

**Senator Luz Escamilla** proposes the following substitute bill:

**PSILOCYBIN RECOMMENDATION PILOT PROGRAM**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill authorizes the production and medical use of psilocybin in the state.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes the production of psilocybin and psilocybin products;
- ▶ requires the Department of Agriculture and Food (UDAF) to regulate psilocybin production establishments;
- ▶ authorizes the Department of Health and Human Services (DHHS) to register psilocybin medical providers and therapy providers;
- ▶ allows an individual who is at least 21 years old to receive a psilocybin treatment directly from a psilocybin therapy provider;
- ▶ caps the number of individuals who may receive a psilocybin treatment;
- ▶ decriminalizes psilocybin possession under certain circumstances;
- ▶ creates a repeal date with legislative review; and
- ▶ modifies the uses of certain statutorily created funds overseen by UDAF and DHHS.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **4-41a-104**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

32 **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

33 **30-3-10**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5

34 **31A-22-1016**, as enacted by Laws of Utah 2019, Chapter 341

35 **52-4-205**, as last amended by Laws of Utah 2022, Chapters 237, 290, 332, 335, 422,

36 and 478

37 **58-31b-305**, as last amended by Laws of Utah 2019, Chapter 447

38 **58-60-205.5**, as enacted by Laws of Utah 2010, Chapter 214

39 **58-61-306**, as enacted by Laws of Utah 1994, Chapter 32

40 **58-67-304**, as last amended by Laws of Utah 2020, Chapters 12, 339

41 **58-68-304**, as last amended by Laws of Utah 2020, Chapters 12, 339

42 **58-70a-303**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

43 **63I-1-204**, as last amended by Laws of Utah 2022, Chapter 84

44 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,

45 347, and 451

46 ENACTS:

47 **4-41c-101**, Utah Code Annotated 1953

48 **4-41c-102**, Utah Code Annotated 1953

49 **4-41c-103**, Utah Code Annotated 1953

50 **4-41c-104**, Utah Code Annotated 1953

51 **4-41c-105**, Utah Code Annotated 1953

52 **4-41c-201**, Utah Code Annotated 1953

53 **4-41c-202**, Utah Code Annotated 1953

54 **4-41c-203**, Utah Code Annotated 1953

55 **4-41c-204**, Utah Code Annotated 1953

56 **4-41c-205**, Utah Code Annotated 1953

- 57 4-41c-206, Utah Code Annotated 1953
- 58 4-41c-301, Utah Code Annotated 1953
- 59 4-41c-302, Utah Code Annotated 1953
- 60 4-41c-401, Utah Code Annotated 1953
- 61 4-41c-402, Utah Code Annotated 1953
- 62 4-41c-403, Utah Code Annotated 1953
- 63 4-41c-404, Utah Code Annotated 1953
- 64 4-41c-405, Utah Code Annotated 1953
- 65 4-41c-406, Utah Code Annotated 1953
- 66 4-41c-501, Utah Code Annotated 1953
- 67 4-41c-502, Utah Code Annotated 1953
- 68 4-41c-503, Utah Code Annotated 1953
- 69 4-41c-601, Utah Code Annotated 1953
- 70 4-41c-602, Utah Code Annotated 1953
- 71 4-41c-701, Utah Code Annotated 1953
- 72 26B-4-901, Utah Code Annotated 1953
- 73 26B-4-902, Utah Code Annotated 1953
- 74 26B-4-903, Utah Code Annotated 1953
- 75 26B-4-904, Utah Code Annotated 1953
- 76 26B-4-905, Utah Code Annotated 1953
- 77 26B-4-906, Utah Code Annotated 1953
- 78 26B-4-907, Utah Code Annotated 1953
- 79 26B-4-908, Utah Code Annotated 1953
- 80 26B-4-909, Utah Code Annotated 1953
- 81 26B-4-910, Utah Code Annotated 1953
- 82 26B-4-911, Utah Code Annotated 1953
- 83 26B-4-912, Utah Code Annotated 1953
- 84 26B-4-913, Utah Code Annotated 1953
- 85 26B-4-914, Utah Code Annotated 1953
- 86 26B-4-915, Utah Code Annotated 1953
- 87 26B-4-916, Utah Code Annotated 1953

88 [58-37-3.1](#), Utah Code Annotated 1953

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90 *Be it enacted by the Legislature of the state of Utah:*

91 Section 1. Section **4-41a-104** is amended to read:

92 **TITLE 4. UTAH AGRICULTURAL CODE**

93 **4-41a-104. Qualified Production Enterprise Fund -- Creation -- Revenue**

94 **neutrality.**

95 (1) There is created an enterprise fund known as the "Qualified Production Enterprise  
96 Fund."

97 (2) The fund created in this section is funded from:

98 (a) money the department deposits into the fund under:

99 (i) this chapter; and

100 (ii) Chapter 41c, Psilocybin Production Act;

101 (b) appropriations the Legislature makes to the fund; and

102 (c) the interest described in Subsection (3).

103 (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into  
104 the fund.

105 (4) The department may only use money in the fund to fund the department's  
106 implementation of this chapter and Chapter 41c, Psilocybin Production Act.

107 (5) The department shall set fees authorized under this chapter and Chapter 41c,  
108 Psilocybin Production Act in amounts that the department anticipates are necessary, in total, to  
109 cover the department's cost to implement this chapter and Chapter 41c, Psilocybin Production  
110 Act.

111 Section 2. Section **4-41c-101** is enacted to read:

112 **CHAPTER 41c. PSILOCYBIN PRODUCTION ACT**

113 **Part 1. General Provisions**

114 **4-41c-101. Definitions.**

115 (1) "Active psilocybin" means the psychoactive chemical with the Chemical Abstracts  
116 Service Registry Number [520-52-5](#).

117 (2) "Adulterant" means any poisonous or deleterious substance in a quantity that may  
118 be injurious to health, including:

- 119           (a) pesticides;  
120           (b) heavy metals;  
121           (c) solvents;  
122           (d) microbial life;  
123           (e) toxins;  
124           (f) foreign matter; and  
125           (g) synthetics.  
126           (3) "Community location" means a public or private elementary or secondary school, a  
127 church, a public library, a public playground, or a public park.  
128           (4) "Cultivation space" means, quantified in square feet, the horizontal area in which a  
129 psilocybin cultivation facility cultivates psilocybin, including each level of horizontal area if  
130 the psilocybin cultivation facility hangs, suspends, stacks, or otherwise positions plants above  
131 other plants in multiple levels.  
132           (5) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,  
133 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
134 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.  
135           (6) "Independent psilocybin testing laboratory" means a person that:  
136           (a) conducts a chemical or other analysis of psilocybin or psilocybin product; or  
137           (b) acquires, possesses, and transports psilocybin or psilocybin product with the intent  
138 to conduct a chemical or other analysis of the psilocybin or psilocybin product.  
139           (7) "Independent psilocybin testing laboratory agent" means an individual who holds a  
140 valid psilocybin production establishment agent registration card with a psilocybin testing  
141 laboratory designation.  
142           (8) "Inventory control system" means a system described in Section [4-41c-103](#).  
143           (9) "Licensing board" means the Psilocybin Production Establishment Licensing Board  
144 created in Section [4-41c-101](#).  
145           (10) "Patient" means an individual for whom a qualified medical psilocybin provider  
146 recommends psilocybin.  
147           (11) "Psilocybin" means any fresh mushroom containing psilocybin or psilocin.  
148           (12) (a) "Psilocybin biomass" means any part of a psilocybin-containing fungus.  
149           (b) "Psilocybin biomass" includes any part of the psilocybin-containing fungus that is:

- 150 (i) intended for sale; or  
151 (ii) a psilocybin byproduct.  
152 (13) "Psilocybin byproduct" means any portion of a psilocybin-containing fungus  
153 which is not used or intended for sale.  
154 (14) "Psilocybin cultivation facility" means a person that:  
155 (a) possesses psilocybin;  
156 (b) grows or intends to grow psilocybin; and  
157 (c) sells or intends to sell psilocybin to a qualified therapy provider.  
158 (15) "Psilocybin cultivation facility agent" means an individual who holds a valid  
159 psilocybin production establishment agent registration card with a cultivation facility  
160 designation.  
161 (16) "Psilocybin product" means any portion of a psilocybin-containing mushroom  
162 that:  
163 (a) has been dried; and  
164 (b) is intended for oral consumption by a patient.  
165 (17) "Psilocybin production establishment" means a psilocybin cultivation facility or an  
166 independent psilocybin testing laboratory.  
167 (18) "Psilocybin production establishment agent registration card" means a registration  
168 card that the department issues that:  
169 (a) authorizes an individual to act as a psilocybin production establishment agent; and  
170 (b) designates the type of psilocybin production establishment for which an individual  
171 is authorized to act as an agent.  
172 (19) "Qualified medical psilocybin provider" means the same as that term is defined in  
173 Section [26B-4-901](#).  
174 (20) "Qualified therapy provider" means the same as that term is defined in Section  
175 [26B-4-901](#).  
176 (21) "Qualified therapy provider location" means the same as that term is defined in  
177 Section [26B-4-901](#).  
178 Section 3. Section **4-41c-102** is enacted to read:  
179 **4-41c-102. Inventory control system.**  
180 (1) Each psilocybin production establishment and qualified therapy provider shall

181 maintain an inventory control system that meets the requirements of this section.

182 (2) Each psilocybin production establishment and qualified therapy provider shall  
183 ensure that the inventory control system:

184 (a) tracks psilocybin and psilocybin product using a unique identifier, in real time, from  
185 the time psilocybin is ready to be harvested;

186 (b) maintains in real time a record of the amount of psilocybin or psilocybin product in  
187 the possession of the establishment or provider;

188 (c) includes a video recording system that:

189 (i) tracks all handling and processing of psilocybin or psilocybin product in the  
190 establishment or provider location;

191 (ii) is tamper proof; and

192 (iii) stores a video record for at least 45 days.

193 (3) A psilocybin production establishment or qualified therapy provider shall allow the  
194 following to access the establishment's or provider's inventory control system at any time:

195 (a) the department;

196 (b) the Department of Health and Human Services; and

197 (c) a financial institution that the Division of Finance validates, in accordance with  
198 Subsection (6).

199 (4) The department may establish compatibility standards for an inventory control  
200 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
201 Rulemaking Act.

202 (5) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
203 Administrative Rulemaking Act, establishing requirements for aggregate or batch records  
204 regarding the planting and propagation of psilocybin before being tracked in an inventory  
205 control system described in this section.

206 (6) The Division of Finance shall, in consultation with the state treasurer:

207 (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
208 Rulemaking Act, to:

209 (i) establish a process for validating financial institutions for access to an inventory  
210 control system in accordance with Subsections (2) and (7); and

211 (ii) establish qualifications for the validation described in Subsection (6)(a)(i);

212 (b) review an application received by the Division of Finance in accordance with the  
213 process established under Subsection (6)(a);

214 (c) validate a financial institution that meets the qualifications described in Subsection  
215 (6)(a); and

216 (d) provide a list of validated financial institutions to the department and the  
217 Department of Health and Human Services.

218 (7) A financial institution that the Division of Finance validates under Subsection (6):

219 (a) may only access an inventory control system for the purpose of reconciling  
220 transactions and other financial activity of the psilocybin production establishments that use  
221 financial services that the financial institution provides;

222 (b) may only access information related to financial transactions; and

223 (c) may not access any identifying patient information.

224 Section 4. Section **4-41c-103** is enacted to read:

225 **4-41c-103. Severability clause.**

226 (1) If a final decision of a court of competent jurisdiction holds invalid any provision  
227 of this chapter or the application of any provision of this chapter to any person or circumstance,  
228 the remaining provisions of this chapter remain effective without the invalidated provision or  
229 application.

230 (2) The provisions of this chapter are severable.

