on guidelines, rules, and regulations that include:
    - (A) Accurate and culturally appropriate public health approaches regarding use, effect, and risk reduction for regulated psychedelic-assisted therapy and regulated psychedelic substances and the content and scope of related educational campaigns.
    - (B) Research related to the efficacy and regulation of regulated psychedelic substances, including recommendations related to product safety, harm reduction, and cultural responsibility.
    - (C) Affordable, equitable, ethical, inclusive, and culturally responsible access to regulated psychedelic-assisted therapy and requirements to ensure access to regulated psychedelic-assisted therapy is affordable, equitable, ethical, inclusive, and culturally responsible.
    - (D) Identifying existing state funds and programs for improving public health outcomes and advising as to how these funds and programs may include psychedelic services as options and be used to make access to psychedelic services more affordable to low-income individuals.
    - (E) Requirements, methods, reporting, and publication of information pertaining to the implementation and outcomes of this act, in order to comprehensively measure its success, safety, quality, impact on individuals' well-being and public health.
    - (F) Sustainability issues related to regulated psychedelic substances and impact on Indigenous cultures and document existing reciprocity efforts and continuing support measures that are needed.
    - (G) Whether other substances should be added pursuant to subdivision (d) of Section 27014.

(H) Potential future regulation and use of additional psychedelic substances with therapeutic potential, beyond those included in this division and the Regulated Psychedelic-assisted Therapy Act (Chapter 7.1 (commencing with Section 3200) of Division 2).

(d) Commencing on January 1, 2026, the advisory committee shall publish on its internet website an annual report describing its activities including, but not limited to, the recommendations the advisory committee made to the division and the board during the immediately preceding calendar year and whether those recommendations were implemented by the division.

(e) Each member of the advisory committee shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund and shall be subject to the availability of moneys.

### **CHAPTER 3. Licensing**

27030. (a) Except as specified in Section 27014, the division shall, in consultation with the advisory committee and in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), adopt regulations consistent with this division for the administration and enforcement of laws regulating regulated psychedelic substances and services. The regulations shall do all of the following:

- (1) License qualified persons or entities for activities related to regulated psychedelic substances that include:
  - (A) Establishing categories of licensure and registration including, but not limited to, the following:
    - (i) A cultivation, processing, manufacture, delivery, or sales-only license that would allow for the provision and sale of regulated psychedelic substances at the premises of a separately licensed psychedelic-assisted therapy center or approved location for use during an administration session at that psychedelic-assisted therapy center or approved location.
    - (ii) A testing license for the testing of regulated psychedelic substances for quality, concentration, and contaminants.
  - (B) Establishing license application, issuance, denial, renewal, suspension, and revocation procedures.
  - (C) Establishing application, licensing, and renewal fees that shall be sufficient, but not exceed the amount necessary, to cover the cost of administering this division, and, for licensing and renewal fees, scaled based on either the volume of business of the licensee or the gross annual revenue of the licensee.
- (2) In collaboration with the Board of Regulated Psychedelic Facilitators, establish requirements governing the safe provision of regulated psychedelic substances to participants that include:
  - (A) Contraindications due to medical condition, mental health history, and pharmacological interactions and contraindications for the particular substances being used.
  - (B) Health and safety warnings to be provided to participants before regulated psychedelic substances are provided.
  - (C) Recommended dosages of regulated psychedelic substances.
  - (D) Documentation that the regulated psychedelic-assisted therapy facilitator is properly licensed pursuant to Chapter 7.1 (commencing with Section 3200) of Division 2.
  - (E) Safe transportation for the participant when the session is complete.