231 Section 5. Section **4-41c-104** is enacted to read:

232 **4-41c-104. Notice to prospective and current public employees.**

233 (1) Before giving a current employee an assignment or duty that arises from or directly  
234 relates to an obligation under this chapter or hiring a prospective employee whose assignments  
235 or duties would include an assignment or duty that arises from or directly relates to an  
236 obligation under this chapter, a state employer or a political subdivision employer shall give the  
237 employee a written notice stating that:

238 (a) the employee's or prospective employee's job duties may require the employee or  
239 prospective employee to engage in conduct which is in violation of the criminal laws of the  
240 United States; and

241 (b) in accepting a job or undertaking a duty described in this subsection, although the  
242 employee or prospective employee is entitled to the protection of Title 67, Chapter 21, Utah



243 Protection of Public Employees Act, the employee may not object or refuse to carry out an  
244 assignment or duty that may be a violation of the criminal laws of the United States with  
245 respect to the manufacture, sale, or distribution of psilocybin.

246 (2) The Division of Human Resources Management shall create, revise, and publish  
247 the form of the notice described in Subsection (1)(a).

248 (3) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice  
249 described in Subsection (1) may not:

250 (a) claim in good faith that the employee's actions violate or potentially violate the laws  
251 of the United States with respect to the manufacture, sale, or distribution of psilocybin; or

252 (b) refuse to carry out a directive that the employee reasonably believes violates the  
253 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
254 psilocybin.

255 (4) An employer of an employee who has signed the notice described in Subsection  
256 (1)(a) may not take retaliatory action as defined in Section 67-19a-101 against a current  
257 employee who refuses to sign the notice described in Subsection (1)(a).

258 Section 6. Section **4-41c-105** is enacted to read:

259 **4-41c-105. Rulemaking.**

260 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
261 department:

262 (1) may make rules to implement this chapter; and

263 (2) shall make rules when required by this chapter.

264 Section 7. Section **4-41c-201** is enacted to read:

265 **Part 2. Psilocybin Production Establishment**

266 **4-41c-201. Psilocybin Production Establishment Licensing Board.**

267 (1) There is created within the department the Psilocybin Production Establishment  
268 Licensing Board.

269 (2) (a) The commissioner shall:

270 (i) appoint the members of the board;

271 (ii) submit the name of each individual that the commissioner appoints under  
272 Subsection (2)(a) to the governor for confirmation or rejection; and

273 (iii) if the governor rejects an appointee that the commissioner submits under

274 Subsection (2)(b), appoint another individual in accordance with Subsection (2).

275 (b) Except as provided in Subsection (3)(c), the board shall consist of six members  
276 consisting of:

277 (i) one member of the public with knowledge of psilocybin;

278 (ii) one member with knowledge and experience in the pharmaceutical or nutraceutical  
279 manufacturing industry;

280 (iii) one member representing law enforcement;

281 (iv) one member who is a chemist or researcher with experience in manufacturing and  
282 who is associated with a research university;

283 (v) one member who has a background in fungus or mushroom cultivation and  
284 processing; and

285 (vi) the commissioner or the commissioner's designee, as a non-voting member, except  
286 to cast a deciding vote in the event of a tie.

287 (c) The commissioner or the commissioner's designee shall serve as the chair of the  
288 board.

289 (d) An individual is not eligible for appointment to be a member of the board if the  
290 individual:

291 (i) has any commercial or ownership interest in a psilocybin production establishment;

292 (ii) has an owner, officer, director, or employee whose family member holds a license  
293 or has an interest in a psilocybin production establishment; or

294 (iii) is employed or contracted to lobby on behalf of any psilocybin production  
295 establishment.

296 (3) (a) Except as provided in Subsection (3)(b), a voting board member shall serve a  
297 term of four years, beginning July 1 and ending June 30.

298 (b) Notwithstanding Subsection (3)(a), for the initial appointments to the board, the  
299 commissioner shall stagger the length of the terms of board members to ensure that the  
300 commissioner appoints two or three board members every two years.

301 (c) As a board member's term expires:

302 (i) the board member is eligible for reappointment; and

303 (ii) the commissioner shall make an appointment, in accordance with Subsection (2),  
304 for the new term before the end of the member's term.

305 (d) When a vacancy occurs on the board for any reason other than the expiration of a  
306 board member's term, the commissioner shall appoint a replacement to the vacant position, in  
307 accordance with Subsection (2), for the unexpired term.

308 (e) In making appointments, the commissioner shall ensure that no two members of the  
309 board are employed by or represent the same company or nonprofit organization.

310 (f) The commissioner may remove a board member for cause, neglect of duty,  
311 inefficiency, or malfeasance.

312 (4) (a) Four members of the board constitute a quorum of the board.

313 (b) An action of the majority of the board members when a quorum is present  
314 constitutes an action of the board.

315 (c) The department shall provide staff support to the board.

316 (d) A member of the board may not receive compensation or benefits for the member's  
317 service, but may receive per diem and travel expenses in accordance with:

318 (i) Section [63A-3-106](#);

319 (ii) Section [63A-3-107](#); and

320 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
321 [63A-3-107.6](#).

322 (5) The board shall:

323 (a) meet as called by the chair to review psilocybin production establishment license  
324 applications;

325 (b) review each license application for compliance with:

326 (i) this chapter; and

327 (ii) department rules;

328 (c) conduct a public hearing to consider a license application;

329 (d) approve the department's license application forms and checklists; and

330 (e) make a determination on each license application.

331 (6) The board shall hold a public hearing to review a psilocybin production  
332 establishment's license if the establishment:

333 (a) changes ownership by an interest of at least 20%;

334 (b) changes location; and

335 (c) as necessary based on the recommendation of the department.

336 (7) (a) The board shall meet annually in December to consider psilocybin production  
337 establishment license renewal applications.

338 (b) During the meeting described in Subsection (7)(a):

339 (i) a representative from each applicant for renewal shall:

340 (A) attend in person or electronically; or

341 (B) submit information before the meeting, as the board may require, for the board's  
342 consideration; and

343 (ii) the board shall consider, for each psilocybin cultivation facility seeking renewal,  
344 information related to the license renewal, including:

345 (A) the amount of biomass the licensee produces during the current calendar year;

346 (B) the amount of biomass the licensee projects to produce during the following year;

347 (C) the current square footage of growing area the licensee uses; and

348 (D) the square footage of growing area the licensee projects to use in the following  
349 year.

350 (c) The information a licensee or license applicant provides to the board for a license  
351 determination constitutes a protected record under Subsection [63G-2-305](#)(1) or (2) if the  
352 applicant or licensee provides the board with the information regarding business confidentiality  
353 required in Section [63G-2-309](#).

354 Section 8. Section **4-41c-202** is enacted to read:

355 **4-41c-202. Psilocybin production establishment-- License.**

356 (1) A person may not operate a psilocybin production establishment without a license  
357 that the licensing board issues under this chapter.

358 (2) (a) Subject to this section and Section [4-41c-206](#), the department, through the  
359 licensing board, shall issue licenses in accordance with Section [4-41c-201](#).

360 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
361 department shall make rules to specify a transparent and efficient process to:

362 (i) solicit applications for a license under this section;

363 (ii) allow for comments and questions in the development of applications;

364 (iii) timely and objectively evaluate applications; and

365 (iv) hold public hearings that the department deems appropriate.

366 (c) The licensing board may not issue a license to operate a psilocybin production

367 establishment to an applicant who is not eligible for a license under this section.

368 (d) An applicant is eligible for a license under this section if the applicant submits to  
369 the licensing board:

370 (i) subject to Subsection (2)(e) and in accordance with Subsection [4-41c-406\(2\)\(a\)](#), the  
371 following information regarding:

372 (A) for an independent psilocybin testing laboratory license, the proposed name and the  
373 address where the laboratory will be located; or

374 (B) for a psilocybin cultivation facility license, the proposed name and the address  
375 where the facility will be located;

376 (ii) the name and address of any individual who has:

377 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the  
378 proposed psilocybin production establishment;

379 (B) for a privately held company, a financial or voting interest in the proposed  
380 psilocybin production establishment; or

381 (C) the power to direct the management or control of a proposed psilocybin production  
382 establishment;

383 (iii) an operating plan that:

384 (A) complies with Section [4-41c-205](#);

385 (B) includes operating procedures that comply with this chapter and any law the  
386 municipality or county in which the person is located adopts that is consistent with Section  
387 [4-41c-406](#); and

388 (C) the department or licensing board approves;

389 (iv) a statement that the applicant will obtain and maintain a performance bond that a  
390 surety authorized to transact surety business in the state issues in an amount of at least:

391 (A) \$100,000 for each psilocybin cultivation facility license for which the applicant  
392 applies; or

393 (B) \$50,000 for each independent psilocybin testing laboratory license for which the  
394 applicant applies;

395 (v) an application fee in an amount that, subject to Subsection [4-41a-104\(5\)](#), the  
396 department sets in accordance with Section [63J-1-504](#); and

397 (vi) a description of any investigatory or adverse action taken by a licensing

398 jurisdiction, government agency, law enforcement agency, or court in any state for any  
399 violation or detrimental conduct in relation to any of the applicant's psilocybin-related  
400 operations or businesses.

401 (e) (i) A person may not locate a psilocybin production establishment:

402 (A) within 1,000 feet of a community location; or

403 (B) in or within 500 feet of a district that the relevant municipality or county has zoned  
404 as primarily residential.

405 (ii) The proximity requirements described in Subsection (2)(e)(i) shall be measured  
406 from the nearest entrance to the psilocybin production establishment by following the shortest  
407 route of ordinary pedestrian travel to the property boundary of the community location or  
408 residential area.

409 (iii) The licensing board may grant a waiver to reduce the proximity requirements in  
410 Subsection (2)(e)(i) by up to 20% if the licensing board determines that it is not reasonably  
411 feasible to the applicant to site the proposed psilocybin production establishment without the  
412 waiver.

413 (iv) An applicant for a license under this section shall provide evidence of compliance  
414 with the proximity requirements described in Subsection (2)(e).

415 (3) If the licensing board approves an application for a license under this section:

416 (a) the applicant shall pay the department an initial license fee in an amount that,  
417 subject to Subsection [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#);  
418 and

419 (b) the department shall notify the Department of Public Safety of the license approval  
420 and the names of each individual described in Subsection (2)(d)(ii).

421 (4) A psilocybin production establishment may be located at the same location as a  
422 cannabis production establishment if a separate license is obtained for each.

423 (5) If the licensing board receives more than one application for a psilocybin  
424 production establishment within the same city or town, the licensing board shall consult with  
425 the local land use authority before approving any of the applications pertaining to that city or  
426 town.

427 (6) The licensing board may not issue a license to operate an independent psilocybin  
428 testing laboratory to a person who:

429 (a) holds a license or has an ownership interest to operate a psilocybin cultivation  
430 facility;

431 (b) has an owner, officer, director, or employee whose family member holds a license  
432 or has an ownership interest in a psilocybin cultivation facility; or

433 (c) proposes to operate the independent psilocybin testing laboratory at the same  
434 location as a psilocybin cultivation facility.

435 (7) The license board may not issue a license to operate a psilocybin production  
436 establishment to an applicant if any individual described in Subsection (2)(d)(ii):

437 (a) has been convicted under state or federal law of:

438 (i) a felony; or

439 (ii) a misdemeanor for drug distribution; or

440 (b) is younger than 21 years old.

441 (8) If an applicant for a psilocybin production establishment license under this section  
442 holds a license under Title 4, Chapter 41a, Cannabis Production Establishments, the licensing  
443 board may give preference to the applicant if:

444 (a) the applicant demonstrates that a decrease in psilocybin costs to patients is more  
445 likely to result from efficiencies and economies of scale than from a more competitive  
446 marketplace; and

447 (b) the licensing board finds other factors which also support granting the new license.