- (F) Provisions to allow a psychedelic-assisted therapy center or facilitator to refuse to provide regulated psychedelic substances or therapy to a participant.
  - (G) Procedures for handling and reporting adverse reactions.
  - (H) The requirements and standards for testing of regulated psychedelic substances for quality, concentration, and contaminants.
  - (I) Prohibitions on advertising, branding, and marketing regulated psychedelic substances or making medical claims about regulated psychedelic substances.
  - (J) Insurance requirements to the extent that the policies are commercially available and not cost prohibitive.
  - (K) Age verification procedures to ensure that a participant is 21 years of age or older.
- (3) Establish the requirements governing the licensing and operation of psychedelic-assisted therapy centers and approved locations that include:
- (A) Oversight requirements for regulated psychedelic licensees.
  - (B) Recordkeeping, privacy, and confidentiality requirements for regulated psychedelic licensees, provided the recordkeeping does not result in the disclosure to the public or any governmental agency of personally identifiable information of participants.
  - (C) Deidentified data collection and reporting requirements for pertaining to the implementation and outcomes of this act.
  - (D) Security requirements for regulated psychedelic licensees, including requirements for protection of each licensed psychedelic-assisted therapy center location.
  - (E) Procedures and policies that allow for regulated psychedelic licensees to receive compensation for services and regulated psychedelic substances provided in conjunction with therapeutic services.
  - (F) Procedures and policies to ensure statewide access to regulated psychedelic-assisted therapy.
  - (G) Rules that prohibit an individual from having a financial interest in more than five psychedelic-assisted therapy locations.
  - (H) Rules that allow for regulated psychedelic licensees to share the same premises with other regulated psychedelic licensees or to share the same premises with health care facilities so that a participant may receive regulated psychedelic substances from one regulated psychedelic licensee and complete the administration session at a separately owned and approved location.
  - (I) Rules that allow a regulated psychedelic-assisted therapy facilitator to provide regulated psychedelic-assisted therapy to a participant at an approved location.
  - (J) Rules that allow for approval of locations where regulated psychedelic-assisted therapy may be provided by licensed psychedelic-assisted therapy facilitators, including, but not limited to, health care facilities, clinics, and private residences.
- (4) Establish procedures, policies, and programs to ensure that the licensing of regulated psychedelic substances and the provision of regulated psychedelic-assisted therapy is equitable and inclusive and to promote the licensing of and the provision of regulated psychedelic-assisted therapy to persons from low-income communities; to persons who face barriers to access to health care; to persons who have a history of

traditional or indigenous use of regulated psychedelic substances; to persons who are or were first responders; and to persons who are veterans. The procedures, policies, and programs shall include, but are not limited to:

- (A) Reduced fees for licensure and other support services for applicants, which may include loans and grants.
  - (B) Incentivizing the provision of regulated psychedelic-assisted therapy at a reduced cost to low-income individuals.
  - (C) Incentivizing geographic and cultural diversity in licensing and the provision and availability of regulated psychedelic-assisted therapy.
  - (D) A process for annually reviewing the effectiveness of the policies and programs promulgated under this paragraph.
- (5) Gather and publish, on an annual basis, adequate information to evaluate the implementation, safety, equity, quality, and outcomes of this division and Chapter 7.1 (commencing with Section 3200) of Division 2, following sound data and privacy protocols, without revealing any identifiable details pertaining to individual participants.
- (6) Adopt, amend, and repeal rules as necessary to implement this division and to protect the public health and safety.
- (b) Upon receiving a complete application for a license under this division, the division shall have 120 days to issue its decision on the application.
- (c) The division may suspend or revoke a regulated psychedelic substances license under regulations made pursuant to this division upon written notice of a violation and, if applicable, an opportunity to cure any violation within 30 days of the notice.
- (d) The division shall enforce the laws and regulations relating to the cultivation, preparing, delivery, storage, sale, and testing of regulated psychedelic substances. The division shall conduct investigations of compliance with this division and shall perform regular inspections of licensees and the books and records of licensees as necessary to enforce this division. The division shall cooperate with appropriate state and local organizations to provide training to law enforcement officers of the state and its political subdivisions.
- (e) The division shall annually publish a report of its actions during each year containing a comprehensive description of its activities and a statement of revenue and expenses of the division.
- (f) The division shall have the authority to collect available and relevant information and data necessary to perform its functions and duties under this act, but must not disclose the identity of any participant or publicly disclose any information that could disclose the identity of a participant.
- (g) The division shall deposit all license fees, registration fees, and monetary penalties collected pursuant to this division in the Regulated Psychedelic Substances Control Fund established in Section 27060.
- (h) In carrying out its duties under this division, the division shall consult with the Regulated Psychedelic Substances Advisory Committee and may also consult with other state agencies or any other individual or entity the division finds necessary.
27031. (a) Actions and conduct by a licensee that are authorized pursuant to a valid license issued by the division, and by those who allow property to be used by a licensee, as permitted pursuant to a valid license issued by the division, are lawful under state and local law, and shall not be a violation of state or local law.