448 (9) The licensing board may revoke a license under this part:

449 (a) if the psilocybin production establishment does not begin operations within one  
450 year after the day on which the licensing board issues the initial license;

451 (b) after the third of the same violation of this chapter in any of the licensees licensed  
452 psilocybin production establishments;

453 (c) if any individual described in Subsection (2)(d)(ii) is convicted, while the license is  
454 active, under state or federal law of:

455 (i) a felony; or

456 (ii) a misdemeanor for drug distribution;

457 (d) if the licensee fails to provide the information described in Subsection (2)(d)(vi) at  
458 the time of application, or fails to supplement the information described in Subsection  
459 (2)(d)(vi) with any investigation or adverse action that occurs after the submission of the

460 application within 14 calendar days after the day on which the licensee receives notice of the  
461 investigation or adverse action;

462 (e) if the psilocybin production establishment demonstrates a willful or reckless  
463 disregard for the requirements of this chapter or the rules the department makes in accordance  
464 with this chapter;

465 (f) if after a change of ownership described in Subsection (18), the board determines  
466 that the psilocybin production establishment no longer meets the minimum standards for  
467 licensure and operation of the psilocybin production establishment described in the chapter; or

468 (g) for an independent psilocybin testing laboratory, if the independent psilocybin  
469 testing laboratory fails to substantially meet the performance standards described in  
470 Subsections (15) and (16).

471 (10) If the municipality or county where the licensed psilocybin production  
472 establishment will be located requires a local land use permit, a person who receives a  
473 psilocybin production establishment license under this chapter shall submit to the licensing  
474 board a copy of the licensee's approved land use permit within 120 days after the day on which  
475 the licensing board issues the license.

476 (11) The department shall deposit the proceeds of a fee imposed under this section into  
477 the Qualified Production Enterprise Fund.

478 (12) The department shall begin accepting applications under this part on July 1, 2024.

479 (13) The licensing board's authority to issue a license under this section is plenary and  
480 is not subject to review.

481 (14) (a) Notwithstanding this section, the licensing board may not issue more than four  
482 licenses to operate an independent psilocybin testing laboratory.

483 (b) The department may operate or partner with a research university to operate an  
484 independent psilocybin testing laboratory.

485 (c) If the department operates or partners with a research university to operate an  
486 independent psilocybin testing laboratory, the department may not cease operating or  
487 partnering with a research university to operate the independent psilocybin testing laboratory  
488 unless:

489 (i) the department issues at least two licenses to independent psilocybin laboratories;  
490 and



491 (ii) the department has ensured that the licensed independent psilocybin testing  
492 laboratories have sufficient capacity to provide the testing necessary to support the state's  
493 medical psilocybin market.

494 (d) The department shall resume independent psilocybin testing laboratory operations  
495 at any time if:

496 (i) the department at any time operated or partnered with a research university to  
497 operate an independent psilocybin testing laboratory under Subsection (14)(b); and

498 (ii) (A) fewer than two licensed independent psilocybin testing laboratories are  
499 operating; or

500 (B) as determined by the department, the licensed independent psilocybin testing  
501 laboratories become unable to fully meet the market demand for testing.

502 (15) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
503 Administrative Rulemaking Act, to establish performance standards for the operation of an  
504 independent psilocybin testing laboratory, including deadlines for testing completion.

505 (16) A license that the licensing board issues to an independent psilocybin testing  
506 laboratory is contingent upon substantial satisfaction of the performance standards described in  
507 Subsection (15), as determined by the board.

508 (17) A psilocybin production establishment license is not transferable or assignable.

509 (18) (a) If ownership of a psilocybin production establishment changes by 50% or  
510 more, the psilocybin production establishment shall submit a new application described in  
511 Subsection (2)(d).

512 (b) Within 30 days of the submission of the application under Subsection (18)(a), the  
513 board shall:

514 (i) conduct the application review described in Subsection [4-41c-201\(6\)](#); and

515 (ii) award a license to the psilocybin production establishment for the remainder of the  
516 term of the psilocybin production establishment's license before the ownership change if the  
517 psilocybin production establishment meets the minimum standards for licensure and operation  
518 described in this chapter.

519 (c) If the board approves the license application under Subsection (18)(b),  
520 notwithstanding Subsection (3), the psilocybin production establishment shall pay a license fee  
521 that the department sets in accordance with Section [63J-1-504](#) in an amount that covers the

522 board's cost of conducting the application review.

523 Section 9. Section **4-41c-203** is enacted to read:

524 **4-41c-203. Psilocybin production establishment owners and directors -- Criminal**  
525 **background checks.**

526 (1) Each applicant for a license as a psilocybin production establishment shall submit  
527 to the department, at the time of application, from each individual who has a financial or voting  
528 interest of 2% or greater in the applicant or who has the power to direct or cause the  
529 management or control of the applicant:

530 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

531 (b) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the  
532 registration of the individual's fingerprints in the Federal Bureau of Investigation Next

533 Generation Identification System's Rap Back Service; and

534 (c) consent to a fingerprint background check by:

535 (i) the Utah Bureau of Criminal Identification; and

536 (ii) the Federal Bureau of Investigation.

537 (2) The Bureau of Criminal Identification shall:

538 (a) check the fingerprints the applicant submits under Subsection (1) against the  
539 applicable state, regional, and national criminal records databases, including the Federal  
540 Bureau of Investigation Next Generation Identification System;

541 (b) report the results of the background check to the department;

542 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)  
543 for search by future submissions to the local and regional criminal records databases, including  
544 latent prints;

545 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
546 Generation Identification System's Rap Back Service for search by future submissions to  
547 national criminal records databases, including the Next Generation Identification System and  
548 latent prints; and

549 (e) establish a privacy risk mitigation strategy to ensure that the department only  
550 receives notification for an individual with whom the department maintains an authorizing  
551 relationship.

552 (3) The department shall:

553 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an  
554 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
555 Bureau of Criminal Identification or another authorized agency provides under this section; and

556 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal  
557 Identification.

558 Section 10. Section **4-41c-204** is enacted to read:

559 **4-41c-204. Renewal.**

560 The licensing board shall renew a license issued under Section 4-41c-201 every year if:

561 (1) the licensee meets the requirements of Section 4-41c-202 at the time of renewal;

562 (2) the board does not identify:

563 (a) a significant failure of compliance with this chapter or department rules in the  
564 review described in Section 4-41c-201; or

565 (b) grounds for revocation described in Subsection 4-41c-202(9);

566 (3) the licensee pays the department a license renewal fee in an amount that, subject to

567 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

568 (4) the department approves the new operating plan if the psilocybin production  
569 establishment made changes to the operating plan described in Section 4-41c-205 that the  
570 department or licensing board approved under Subsection 4-41c-202(2)(d)(iii).

571 Section 11. Section **4-41c-205** is enacted to read:

572 **4-41c-205. Operating plan.**

573 (1) A person applying for a psilocybin production establishment license or license  
574 renewal shall submit to the department for the department's review a proposed operating plan  
575 that complies with this section and that includes:

576 (a) a description of the physical characteristics of the proposed facility or, for a  
577 psilocybin cultivation facility, no more than two facility locations, including a floor plan and an  
578 architectural elevation;

579 (b) a description of the credentials and experience of:

580 (i) each officer, director, and owner of the proposed psilocybin production  
581 establishment; and

582 (ii) any highly skilled or experienced prospective employee;

583 (c) the psilocybin production establishment's employee training standards;

584 (d) a security plan;  
585 (e) a description of the psilocybin production establishment's inventory control system;  
586 (f) storage protocols, to ensure that psilocybin is stored in a manner that is sanitary and  
587 preserves the integrity of the psilocybin;

588 (g) for a psilocybin cultivation facility, the information described in Subsection (2);  
589 and

590 (h) for an independent psilocybin testing laboratory, the information described in  
591 Subsection (3).

592 (2) (a) A psilocybin cultivation facility shall ensure that the facility's operating plan  
593 includes the facility's intended:

594 (i) psilocybin cultivation practices, including the facility's intended pesticide and  
595 fertilizer use; and

596 (ii) square footage under cultivation and anticipated psilocybin yield.

597 (b) A psilocybin cultivation facility may not use more than 1,000 total square feet of  
598 cultivation space.

599 (3) An independent psilocybin testing laboratory's operating plan shall include the  
600 laboratory's intended:

601 (a) psilocybin and psilocybin product testing capacity;

602 (b) psilocybin and psilocybin product testing equipment; and

603 (c) testing methods, standards, practices, and procedures for testing psilocybin or  
604 psilocybin product.

605 (4) Notwithstanding an applicant's proposed operating plan, a psilocybin production  
606 establishment is subject to land use regulations, as described in Sections [10-9a-103](#) and  
607 [17-27a-103](#), regarding the availability of outdoor cultivation in an industrial zone.

608 Section 12. Section **4-41c-206** is enacted to read:

609 **4-41c-206. Number of licenses for psilocybin cultivation facilities.**

610 (1) Except as provided in Subsection (2), the licensing board may issue no more than  
611 two licenses to operate a psilocybin cultivation facility.

612 (2) If the recipient of one of the initial licenses described in Subsection (1) ceases  
613 operations for any reason or otherwise abandons the license, the licensing board may grant the  
614 vacant license to another applicant.

615 (3) If there are more qualified applicants than the number of available licenses of  
616 psilocybin cultivation facilities under Subsection (1), the licensing board shall evaluate the  
617 applicants and award the limited number of licenses described in Subsection (1) to the  
618 applicants that best demonstrate:

619 (a) experience with establishing and successfully operating a business that involves:

620 (i) complying with a regulatory environment;

621 (ii) tracking inventory; and

622 (iii) training, evaluating, and monitoring employees;

623 (b) an operating plan that will best ensure the safety and security of patrons and the  
624 community;

625 (c) positive connections to the local community; and

626 (d) the extent to which the applicant can increase efficiency and reduce the cost to  
627 patients of medical psilocybin.

628 (4) The licensing board may conduct a face-to-face interview with an applicant for a  
629 license that the department evaluates under Subsection (3).

630 Section 13. Section **4-41c-301** is enacted to read:

631 **Part 3. Psilocybin Production Establishment Agents**

632 **4-41c-301. Psilocybin production establishment agent -- Registration.**

633 (1) An individual may not act as a psilocybin production establishment agent unless the  
634 department registers the individual as a psilocybin production establishment agent, regardless  
635 of whether the individual is a seasonal, temporary, or permanent employee.

636 (2) The following individuals, regardless of the individual's status as a qualified  
637 medical psilocybin provider, may not serve as a psilocybin production establishment agent,  
638 have a financial or voting interest of 2% or greater in a psilocybin production establishment, or  
639 have the power to direct or cause the management or control of a psilocybin production  
640 establishment:

641 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
642 Practice Act;

643 (b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
644 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

645 (c) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant

646 Act.

647 (3) An independent psilocybin testing laboratory agent may not act as an agent for a  
648 psilocybin cultivation facility.

649 (4) (a) The department shall, within 15 business days after the day on which the  
650 department receives a complete application from a psilocybin production establishment on  
651 behalf of a prospective psilocybin production establishment agent, register and issue a  
652 psilocybin production establishment agent registration card to the prospective agent if the  
653 psilocybin production establishment:

654 (i) provides to the department:

655 (A) the prospective agent's name and address; and

656 (B) the submission required under Subsection (4)(b); and

657 (ii) pays a fee to the department in an amount that, subject to Subsection [4-41a-104\(5\)](#),  
658 the department sets in accordance with Section [63J-1-504](#).

659 (b) Each prospective agent described in Subsection (4)(a) shall:

660 (i) submit to the department:

661 (A) a fingerprint card in the form acceptable to the Department of Public Safety; and

662 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the  
663 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

664 Generation Identification System; and

665 (ii) consent to a fingerprint background check by:

666 (A) the Bureau of Criminal Identification; and

667 (B) the Federal Bureau of Investigation.

668 (c) The Bureau of Criminal Identification shall:

669 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against  
670 the applicable state, regional, and national criminal records databases, including the Federal  
671 Bureau of Investigation Next Generation Identification System;

672 (ii) report the results of the background check to the department;

673 (iii) maintain a separate file of fingerprints that prospective agents submit under  
674 Subsection (4)(b) for search by future submissions to the local and regional criminal records  
675 databases, including latent prints;

676 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

677 Generation Identification System's Rap Back Service for search by future submissions to  
678 national criminal records databases, including the Next Generation Identification System and  
679 latent prints; and

680 (v) establish a privacy risk mitigation strategy to ensure that the department only  
681 receives notifications for an individual with whom the department maintains an authorizing  
682 relationship.

683 (d) The department shall:

684 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an  
685 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
686 Bureau of Criminal Identification or another authorized agency provides under this section; and

687 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal  
688 Identification.