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

to a valid license issued by the division.

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

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

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

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

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

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

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

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

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

(2) Issuance would conflict with any local zoning ordinance, local ordinance of general application, or local ordinance enacted pursuant to Section 27046.

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

#### **CHAPTER 4. Enforcement**

27040. A violation of this division is a misdemeanor and shall result in a fine of not less than one thousand dollars (\$1,000) and forfeiture of any license granted under this division for three years.

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

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

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

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

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

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

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

27043. This division shall not be construed to permit the sale of psychedelic substances to an individual for personal use.

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

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

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

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

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

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

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

27047. (a) Notwithstanding any other law, except as otherwise provided in this division, a person shall not be arrested, prosecuted, penalized, sanctioned, or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies, or manages to be used for any of the activities conducted lawfully under this division or for enrolling or employing a person who engages in regulated psychedelic substance-related activities lawfully under this act.

(b) The use of regulated psychedelic substances shall not disqualify a person from any needed medical procedure or medical treatment or any other lawful health-related service.

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

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

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

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

- (a) Laws prohibiting the sale, administering, furnishing, or giving away of psychedelic substances, or the offering to sell, administer, furnish, or give away psychedelic substances, to a person younger than 21 years of age.
- (b) The ability of public and private employers to maintain, enact, and enforce workplace policies prohibiting or restricting actions or conduct otherwise permitted under this division in the workplace or by their employees.
- (c) Laws prohibiting persons from engaging in actions or conduct that endanger others.
- (d) Laws pertaining to driving or operating a motor vehicle, boat, vessel, aircraft, or other vehicle or device used for transportation under the influence of regulated psychedelic substances.
- (e) The ability of a state or local governmental agency to prohibit or restrict actions or conduct otherwise permitted under this division within a building owned, leased, or occupied by the state or local governmental agency.
- (f) The ability of an individual or private entity to prohibit or restrict actions or conduct otherwise permitted under this division on the individual's or entity's privately owned property.
- (g) Laws pertaining to actions or conduct otherwise permitted under this division on the grounds of, or within, any facility or institution under the jurisdiction of the division of Corrections and Rehabilitation or the Division of Juvenile Justice, or on the grounds of any other facility or institution referenced in Section 4573 of the Penal Code.
- (h) Laws pertaining to actions or conduct otherwise permitted under this division on the grounds of a school providing instruction in kindergarten or any grades 1 to 12, inclusive.
- (i) Laws protecting indigenous cultures, traditions, and uses of psychedelic substances and, any protected status, or practice under other laws related to indigenous uses of psychedelic substances, or churches operating pursuant to the federal Religious Freedom Restoration Act of 1993 (42 U.S.C. Sec. 2000bb-4 et seq).

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

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

27051. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

## **CHAPTER 5. Revenue**

27060. (a) The Regulated Psychedelic Substances Control 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 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. The Regulated Psychedelic Substances 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.

(b) Harm reduction relating to psychedelic substances.

**SEC. 5.** Section 1550.6 is added to the Civil Code, to read:

1550.6. Notwithstanding any law, 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-assisted Therapy Act (Chapter 7.1 (commencing with Section 3200) of Division 2 of the Business and Professions Code) or the Regulated Psychedelic Substances Control Act (Division 11 (commencing with Section 27000) of the Business and Professions Code) shall be enforceable. No contract entered into by a licensee, as permitted pursuant to a valid license issued by the Division of Regulated Psychedelic Substances Control or the Board of Regulated Psychedelic Facilitators, or by those who allow property to be used by a licensee, as permitted pursuant to a valid license issued by the Division of Regulated Psychedelic Substances Control or the Board of Regulated Psychedelic Facilitators, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

**SEC. 6.** Section 11350 of the Health and Safety Code is amended to read:

11350. (a) Except as otherwise provided in this ~~division~~, *division and in Division 11 (commencing with Section 27000) of the Business and Professions Code*, every person who possesses (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V ~~which~~ *that* is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a), the judge may, in addition to any punishment provided for pursuant to subdivision (a), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration

the defendant's ability to pay, and no defendant shall be denied probation because of ~~his or her~~ *their* inability to pay the fine permitted under this subdivision.

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

- (1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.
- (2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.
- (3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

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

- (1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.
- (2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

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

**SEC. 7.** Section 11351 of the Health and Safety Code is amended to read:

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

**SEC. 8.** Section 11352 of the Health and Safety Code is amended to read:

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

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

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

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

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

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

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

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

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

11364.7. (a) (1) Except as *provided in Division 11 (commencing with Section 27000) of the Business and Professions Code and as otherwise* authorized by law, any person who delivers, furnishes, or transfers, possesses with intent to deliver, furnish, or transfer, or manufactures with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as provided in subdivision (b), in violation of this division, is guilty of a misdemeanor.

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

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

(c) Except as authorized by law, any person, 18 years of age or over, who violates subdivision (a) by delivering, furnishing, or transferring drug paraphernalia to a person under 18 years of age who is at least three years ~~his or her junior, or~~ *younger, or* who, upon the grounds of a public or private elementary, vocational, junior high, or high school, possesses a hypodermic needle, as defined in paragraph (7) of subdivision (a) of Section 11014.5, with the intent to deliver, furnish, or transfer the hypodermic needle, knowing, or under circumstances where one reasonably should know, that it will be used by a person under 18 years of age to inject into the human body a controlled substance, is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine.

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

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

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

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

11377. (a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 *or in Division 11 (commencing with Section 27000)* of the Business and Professions Code, every person who possesses any controlled substance ~~which that~~ is (1) classified in Schedule III, IV, or V, and ~~which that~~ is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

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

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

- (1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.
- (2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

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

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

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

(+)

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

~~(2)~~

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

~~(3)~~

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

~~(4)~~

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

~~(5)~~

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

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

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

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

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

(d) ~~Nothing in this section is intended to~~ *This section does not* preclude or limit prosecution under an aiding and abetting theory, accessory theory, or a conspiracy theory.

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

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

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

11391. (a) Except *as provided in Division 11 (commencing with Section 27000) of the Business and Professions Code and* as otherwise authorized by law, every person who transports, imports into this state, sells, furnishes, gives away, or offers to transport, import into this state, sell, furnish, or give away any spores or mycelium

capable of producing mushrooms or other material ~~which~~ *that* contain a controlled substance specified in paragraph (18) or (19) of subdivision (d) of Section 11054 for the purpose of facilitating a violation of Section 11390 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

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

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

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

**SEC. 17.** The Legislature finds and declares that, in order to protect the health, safety, and welfare of persons in the entire state, establishing a uniform standard of licensure for regulated psychedelic-assisted therapy regulated psychedelic-assisted therapy facilitators upon which consumers may rely to identify individuals who have achieved specified levels of education, training, and skill is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 3 and 4 of this act adding Chapter 7.1 (commencing with Section 3200) to Division 2 of, and adding Division 11 (commencing with Section 27000) to, the Business and Professions Code apply to all cities, including charter cities.

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

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

**SEC. 20.** The Legislature finds and declares that Sections 3 and 4 of this act, which add Sections 3214 and 27030, respectively, to the Business and Professions Code, impose a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to establish appropriate recordkeeping by licensees engaging in activities authorized by this act while also protecting the privacy of members of the public seeking or engaging in regulated psychedelic-assisted therapy, it is necessary that personally identifiable information of members of the public remain confidential.