689 (5) The department shall designate, on an individual's psilocybin production  
690 establishment agent registration card the type of psilocybin production establishment for which  
691 the individual is authorized to act as an agent.

692 (6) A psilocybin production establishment agent shall comply with:

693 (a) a certification standard that the department develops; or

694 (b) a certification standard that the department has reviewed and approved.

695 (7) The department shall ensure that the certification standard described in Subsection  
696 (6) includes training:

697 (a) in Utah medical psilocybin law;

698 (b) for a psilocybin cultivation facility agent, in psilocybin cultivation best practices;

699 and

700 (c) for an independent psilocybin testing laboratory agent, in psilocybin testing best  
701 practices.

702 (8) For an individual who holds or applies for a psilocybin production establishment  
703 registration card:

704 (a) the department may revoke or refuse to issue the card if the individual violates the  
705 requirements of this chapter; and

706 (b) the department shall revoke or refuse to issue the card if the individual is convicted  
707 under state or federal law of:

- 708 (i) a felony; or
- 709 (ii) a misdemeanor for drug distribution.
- 710 (9) (a) A psilocybin production establishment agent registration card expires two years
- 711 after the day on which the department issues the card.
- 712 (b) A psilocybin production establishment agent may renew the agent's registration
- 713 card if the agent:
- 714 (i) is eligible for a psilocybin production establishment registration card under this
- 715 section;
- 716 (ii) certifies to the department in a renewal application that the information in
- 717 Subsection (4)(a) is accurate or updates the information; and
- 718 (iii) pays to the department a renewal fee in an amount that:
- 719 (A) subject to Subsection [4-41a-104](#)(5), the department sets in accordance with Section
- 720 [63J-1-504](#); and
- 721 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 722 comparison to the original application process.

723 Section 14. Section **4-41c-302** is enacted to read:

724 **4-41c-302. Psilocybin production establishment agent registration card --**  
725 **Rebuttable presumption.**

726 (1) A psilocybin production establishment agent whom the department registers under  
727 Section [4-41c-301](#) shall carry the individual's psilocybin production card with the agent at all  
728 times when:

729 (a) the agent is on the premises of a psilocybin production establishment where the  
730 agent is registered; or

731 (b) the agent is transporting psilocybin or psilocybin product between:

732 (i) two psilocybin production establishments; or

733 (ii) a psilocybin production establishment and a qualified therapy provider location.

734 (2) If a psilocybin production establishment agent possesses psilocybin or psilocybin  
735 product and produces the registration card in the agent's possession in compliance with  
736 Subsection (1) while handling, at a psilocybin production establishment, or transporting  
737 psilocybin or psilocybin product in compliance with Subsection (1):

738 (a) there is a rebuttable presumption that the agent possesses the psilocybin or



739 psilocybin product legally; and

740 (b) a law enforcement officer does not have probable cause, based solely on the agent's  
741 possession of the psilocybin or psilocybin product in compliance with Subsection (1), to  
742 believe that the individual is engaging in illegal activity.

743 (3) (a) A psilocybin production establishment agent who fails to carry the agent's  
744 psilocybin production establishment registration card in accordance with Subsection (1) is:

745 (i) for a first or second offense in a two-year period:

746 (A) guilty of an infraction; and

747 (B) subject to a \$100 fine; or

748 (ii) for a third or subsequent offense in a two-year period:

749 (A) guilty of a class C misdemeanor; and

750 (B) subject to a \$750 fine.

751 (b) The prosecuting entity shall notify the department and the relevant psilocybin  
752 production establishment of each conviction under Subsection (3)(a).

753 (c) For each violation described in Subsection (3)(a)(ii), the department may assess the  
754 relevant psilocybin production establishment a fine of up to \$5,000, in accordance with a fine  
755 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
756 Administrative Rulemaking Act.

757 (d) An individual who is guilty of a violation described in Subsection (3)(a) is not  
758 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
759 underlying the violation described in Subsection (3)(a).

760 Section 15. Section **4-41c-401** is enacted to read:

761 **Part 4. General Psilocybin Production Establishment Operating Requirements**

762 **4-41c-401. Psilocybin production establishment -- General operating**

763 **requirements.**

764 (1) (a) A psilocybin production establishment shall operate in accordance with the  
765 operating plan described in Section [4-41c-205](#).

766 (b) A psilocybin production establishment shall notify the department before a change  
767 in the psilocybin production establishment's operating plan.

768 (c) If a psilocybin production establishment changes the psilocybin production  
769 establishment's operating plan, the psilocybin production establishment shall ensure that the

770 new operating plan complies with this chapter.

771 (d) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
772 Utah Administrative Rulemaking Act, a process to:

773 (i) review a change notification described in Subsection (1)(b);

774 (ii) identify for the psilocybin production establishment each point of noncompliance  
775 between the new operating plan and this chapter;

776 (iii) provide an opportunity for the psilocybin production establishment to address each  
777 identified point of noncompliance; and

778 (iv) suspend or revoke a license if the psilocybin production establishment fails to cure  
779 the noncompliance.

780 (2) A psilocybin production establishment shall operate:

781 (a) except as provided in Subsection (5), in a facility that is accessible only by an  
782 individual with a valid psilocybin production establishment agent registration card issued under  
783 Section 4-41c-301; and

784 (b) at the physical address provided to the department under Subsection  
785 4-41c-202(2)(d)(i).

786 (3) A psilocybin production establishment may not employ an individual who is  
787 younger than 21 years old.

788 (4) A psilocybin production establishment may not employ an individual who has been  
789 convicted, under state or federal law, of:

790 (a) a felony; or

791 (b) a misdemeanor for drug distribution.

792 (5) A psilocybin production establishment may authorize an individual who is at least  
793 18 years old and is not a psilocybin production establishment agent to access the psilocybin  
794 production establishment if the psilocybin production establishment:

795 (a) tracks and monitors the individual at all times while the individual is at the  
796 psilocybin production establishment; and

797 (b) maintains a record of the individual's access, including arrival and departure.

798 (6) A psilocybin production establishment shall operate in a facility that has:

799 (a) a single, secure public entrance; and

800 (b) a security system with a backup power source that:

- 801 (i) detects and records entry into the psilocybin production establishment;
- 802 (ii) provides notice of an unauthorized entry to law enforcement when the psilocybin
- 803 production establishment is closed; and
- 804 (iii) has a lock or equivalent restrictive security feature on any area where the
- 805 psilocybin production establishment stores psilocybin or a psilocybin product.

806 Section 16. Section **4-41c-402** is enacted to read:

807 **4-41c-402. Inspections.**

808 (1) The department may inspect the records and facility of a psilocybin production

809 establishment at any time during business hours to determine if the psilocybin production

810 establishment complies with this chapter.

811 (2) (a) An inspection under this section may include:

812 (i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other

813 physical or electronic information;

814 (ii) questioning of any relevant individual;

815 (iii) observation of an independent psilocybin testing laboratory's methods, standards,

816 practices, and procedures;

817 (iv) the taking of a specimen of psilocybin or psilocybin product sufficient for testing

818 purposes; or

819 (v) inspection of equipment, an instrument, a tool, or machinery, including a container

820 or label.

821 (b) Notwithstanding Section [4-41c-404](#), an authorized department employee may

822 possess and transport a specimen of psilocybin or psilocybin product for testing described in

823 Subsection (2)(a).

824 (3) In making an inspection under this section, the department may freely access any

825 area and review and make copies of a book, record, paper, document, data, or other physical or

826 electrical information, including financial data, sales data, shipping data, pricing data, and

827 employee data.

828 (4) Failure to provide the department or the department's authorized agents immediate

829 access to the records and facilities during business hours in accordance with this section may

830 result in:

831 (a) the imposition of a civil monetary penalty that the department sets in accordance

832 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

833 (b) license or registration suspension or revocation; or

834 (c) an immediate cessation of operations under a cease and desist order that the  
835 department issues.

836 Section 17. Section **4-41c-403** is enacted to read:

837 **4-41c-403. Advertising.**

838 (1) Except as provided in this section, a psilocybin production establishment may not  
839 advertise to the general public in any medium.

840 (2) A psilocybin production establishment may advertise an employment opportunity at  
841 the psilocybin production establishment.

842 (3) A psilocybin production establishment may maintain a website that:

843 (a) contains information about the psilocybin production establishment and employees;  
844 and

845 (b) does not advertise any medical psilocybin or psilocybin product.

846 (4) (a) Notwithstanding any municipal or county ordinance prohibiting signage, a  
847 psilocybin production establishment may use signage on the outside of the psilocybin  
848 production establishment that:

849 (i) includes, only in accordance with Subsection (4)(b), the psilocybin production  
850 establishment's name, logo, and hours of operation; and

851 (ii) complies with local ordinances regulating signage.

852 (b) The department shall define standards for a psilocybin production establishment's  
853 name and logo to ensure a medical rather than recreational disposition.

854 Section 18. Section **4-41c-404** is enacted to read:

855 **4-41c-404. Medical psilocybin transportation.**

856 (1) Only the following individuals may transport psilocybin or a psilocybin product:

857 (a) a registered psilocybin production establishment agent;

858 (b) a qualified therapy provider; or

859 (c) a registered qualified therapy provider agent.

860 (2) An individual transporting psilocybin or psilocybin product under this chapter  
861 shall:

862 (a) be employed by the person authorizing the transportation; and

863 (b) possess a transportation manifest that:

864 (i) includes a unique identifier that links the psilocybin or psilocybin product to a  
865 relevant inventory control system;

866 (ii) includes origin and destination information for any psilocybin or psilocybin product  
867 that the individual is transporting; and

868 (iii) identifies the departure and arrival times of the individual transporting the  
869 psilocybin or psilocybin product.

870 (3) (a) It is unlawful for a registered psilocybin production establishment to make a  
871 transport described in this section with a manifest that does not meet the requirements of this  
872 section.

873 (b) Except as provided in Subsection (3)(d), an agent who violates Subsection (3)(a) is:

874 (i) guilty of an infraction; and

875 (ii) subject to a \$100 fine.

876 (c) An individual who is guilty of a violation described in Subsection (3)(b) is not  
877 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
878 underlying the violation described in Subsection (3)(b).

879 (d) If the agent described in Subsection (2) is transporting more psilocybin or  
880 psilocybin product than the manifest identifies, except for a de minimis administrative error:

881 (i) the penalty described in Subsection (3)(b) does not apply; and

882 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled  
883 Substances Act.

884 (4) Nothing in this section prevents the department from taking administrative  
885 enforcement action against a psilocybin production establishment or another person for failing  
886 to make a transport in compliance with this section.

887 Section 19. Section **4-41c-405** is enacted to read:

888 **4-41c-405. Excess and disposal.**

889 (1) As used in the section, "psilocybin waste" means waste and unused material from  
890 the cultivation and production of psilocybin or psilocybin product under this chapter.

891 (2) A psilocybin production establishment shall:

892 (a) render psilocybin waste unusable and unrecognizable before transporting it from the  
893 psilocybin production establishment; and

894 (b) dispose of psilocybin waste in accordance with:  
895 (i) federal and state laws, rules, and regulation related to hazardous waste;  
896 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;  
897 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and  
898 (iv) other regulations that the department makes in accordance with Title 63G, Chapter  
899 3, Utah Administrative Rulemaking Act.

900 (3) An individual may not transport or dispose of medical psilocybin waste other than  
901 as provided in this section.

902 Section 20. Section ~~4-41c-406~~ is enacted to read:

903 **4-41c-406. Local control.**

904 (1) As used in this section:

905 (a) "Land use decision" means the same as that term is defined in Sections [10-9a-103](#)  
906 and [17-27a-103](#).

907 (b) "Land use permit" means the same as that term is defined in Sections [10-9a-103](#)  
908 and [17-27a-103](#).

909 (c) "Land use regulation" means the same as that term is defined in Sections [10-9a-103](#)  
910 and [17-271-103](#).

911 (2) (a) If a municipality's or a county's zoning ordinances provide for an industrial  
912 zone, the operation of a psilocybin production establishment shall be a permitted industrial use  
913 in any industrial zone unless the municipality or county has designated by ordinance, before an  
914 individual submits a land use permit application for a psilocybin production establishment, at  
915 least one industrial zone in which the operation of a psilocybin production establishment is a  
916 permitted use.

917 (b) If a municipality's or county's zoning ordinance provides for an agricultural zone,  
918 the operation of a psilocybin production establishment shall be a permitted agricultural use in  
919 any agricultural zone unless the municipality or county has designated by ordinance, before an  
920 individual submits a land use permit application for a psilocybin production establishment, at  
921 least one agricultural zone in which the operation of a psilocybin production establishment is a  
922 permitted use.

923 (c) The operation of a psilocybin production establishment shall be a permitted use on  
924 land that the municipality or county has not zoned.

925 (3) A municipality or county may not:  
 926 (a) on the sole basis that the applicant or psilocybin production establishment violates  
 927 federal law regarding the legal status of psilocybin, deny or revoke:  
 928 (i) a land use permit to operate a psilocybin production facility; or  
 929 (ii) a business license to operate a psilocybin production facility;  
 930 (b) require a certain distance between a psilocybin production establishment and:  
 931 (i) another psilocybin production establishment;  
 932 (ii) a retail tobacco specialty business, as that term is defined in Section [26-62-103](#); or  
 933 (iii) an outlet, as that term is defined in Section [32B-1-202](#); or  
 934 (c) in accordance with Subsections [10-9a-509\(1\)](#) and [17-27a-508\(1\)](#), enforce a land use  
 935 regulation against a psilocybin production establishment that was not in effect on the day on  
 936 which the psilocybin production establishment submitted a complete land use application.

937 (4) An applicant for a land use permit to operate a psilocybin production establishment  
 938 shall comply with the land use requirements and application process described in:

- 939 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and
  - 940 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- 941 Section 21. Section **4-41c-501** is enacted to read:

**Part 5. Psilocybin Cultivation Facility**

**4-41c-501. Growing and harvesting.**

944 (1) A psilocybin cultivation facility shall use a unique identifier that is connected to the  
 945 facility's inventory control system to identify:  
 946 (a) each unique harvest of psilocybin;  
 947 (b) each batch of psilocybin that the facility transfers to an independent psilocybin  
 948 testing laboratory; and  
 949 (c) any excess, contaminated, or deteriorated psilocybin of which the psilocybin  
 950 cultivation facility disposes.

951 (2) A psilocybin cultivation facility shall identify psilocybin biomass as psilocybin  
 952 byproduct or psilocybin product before transferring the psilocybin biomass from the facility.

953 (3) A psilocybin cultivation facility shall destroy psilocybin cultivation byproduct in  
 954 accordance with Section [4-41-405](#).

955 Section 22. Section **4-41c-502** is enacted to read:

956 **4-41c-502. Sales.**

957 (1) A psilocybin cultivation facility may not sell a product other than, subject to this  
958 chapter:

959 (a) a psilocybin product; or

960 (b) an educational material related to the medical use of psilocybin.

961 (2) A psilocybin cultivation facility may only sell an item listed in Subsection (1) to:

962 (a) a qualified therapy provider; or

963 (b) a registered agent of a qualified therapy provider.

964 Section 23. Section **4-41c-503** is enacted to read:

965 **4-41c-503. Labeling.**

966 (1) A psilocybin cultivation facility shall label a psilocybin or psilocybin product with  
967 the amount of active psilocybin in the psilocybin or psilocybin product.

968 (2) The department may determine any labeling requirements for a psilocybin product  
969 through rule including any warning label language.

970 Section 24. Section **4-41c-601** is enacted to read:

971 **Part 6. Independent Psilocybin Testing Laboratories**

972 **4-41c-601. Psilocybin and psilocybin product testing.**

973 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
974 department may make rules to:

975 (a) determine required adulterant tests for psilocybin or psilocybin product;

976 (b) determine the amount of any adulterant that is safe for human consumption; or

977 (c) establish protocols for a recall of psilocybin or psilocybin product by a psilocybin  
978 production establishment.

979 (2) The department may require testing for a toxin if:

980 (a) the department receives information indicating the potential presence of a toxin; or

981 (b) the department's inspector has reason to believe a toxin may be present based on the  
982 inspection of a facility.

983 (3) A psilocybin production establishment may not transfer psilocybin or psilocybin  
984 product to a qualified therapy provider until an independent psilocybin testing laboratory tests a  
985 representative sample of the psilocybin or psilocybin product in accordance with department  
986 rule.



987 (4) Before the sale of a psilocybin product, an independent psilocybin testing  
988 laboratory shall identify and quantify the amount of active psilocybin present in a psilocybin  
989 product.

990 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
991 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the  
992 testing of psilocybin and psilocybin products by independent psilocybin laboratories.

993 (6) The department may require an independent psilocybin testing laboratory to  
994 participate in a proficiency evaluation that the department conducts or that an organization that  
995 the department approves conducts.

996 Section 25. Section **4-41c-602** is enacted to read:

997 **4-41c-602. Reporting -- Inspections --Seizure by the department.**

998 (1) If an independent psilocybin testing laboratory determines that the results of a lab  
999 test indicate that a psilocybin or psilocybin product batch may be unsafe for human use:

1000 (a) the independent psilocybin testing laboratory shall report the results and the  
1001 psilocybin product batch to:

1002 (i) the department; and

1003 (ii) the psilocybin cultivation facility from which the batch originated;

1004 (b) the department shall place a hold on the psilocybin or psilocybin products to:

1005 (i) investigate the cause of the defective batch; and

1006 (ii) make a determination; and

1007 (c) the psilocybin cultivation facility that grew the psilocybin may appeal the  
1008 determination described in Subsection (1)(b)(ii) to the department.

1009 (2) If the department determines, under Subsection (1)(b)(ii) or following an appeal  
1010 under Subsection (1)(c), that psilocybin or psilocybin product prepared by a psilocybin  
1011 cultivation establishment is unsafe for human consumption, the department may seize,  
1012 embargo, or destroy, in the same manner as the psilocybin production establishment under  
1013 Section 4-41c-405, the psilocybin or psilocybin product batch.

1014 (3) If an independent psilocybin testing laboratory determines that the results of a lab  
1015 test indicate that the active psilocybin content of psilocybin or a psilocybin product batch  
1016 diverges more than 10% from the amount the label indicates, the psilocybin cultivation facility  
1017 may not sell the psilocybin or psilocybin product batch unless the facility replaces the incorrect

1018 label with a label that correctly indicates the active psilocybin content.

1019 Section 26. Section **4-41c-701** is enacted to read:

1020 **Part 7. Enforcement**

1021 **4-41c-701. Enforcement -- Fine -- Citation.**

1022 (1) If a person that is a psilocybin production establishment or a psilocybin production  
1023 establishment agent violates this chapter, the department may:

1024 (a) revoke the person's license or psilocybin production establishment agent  
1025 registration card;

1026 (b) decline to renew the person's license or psilocybin production establishment agent  
1027 registration card; or

1028 (c) assess the person an administrative penalty that the department establishes by rule  
1029 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1030 (2) The department shall deposit an administrative penalty imposed under this section  
1031 into the General Fund.

1032 (3) (a) The department may take an action described in Subsection (3)(b) if the  
1033 department concludes upon investigation that, for a person that is a psilocybin production  
1034 establishment or psilocybin production establishment agent:

1035 (i) the person has violated the provisions of this chapter, a rule made under this  
1036 chapter, or an order issued under this chapter; or

1037 (ii) the person produced a psilocybin or psilocybin product batch that contains a  
1038 substance, other than active psilocybin, that poses a significant threat to human health.

1039 (b) If the department makes the determination about a person described in Subsection  
1040 (3)(a), the department shall:

1041 (i) issue the person a written administrative citation;

1042 (ii) attempt to negotiate a stipulated settlement;

1043 (iii) seize, embargo, or destroy the psilocybin or psilocybin product batch;

1044 (iv) order the person to cease and desist from the action that creates a violation; and

1045 (v) direct the person to appear before an adjudicative proceeding conducted under Title  
1046 63G, Chapter 4, Administrative Procedures Act.

1047 (4) The department may, for a person subject to an uncontested citation, a stipulated  
1048 settlement, or a finding of a violation in an adjudicative proceeding under this section, for a

1049 fine amount not already specified in law, assess the person, who is not an individual, a fine of  
1050 up to \$5,000 per violation, in accordance with a fine schedule that the department establishes  
1051 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1052 (5) The department may not revoke a psilocybin production establishment's license  
1053 without first directing the psilocybin production establishment to appear before an adjudicative  
1054 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1055 (6) If within 20 calendar days after the day on which a department serves a citation for  
1056 a violation of this chapter the person that is the subject of the citation fails to request a hearing  
1057 to contest the citation, the citation becomes the department's final order.

1058 (7) The department may, for a person who fails to comply with a citation under this  
1059 section:

1060 (a) refuse to issue or renew the person's license or psilocybin production establishment  
1061 agent registration card; or

1062 (b) suspend, revoke, or place on probation the person's license or psilocybin production  
1063 establishment agent registration card.

1064 (8) (a) Except where a criminal penalty is expressly provided for a specific violation of  
1065 this chapter, if an individual:

1066 (i) violates a provision of this chapter, the individual is:

1067 (A) guilty of an infraction; and

1068 (B) subject to a \$100 fine; or

1069 (ii) intentionally or knowingly violates a provision of this chapter or violates this  
1070 chapter three or more times, the individual is:

1071 (A) guilty of a class B misdemeanor; and

1072 (B) subject to a \$1,000 fine.

1073 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
1074 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1075 underlying the violation described in Subsection (8)(a).

1076 (9) Nothing in this section prohibits the department from referring potential criminal  
1077 activity to law enforcement.

1078 Section 27. Section **26-61a-109** is amended to read:

1079 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.**

1080 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise  
1081 Fund."

1082 (2) The fund created in this section is funded from:

1083 (a) money the department deposits into the fund;

1084 (i) under this chapter; and

1085 (ii) under Title 26B, Chapter 4, Part 9, Utah Medical Psilocybin Act.

1086 (b) appropriations the Legislature makes to the fund; and

1087 (c) the interest described in Subsection (3).

1088 (3) Interest earned on the fund shall be deposited into the fund.

1089 (4) The department may only use money in the fund to fund the department's  
1090 responsibilities under this chapter and Title 26B, Chapter 4, Part 9, Utah Medical Psilocybin  
1091 Act.

1092 (5) The department shall set fees authorized under this chapter and Title 26B, Chapter  
1093 4, Part 9, Utah Medical Psilocybin Act in amounts that the department anticipates are  
1094 necessary, in total, to cover the department's cost to implement this chapter and Title 26B,  
1095 Chapter 4, Part 9, Utah Medical Psilocybin Act.

1096 Section 28. Section **26B-4-901** is enacted to read:

1097 **Part 9. Utah Medical Psilocybin Act**

1098 **26B-4-901. Definitions.**

1099 As used in this part:

1100 (1) "Adverse event" means:

1101 (a) an injury or suspected injury to a patient that results in an escalation of care, harm  
1102 to a patient, or rescue of a patient; and

1103 (b) occurs:

1104 (i) during a psilocybin administration session; or

1105 (ii) within 24 hours from when the administration session ended.

1106 (2) "Community location" means the same as that term is defined in Section [4-41c-101](#).

1107 (3) "Controlled substance database" means the controlled substance database created in  
1108 Section [58-37f-201](#).

1109 (4) "Inventory Control System" means the same as that term is defined in Section  
1110 [4-41c-101](#).

- 1111 (5) "Patient" means the same as that term is defined in Section [4-41c-101](#).
- 1112 (6) "Payment provider" means an entity that contracts with a psilocybin production  
1113 establishment to facilitate transfer of funds between the establishment and another business or  
1114 individual.
- 1115 (7) "Psilocybin" means the same as that term is defined in Section [4-41c-101](#).
- 1116 (8) "Psilocybin administration session" means the time period from when a qualified  
1117 medical provider administers psilocybin to a patient to the time the patient leaves the qualified  
1118 therapy provider location.
- 1119 (9) "Psilocybin cultivation facility" means the same as that term is defined in Section  
1120 [4-41c-101](#).
- 1121 (10) "Psilocybin product" means the same as that term is defined in Section [4-41c-101](#).
- 1122 (11) "Psilocybin production establishment" means the same as that term is defined in  
1123 Section [4-41c-101](#).
- 1124 (12) "Psilocybin production establishment agent" means the same as that term is  
1125 defined in Section [4-41c-101](#).
- 1126 (13) "Psilocybin production establishment registration card" means the same as that  
1127 term is defined in Section [4-41c-101](#).
- 1128 (14) "Qualified medical psilocybin provider" means an individual:
- 1129 (a) who meets the recommending qualifications; and
- 1130 (b) whom the department registers to recommend treatment with psilocybin under  
1131 Section [26B-4-904](#).
- 1132 (15) "Qualified therapy provider" means an individual:
- 1133 (a) who meets the therapy provider qualifications; and
- 1134 (b) whom the department registers to administer treatment with psilocybin under  
1135 Section [26B-4-911](#).
- 1136 (16) "Qualified therapy provider location" means a facility that:
- 1137 (a) is located at the address listed under Subsection [26B-4-911\(2\)\(b\)](#);
- 1138 (b) has a single, secure public entrance;
- 1139 (c) has a security system with a backup power source that:
- 1140 (i) detects and records entry into the psilocybin production establishment; and
- 1141 (ii) provides notice of an unauthorized entry to law enforcement when the psilocybin

1142 production establishment is closed; and

1143 (d) has a lock or equivalent restrictive security feature on any area where the qualified  
1144 therapy provider location stores psilocybin or psilocybin product.

1145 (17) "Qualified Patient Enterprise Fund" means the fund created in Section  
1146 26-61a-109.

1147 (18) "Qualifying condition" means a condition described in Section 26B-4-903.

1148 (19) "Therapy provider qualifications" means that an individual is licensed as any of  
1149 the following:

1150 (a) a clinical social worker, certified social worker, or social service worker under Title  
1151 58, Chapter 60, Part 2, Social Work Licensing Act;

1152 (b) a clinical mental health counselor under Title 58, Chapter 60, Part 4, Clinical  
1153 Mental Health Counselor Licensing Act;

1154 (c) licensed advanced substance use disorder counselor or a certified advanced  
1155 substance use disorder counselor under Title 58, Chapter 60, Part 5, Substance Use Disorder  
1156 Counselor Act;

1157 (d) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1158 Practice Act;

1159 (e) a psychologist licensed under Title 58, Chapter 61, Psychologist Licensing Act;

1160 (f) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
1161 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1162 (g) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant  
1163 Act.

1164 (20) "Recommend" or "recommendation" means, for a qualified medical psilocybin  
1165 provider, the act of suggesting the use of medical psilocybin treatment.

1166 (21) "Recommending qualifications" means that an individual is licensed:

1167 (a) to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled  
1168 Substances Act; and

1169 (b) as any of the following:

1170 (i) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1171 Practice Act;

1172 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title

1173 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1174 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician

1175 Assistant Act.

1176 Section 29. Section **26B-4-902** is enacted to read:

1177 **26B-4-902. Electronic verification system -- Cap on recommendations.**

1178 (1) The department, the Department of Agriculture and Food, the Department of Public  
1179 Safety, and the Division of Technology Services shall:

1180 (a) enter into a memorandum of understanding in order to determine the function and  
1181 operation of the state electronic verification system in accordance with Subsection (2);

1182 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
1183 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
1184 maintain the state electronic verification system in coordination with the Division of  
1185 Technology Services; and

1186 (c) select a third-party provider who:

1187 (i) meets the requirements contained in the request for proposals issued under  
1188 Subsection (1)(b); and

1189 (ii) may not have any commercial or ownership interest in a psilocybin production  
1190 establishment.

1191 (2) The department, the Department of Agriculture and Food, and the Division of  
1192 Technology Services shall ensure that, on or before July 1, 2024, the state electronic  
1193 verification system described in Subsection (1):

1194 (a) allows a qualified medical psilocybin provider, or an employee described in  
1195 Subsection (3) acting on behalf of the qualified medical psilocybin provider:

1196 (i) to access dispensing information regarding a patient:

1197 (A) with whom the qualified medical psilocybin provider has a provider-patient  
1198 relationship; and

1199 (B) for whom the qualified medical psilocybin provider has recommended or is  
1200 considering recommending psilocybin;

1201 (ii) to electronically recommend or renew a recommendation for psilocybin or a  
1202 psilocybin product in accordance with Subsection [26B-4-909\(4\)\(b\)](#); and

1203 (iii) to connect with an inventory control system that a psilocybin production

1204 establishment uses to track in real time and archive purchases of any psilocybin or psilocybin  
1205 product including:

1206 (A) the date and time each recommendation was filled;  
1207 (B) the quantity and type of psilocybin or psilocybin product;  
1208 (C) any psilocybin production establishment associated with the psilocybin or  
1209 psilocybin product;

1210 (D) the name of the qualified therapy provider or qualified therapy provider agent who  
1211 took receipt of the psilocybin or psilocybin product; and

1212 (E) the personally identifiable information of the patient for whom the psilocybin was  
1213 recommended; and

1214 (iv) to connect with any commercially available inventory control system that a  
1215 psilocybin production establishment utilizes in accordance with Section [4-41c-102](#) to use data  
1216 that the Department of Agriculture and Food requires by rule, in accordance with Title 63G,  
1217 Chapter 3, Utah Administrative Rulemaking Act, from the inventory tracking system that a  
1218 licensee uses to track and confirm compliance;

1219 (b) provides access to:

1220 (i) the department to the extent necessary to carry out the department's functions and  
1221 responsibilities under this title;

1222 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
1223 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
1224 41c, Psilocybin Production Act; and

1225 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
1226 functions and responsibilities related to the participation of the following in the  
1227 recommendation of medical psilocybin:

1228 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1229 Practice Act;

1230 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1231 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1232 (C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant  
1233 Act;

1234 (c) provides access to state or local law enforcement after obtaining a warrant;



1235 (d) creates a record each time a person accesses the system that identifies the person  
1236 who accesses the system and the individual whose records the person accesses;

1237 (e) keeps a current record of the total number of individuals who have a psilocybin  
1238 recommendation; and

1239 (f) allows a qualified medical psilocybin provider to access the information described  
1240 in Subsection (2)(e).

1241 (3) (a) An employee of a qualified medical psilocybin provider may access the  
1242 electronic verification system for a purpose described in Subsection (2)(a) on behalf of the  
1243 qualified medical psilocybin provider if:

1244 (i) the qualified medical psilocybin provider has designated the employee as an  
1245 individual authorized to access the electronic verification system on behalf of the qualified  
1246 medical provider;

1247 (ii) the qualified medical psilocybin provider provides written notice to the department  
1248 of the employee's identity and the designation described in Subsection (3)(a)(i); and

1249 (iii) the department grants to the employee access to the electronic verification system.

1250 (b) An employee of a business that employs a qualified medical psilocybin provider  
1251 may access the electronic verification system for a purpose described in Subsection (2)(a) on  
1252 behalf of the qualified medical psilocybin provider if:

1253 (i) the qualified medical psilocybin provider has designated the employee as an  
1254 individual authorized to access the electronic verification system on behalf of the qualified  
1255 medical provider;

1256 (ii) the qualified medical provider and the employing business jointly provide written  
1257 notice to the department of the employee's identity and the designation described in Subsection  
1258 (3)(b)(i); and

1259 (iii) the department grants to the employee access to the electronic verification system.

1260 (4) Beginning July 1, 2024, a provider who meets the recommending qualifications  
1261 may access information in the electronic verification system regarding a patient the prescribing  
1262 provider treats.

1263 (5) The department may release limited data that the system collects for the purpose of:

1264 (a) conducting medical and other department approved research;

1265 (b) providing the report required by Section [26B-4-914](#); and

1266 (c) other official department purposes.  
1267 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1268 Administrative Rulemaking Act, to establish:  
1269 (a) the limitations on access to the data in the electronic verification system, as  
1270 described in this section; and  
1271 (b) standards and procedures to ensure accurate identification of an individual  
1272 requesting information or receiving information in this section.  
1273 (7) (a) Any person who knowingly and intentionally releases any information in the  
1274 state electronic verification system in violation of this section is guilty of a third degree felony.  
1275 (b) Any person who negligently or recklessly releases any information in the state  
1276 electronic verification system in violation of this section is guilty of a class C misdemeanor.  
1277 (8) (a) Any person who obtains or attempts to obtain information from the state  
1278 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.  
1279 (b) Any person who obtains or attempts to obtain information from the state electronic  
1280 verification system for a purpose other than a purpose this part authorizes is guilty of a third  
1281 degree felony.  
1282 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and  
1283 intentionally use, release, publish, or otherwise make available to any other person information  
1284 obtained from the state electronic verification system for any purpose other than a purpose  
1285 specified in this section.  
1286 (b) Each separate violation of this Subsection (9) is:  
1287 (i) a third degree felony; and  
1288 (ii) subject to a civil penalty not to exceed \$5,000.  
1289 (c) The department shall determine a civil violation of this Subsection (9) in  
1290 accordance with Title 63G, Chapter 4, Administrative Procedures Act.  
1291 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the  
1292 General Fund.  
1293 (e) This Subsection (9) does not prohibit a person who obtains information from the  
1294 state electronic verification system under Subsection (2)(a) or (d) from:  
1295 (i) including the information in the person's medical chart or file for access by a person  
1296 authorized to review the medical chart or file;

1297 (ii) providing the information to a person in accordance with the requirements of the  
1298 Health Insurance Portability and Accountability Act of 1996; or

1299 (iii) discussing or sharing that information about the patient with the patient.

1300 (10) (a) Only 5,000 individuals may have a psilocybin recommendation at any one  
1301 time.

1302 (b) An individual's psilocybin recommendation expires if an individual with a  
1303 psilocybin recommendation has not received treatment from a qualified therapy provider with  
1304 psilocybin or a psilocybin product at the later of:

1305 (i) one year from the day a qualified medical psilocybin provider provided the  
1306 recommendation; or

1307 (ii) one year from the day of the individual's most recent administration of psilocybin  
1308 or a psilocybin product by a qualified therapy provider.

1309 Section 30. Section **26B-4-903** is enacted to read:

1310 **26B-4-903. Qualifying condition.**

1311 (1) By designating a particular condition under Subsection (2) for which the use of  
1312 medical psilocybin to treat symptoms is decriminalized, the Legislature does not conclusively  
1313 state that:

1314 (a) current scientific evidence clearly supports the efficacy of a medical psilocybin  
1315 treatment for the condition; or

1316 (b) a medical psilocybin treatment will treat, cure, or positively affect the condition.

1317 (2) For the purposes of this part, each of the following conditions is a qualifying  
1318 condition:

1319 (a) depression;

1320 (b) anxiety, if the patient has tried at least one other treatment which has not proven  
1321 effective;

1322 (c) post-traumatic stress disorder, if the patient has tried at least one other treatment  
1323 which has not proven effective; and

1324 (d) a condition where the individual is receiving hospice care.

1325 Section 31. Section **26B-4-904** is enacted to read:

1326 **26B-4-904. Qualified medical psilocybin provider registration -- Continuing**  
1327 **education -- Treatment recommendation.**

1328 (1) Except as provided in Subsection (2), an individual may not recommend a medical  
1329 psilocybin treatment unless the department registers the individual as a qualified medical  
1330 psilocybin provider in accordance with this section.

1331 (2) (a) The department shall, within 15 days after the day on which the department  
1332 receives an application from an individual, register and issue a qualified medical psilocybin  
1333 provider registration card to the individual if the individual:

1334 (i) provides to the department the individual's name and address;

1335 (ii) provides to the department a report detailing the individual's completion of the  
1336 applicable continuing education requirements described in Subsection (3);

1337 (iii) provides to the department evidence that the individual meets the recommending  
1338 qualifications;

1339 (iv) for an applicant on or after January 1, 2025, provides to the department the  
1340 information described in Subsection (9)(a); and

1341 (v) pays the department an amount that:

1342 (A) the department sets, in accordance with Section [63J-1-504](#); and

1343 (B) does not exceed \$300 for an initial registration.

1344 (b) The department may not register an individual as a qualified medical psilocybin  
1345 provider if the individual is an owner, officer, director, board member, employee, or agent of a  
1346 psilocybin production establishment.

1347 (3) (a) An individual shall complete the continuing education described in this  
1348 Subsection (3) in the following amounts:

1349 (i) before registration, 16 hours; and

1350 (ii) for renewing a registration, four hours every two years.

1351 (b) In accordance with Subsection (3)(a), a qualified medical psilocybin provider shall:

1352 (i) complete continuing education:

1353 (A) regarding topics described in Subsection (3)(d); and

1354 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
1355 continuing education provider that the department recognizes as offering continuing education  
1356 appropriate for the recommendation of psilocybin to patients; and

1357 (ii) make a continuing education report to the department in accordance with a process  
1358 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

1359 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
1360 Licensing and the applicable licensing board for a health care provider who meets the  
1361 recommending qualifications.

1362 (c) The department may, in consultation with the Division of Professional Licensing,  
1363 develop the continuing education described in this Subsection (3).

1364 (d) The continuing education described in this Subsection (3) may discuss:

1365 (i) the provisions of this part;

1366 (ii) general information about psilocybin under federal and state law;

1367 (iii) the latest scientific research on medical psilocybin, including risks and benefits;

1368 (iv) best practices for recommending the form and dosage of psilocybin based on the  
1369 qualifying condition;

1370 (v) systems and receptors affected by psilocybin;

1371 (vi) mechanisms of action;

1372 (vii) drug interactions;

1373 (viii) qualifying conditions;

1374 (ix) diagnostic criteria;

1375 (x) contraindications;

1376 (xi) side effects and their mitigation;

1377 (xii) administrative set and setting, including physical patient safety;

1378 (xiii) integration;

1379 (xiv) potential outcomes;

1380 (xv) ethical considerations; and

1381 (xvi) discharge safety planning.

1382 (4) (a) A qualified medical psilocybin provider may only recommend psilocybin to an  
1383 individual under this part in the course of a provider-patient relationship after the qualified  
1384 medical psilocybin provider has:

1385 (i) completed and documented in the patient's medical record a thorough assessment of  
1386 the patient's condition and medical history based on the appropriate standard of care for the  
1387 patient's condition;

1388 (ii) verified that the patient has a qualifying condition; and

1389 (iii) verified that the patient is at least 21 years old.

1390 (b) To recommend a psilocybin treatment or to renew a recommendation, a qualified  
1391 medical psilocybin provider:

1392 (i) shall meet with the patient face-to-face if the qualified medical psilocybin provider  
1393 has not recommended a psilocybin treatment to the patient in the past; or

1394 (ii) may use telehealth services, if the qualified medical psilocybin provider  
1395 recommended a medical psilocybin treatment to the patient in the past.

1396 (5) (a) Except as provided in Subsection (5)(b), an individual may not advertise that the  
1397 individual recommends medical psilocybin treatment.

1398 (b) Notwithstanding Subsection (5)(a) and subject to Section [26B-4-910](#), a qualified  
1399 medical psilocybin provider or clinic or office that employs a qualified medical psilocybin  
1400 provider may advertise the following:

1401 (i) the provider's or clinic's name and logo;

1402 (ii) a qualifying condition that the individual treats;

1403 (iii) that the individual is registered as a qualified medical psilocybin provider and  
1404 recommends medical psilocybin; or

1405 (iv) a scientific study regarding medical psilocybin use.

1406 (6) (a) A qualified medical psilocybin provider registration card expires two years after  
1407 the day on which the department issues the card.

1408 (b) The department shall renew a qualified medical psilocybin provider's registration  
1409 card if the psilocybin provider:

1410 (i) applies for renewal;

1411 (ii) is eligible for a qualified medical psilocybin provider registration card under this  
1412 section, including maintaining an unrestricted license under the recommending qualifications;

1413 (iii) certifies to the department in a renewal application that the information in  
1414 Subsection (2)(a) is accurate or updates the information;

1415 (iv) submits a report detailing the completion of the continuing education requirements  
1416 described in Subsection (3); and

1417 (v) pays the department a fee in an amount that:

1418 (A) the department sets, in accordance with Section [63J-1-504](#); and

1419 (B) does not exceed \$50 for a registration renewal.

1420 (7) The department may revoke the registration of a qualified medical psilocybin

1421 provider who fails to maintain compliance with the requirements of this section.

1422 (8) A qualified medical psilocybin provider may not receive any compensation or  
1423 benefit for the qualified medical psilocybin provider's medical psilocybin treatment  
1424 recommendation from a psilocybin production establishment or an owner, officer, director,  
1425 board member, employee, or agent of a psilocybin production establishment.

1426 (9) (a) On or before January 1 of each year, a qualified medical provider shall report to  
1427 the department, in a manner designated by the department:

1428 (i) if applicable, that the qualified medical psilocybin provider or the entity that  
1429 employs the qualified medical psilocybin provider represents online or on printed material that  
1430 the qualified medical psilocybin provider is a qualified medical psilocybin provider or offers  
1431 medical psilocybin recommendations to patients; and

1432 (ii) the fee amount that the qualified medical psilocybin provider or the entity that  
1433 employs the qualified medical psilocybin provider charges a patient for a medical psilocybin  
1434 recommendation, either as an actual cash rate or, if the psilocybin provider or entity bills  
1435 insurance, an average cash rate.

1436 (b) The department shall:

1437 (i) ensure that the following information related to qualified medical psilocybin  
1438 providers and entities described in Subsection (9)(a)(i) is available on the department's website  
1439 or on the health care price transparency tool under Subsection (9)(b)(ii):

1440 (A) the name of the qualified medical psilocybin provider and, if applicable, the name  
1441 of the entity that employs the qualified medical psilocybin provider;

1442 (B) the address of the qualified medical psilocybin provider's office or, if applicable,  
1443 the entity that employs the qualified medical psilocybin provider; and

1444 (C) the fee amount described in Subsection (9)(a)(ii); and

1445 (ii) share data collected under this Subsection (9) with the state auditory for use in the  
1446 health care price transparency tool described in Section [67-3-11](#).

1447 Section 32. Section **26B-4-905** is enacted to read:

1448 **26B-4-905. Standard of care -- Provider not liable -- No private right of action.**

1449 (1) A qualified medical psilocybin provider or a qualified therapy provider described in  
1450 Subsection (2) is not subject to the following solely for violating a federal law or regulation  
1451 that would otherwise prohibit recommending, prescribing, possessing, or dispensing psilocybin

1452 or a psilocybin product:

1453 (a) civil or criminal liability; or

1454 (b) licensure sanctions under Title 58, Occupations and Professions.

1455 (2) A qualified medical psilocybin provider or a qualified therapy provider is eligible

1456 for the protections described in Subsection (1) if the qualified medical provider or qualified

1457 therapy provider recommends or provides treatment with psilocybin or a psilocybin product to

1458 a patient in accordance with this part.

1459 (3) Nothing in this section or part reduces or in any way negates the duty of a qualified

1460 medical psilocybin provider or qualified therapy provider to use reasonable and ordinary care

1461 in the treatment of a patient.

1462 Section 33. Section **26B-4-906** is enacted to read:

1463 **26B-4-906. Nondiscrimination for medical care or government employment --**

1464 **Notice to prospective and current public employees -- No effect on private employers.**

1465 (1) For purposes of medical care, including an organ or tissue transplant, a patient's use

1466 of psilocybin, in accordance with this part:

1467 (a) is the equivalent of authorized use of any other medication used at the discretion of

1468 a physician; and

1469 (b) does not constitute the use of an illicit substance or otherwise disqualify an

1470 individual from needed medical care.

1471 (2) (a) Notwithstanding any other provision of law and except as provided in

1472 Subsection (2)(b), the state or any political subdivision shall treat:

1473 (i) an employee's use of medical psilocybin in accordance with this part or Section

1474 [58-37-3.7](#) in the same way the state or political subdivision treats employee use of any

1475 prescribed controlled substance; and

1476 (ii) an employee's medical psilocybin recommendation from a qualified medical

1477 psilocybin provider in the same way the state or political subdivision treats an employee's

1478 prescription for any prescribed controlled substance.

1479 (b) A state or political subdivision employee who has a valid medical psilocybin

1480 recommendation is not subject to retaliatory action, as that term is defined in Section

1481 [67-19a-101](#), for failing a drug test due to psilocybin or psilocin without evidence that the

1482 employee was impaired or otherwise adversely affected in the employee's job performance due



1483 to the use of medical psilocybin.

1484 (c) Subsections (2)(a) and (b) do not apply:

1485 (i) where the application of Subsections (2)(a) or (b) would jeopardize federal funding,  
1486 a federal security clearance, or any other federal background determination required for the  
1487 employee's position;

1488 (ii) if the employee's position is dependent on a license or peace officer certification  
1489 that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or

1490 (iii) if an employee described in Subsections [34A-2-102\(1\)\(h\)\(ii\)](#) through (vi) uses  
1491 medical psilocybin during the 12 hours immediately preceding the employee's shift or during  
1492 the employee's shift.

1493 (3) (a) (i) A state employer or a political subdivision employer shall take the action  
1494 described in Subsection (3)(a)(ii) before:

1495 (A) giving to a current employee an assignment or duty that arises from or directly  
1496 relates to an obligation under this part; or

1497 (B) hiring a prospective employee whose assignments or duties would include an  
1498 assignment or duty that arises from or directly relates to an obligation under this part.

1499 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or  
1500 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the  
1501 employee or prospective employee:

1502 (A) that the employee's or prospective employee's job duties may require the employee  
1503 or prospective employee to engage in conduct which is in violation of the criminal laws of the  
1504 United States; and

1505 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),  
1506 although the employee or prospective employee is entitled to the protection of Title 67, Chapter  
1507 21, Utah Protection of Public Employees Act, the employee may not object or refuse to carry  
1508 out an assignment or duty that may be a violation of the criminal laws of the United States with  
1509 respect to the manufacture, sale, or distribution of psilocybin.

1510 (b) The Division of Human Resources Management shall create, revise, and publish  
1511 the form of the notice described in Subsection (3)(a).

1512 (c) Notwithstanding Subsection [67-21-3\(3\)](#), an employee who has signed the notice  
1513 described in Subsection (3)(a) may not:

1514 (i) claim in good faith that the employee's actions violate or potentially violate the laws  
1515 of the United States with respect to the manufacture, sale, or distribution of psilocybin; or

1516 (ii) refuse to carry out a directive that the employee reasonably believes violates the  
1517 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
1518 psilocybin.

1519 (d) An employer may not take retaliatory action as defined in Section [67-19a-101](#)  
1520 against a current employee who refuses to sign the notice described in Subsection (3)(a).

1521 (4) Nothing in this section affects the ability of a private employer to have policies  
1522 restricting the use of medical psilocybin by applicants or employees.

1523 Section 34. Section **26B-4-907** is enacted to read:

1524 **26B-4-907. No insurance requirement.**

1525 Nothing in this part requires an insurer, a third-party administrator, or an employer to  
1526 pay or reimburse for psilocybin or psilocybin product.

1527 Section 35. Section **26B-4-908** is enacted to read:

1528 **26B-4-908. Approved drugs.**

1529 Nothing in this part restricts or otherwise affects the prescription, distribution, or  
1530 dispensing of a product that the United States Food and Drug Administration has approved.

1531 Section 36. Section **26B-4-909** is enacted to read:

1532 **26B-4-909. Severability.**

1533 (1) If any provision of this part or the application of any of the provisions of this part to  
1534 any person or circumstance is held invalid by a final decision of a court of competent  
1535 jurisdiction, the remaining provisions of this part remain effective without the invalidated  
1536 provision or application.

1537 (2) The provisions of this part are severable.

1538 Section 37. Section **26B-4-910** is enacted to read:

1539 **26B-4-910. Advertising.**

1540 (1) Except as provided in this part, a person may not advertise regarding the  
1541 recommendation, sale, dispensing, or transportation of medical psilocybin.

1542 (2) Notwithstanding any authorization to advertise medical psilocybin under this part,  
1543 the person advertising may not advertise:

1544 (a) using promotional discounts or incentives; or

1545 (b) an assurance regarding an outcome related to medical psilocybin treatment.

1546 (3) Notwithstanding Subsection (1):

1547 (a) a nonprofit organization that offers financial assistance for medical psilocybin

1548 treatment to low-income patients may advertise the organization's assistance if the

1549 advertisement does not relate to a specific qualified therapy provider; and

1550 (b) a qualified therapy provider may provide information regarding subsidies for the

1551 cost of medical psilocybin treatment to patients who affirmatively accept receipt of the subsidy

1552 information.

1553 (4) To ensure that the name and logo of a licensee under this part have a medical rather

1554 than a recreational disposition, the name and logo of the licensee:

1555 (a) may include terms and images associated with a medical disposition, including

1556 "medical," "medicinal," "medicine," "apothecary," "wellness," "therapeutic," "health," "care,"

1557 "natural," "psilocybin," "clinic," "compassionate," "relief," "treatment," and "patient;"

1558 (b) may not include:

1559 (i) any term, statement, design representation, picture, or illustration that is associated

1560 with a recreational disposition that appeals to children; or

1561 (ii) an emphasis on psychoactivity.

1562 (5) The department shall define standards for advertising authorized under this part,

1563 including names and logos in accordance with Subsection (4), to ensure a medical rather than

1564 recreational disposition.

1565 Section 38. Section **26B-4-911** is enacted to read:

1566 **26B-4-911. Qualified therapy provider registration -- Continuing education --**

1567 **Psilocybin administration.**

1568 (1) An individual may not administer a medical psilocybin treatment unless the

1569 department registers the individual as a qualified therapy provider in accordance with this

1570 section.

1571 (2) The department shall, within 15 days after the day on which the department

1572 receives an application from an individual, register and issue a qualified therapy provider

1573 registration card to the individual if the individual:

1574 (a) provides to the department the individual's name;

1575 (b) provides the address of the clinic at which the individual will be administering

1576 psilocybin to patients;  
1577 (c) provides to the department a report detailing the individual's completion of the  
1578 applicable continuing education requirements described in Subsection (3);  
1579 (d) certifies to the department that the individual has installed and maintains an  
1580 inventory control system;  
1581 (e) provides to the department evidence that the individual meets the therapy provider  
1582 qualifications;  
1583 (f) pays the department an amount that:  
1584 (i) the department sets in accordance with Section [63J-1-504](#); and  
1585 (ii) does not exceed \$300 for an initial registration; and  
1586 (g) provides to the department an emergency transport plan for patients who experience  
1587 a medical emergency during the course of treatment.  
1588 (3) (a) An individual shall complete the continuing education described in this  
1589 Subsection (3) in the following amounts:  
1590 (i) for initial registration, 80 hours; and  
1591 (ii) for renewing a registration, four hours every two years.  
1592 (b) In accordance with Subsection (3)(a), a qualified therapy provider shall:  
1593 (i) complete continuing education:  
1594 (A) regarding topics described in Subsection (3)(d); and  
1595 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
1596 continuing education provider that the department recognizes as offering continuing education  
1597 appropriate for the administration of psilocybin to patients; and  
1598 (ii) make a continuing education report to the department in accordance with a process  
1599 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
1600 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
1601 Licensing and relevant licensing boards.  
1602 (c) The department may, in consultation with the Division of Professional Licensing,  
1603 develop the continuing education described in this Subsection (3).  
1604 (d) The continuing education described in this Subsection (3) may discuss:  
1605 (i) the provisions of this part;  
1606 (ii) general information about psilocybin under federal and state law;

- 1607 (iii) the latest scientific research on medical psilocybin including risks and benefits;  
1608 (iv) best practices for recommending the form and dosage of psilocybin based on the  
1609 qualifying condition;  
1610 (v) systems and receptors affected by psilocybin;  
1611 (vi) mechanisms of action;  
1612 (vii) drug interactions;  
1613 (viii) qualifying conditions;  
1614 (ix) diagnostic criteria;  
1615 (x) contraindications;  
1616 (xi) side effects and mitigation of side effects;  
1617 (xii) administrative set and setting, including physical patient safety;  
1618 (xiii) integration;  
1619 (xiv) potential outcomes;  
1620 (xv) ethical considerations; and  
1621 (xvi) discharge safety planning.
- 1622 (4) A qualified therapy provider may only administer psilocybin to an individual under  
1623 this part:
- 1624 (a) pursuant to a recommendation issued by a qualified medical psilocybin provider  
1625 under Section [26B-4-904](#);  
1626 (b) after obtaining and reviewing the patient's mental health history;  
1627 (c) after providing the patient with a safety data sheet created by the department which  
1628 outlines the potential risks of psilocybin use;  
1629 (d) if there are unexpired rescue medications on site as determined by the department  
1630 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1631 (e) if either:  
1632 (i) the administration session is video recorded and the video recording is preserved for  
1633 one year; or  
1634 (ii) the patient gives written, informed consent waiving the video recording  
1635 requirement; and  
1636 (f) if the qualified therapy provider has a contractual relationship with a licensed  
1637 physician who remains on-call during the course of the administration session in case a patient

1638 requires non-emergency medical intervention.

1639 (5) A qualified therapy provider may only administer psilocybin or a psilocybin  
1640 product in a qualified therapy provider location.

1641 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the  
1642 individual administers medical psilocybin treatment.

1643 (b) Notwithstanding Subsection (6)(a) and subject to Section [26B-4-910](#), a qualified  
1644 therapy provider or clinic or office that employs a qualified therapy provider may advertise the  
1645 following:

1646 (i) the provider's or clinic's name and logo;

1647 (ii) a qualifying condition that the individual treats;

1648 (iii) that the individual is registered as a qualified therapy provider and administers  
1649 medical psilocybin; or

1650 (iv) a scientific study regarding medical psilocybin use.

1651 (7) (a) A qualified therapy provider registration card expires two years after the day on  
1652 which the department issues the card.

1653 (b) The department shall renew a qualified therapy provider's registration card if the  
1654 provider:

1655 (i) applies for renewal;

1656 (ii) is eligible for a qualified therapy provider registration card under this section,  
1657 including maintaining an unrestricted license;

1658 (iii) certifies to the department in a renewal application that the information in  
1659 Subsection (2) is accurate or updates the information;

1660 (iv) submits a report detailing the completion of the continuing education requirements  
1661 described in Subsection (3); and

1662 (v) pays the department a fee in an amount that:

1663 (A) the department sets, in accordance with Section [63J-1-504](#); and

1664 (B) does not exceed \$50 for a registration renewal.

1665 (8) Within seven days of the day on which an adverse event occurs, a qualified therapy  
1666 provider shall submit to the department a report containing:

1667 (a) the age and sex of the patient;

1668 (b) the patient's pre-existing health conditions, if any;

- 1669 (c) the qualifying condition for which psilocybin was administered;  
1670 (d) the amount of psilocybin administered to the patient;  
1671 (e) factors which contributed to the adverse event;  
1672 (f) the nature and severity of the adverse event; and  
1673 (g) the ultimate outcome of the adverse event.  
1674 (9) The department may revoke the registration of a qualified therapy provider who  
1675 fails to maintain compliance with the requirements of this section.  
1676 Section 39. Section **26B-4-912** is enacted to read:  
1677 **26B-4-912. Qualified therapy provider agents -- Registration.**  
1678 (1) An individual may not serve as the agent of a qualified therapy provider unless the  
1679 department registers the individual as a qualified therapy provider agent.  
1680 (2) (a) The department shall, within 15 days after the day on which the department  
1681 receives a complete application from a prospective qualified therapy provider agent, register  
1682 and issue a qualified therapy provider agent card to the prospective agent if the prospective  
1683 agent:  
1684 (i) provides to the department:  
1685 (A) the prospective agent's name and address; and  
1686 (B) the submission required under Subsection (2)(b); and  
1687 (ii) pays a fee to the department in an amount that, subject to Subsection  
1688 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).  
1689 (b) Each prospective agent described in Subsection (2)(a) shall:  
1690 (i) submit to the department:  
1691 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and  
1692 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the  
1693 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
1694 Generation Identification System's Rap Back Service; and  
1695 (ii) consent to a fingerprint background check by:  
1696 (A) the Bureau of Criminal Identification; and  
1697 (B) the Federal Bureau of Investigation.  
1698 (c) The Bureau of Criminal Identification shall:  
1699 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against

1700 the applicable state, regional, and national criminal records databases, including the Federal  
1701 Bureau of Investigation Next Generation Identification System;  
1702 (ii) report the results of the background check to the department;  
1703 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1704 Subsection (2)(b) for search by future submissions to the local and regional criminal records  
1705 databases, including latent prints;  
1706 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1707 Generation Identification System's Rap Back Service for search by future submissions to  
1708 national criminal records databases, including the Next Generation Identification System and  
1709 latent prints; and  
1710 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1711 receives notifications for an individual with whom the department maintains an authorizing  
1712 relationship.  
1713 (d) The department shall:  
1714 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an  
1715 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1716 Bureau of Criminal Identification or another authorized agency provides under this section; and  
1717 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal  
1718 Identification.  
1719 (3) A qualified therapy provider agent shall comply with:  
1720 (a) a certification standard that the department develops; or  
1721 (b) a certification standard that the department has reviewed and approved.  
1722 (4) The department shall ensure that the certification standard described in Subsection  
1723 (3) includes training in Utah medical psilocybin law.  
1724 (5) For an individual who holds or applies for a qualified therapy provider agent card:  
1725 (a) the department may revoke or refuse to issue the card if the individual violates the  
1726 requirements of this part; and  
1727 (b) the department shall revoke or refuse to issue the card if the individual is convicted  
1728 under state or federal law of:  
1729 (i) felony; or  
1730 (ii) a misdemeanor for drug distribution.



1731 (6) A qualified therapy provider agent registration card expires two years after the day  
1732 on which the department issues the card.

1733 (7) The department may renew a qualified therapy provider agent registration card if  
1734 the agent:

1735 (a) is eligible for a qualified therapy provider agent registration card under this section;

1736 (b) certifies to the department in a renewal application that the information in

1737 Subsection (2)(a) is accurate or updates the information; and

1738 (c) pays to the department a renewal fee in an amount that:

1739 (i) subject to Section [26-61a-109](#), the department sets in accordance with Section  
1740 [63J-1-504](#); and

1741 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
1742 comparison to the original application process.

1743 Section 40. Section **26B-4-913** is enacted to read:

1744 **26B-4-913. Qualified therapy provider registration card and agent registration**  
1745 **card -- Rebuttable presumption.**

1746 (1) An individual who is registered as a qualified therapy provider or qualified therapy  
1747 provider agent shall carry the individual's applicable registration card issued by the department  
1748 under this part at all times when the individual:

1749 (a) is transporting psilocybin product between a psilocybin production establishment  
1750 and a qualified therapy provider location; or

1751 (b) handling a psilocybin product.

1752 (2) If an individual possesses psilocybin or a psilocybin product and produces the  
1753 registration card in the individual's possession while handling or transporting psilocybin in  
1754 compliance with Subsection (1):

1755 (a) there is a rebuttable presumption that the individual possesses the psilocybin  
1756 product legally; and

1757 (b) a law enforcement officer does not have probable cause, based solely on the  
1758 possession of psilocybin or psilocybin product to believe the individual is engaging in illegal  
1759 activity.

1760 (3) (a) An individual described in Subsection (1) who fails to carry the registration card  
1761 in accordance with Subsection (1) is:

- 1762 (i) for a first or second offense in a two-year period:  
1763 (A) guilty of an infraction; and  
1764 (B) subject to a \$100 fine; or  
1765 (ii) for a third or subsequent offense in a two-year period:  
1766 (A) guilty of a class C misdemeanor; and  
1767 (B) subject to a \$750 fine.  
1768 (b) For each conviction under Subsection (3)(a), the prosecuting entity shall:  
1769 (i) notify the department; and  
1770 (ii) for a conviction involving a qualified therapy provider agent, notify the relevant  
1771 qualified therapy provider.  
1772 (c) For each violation described in Subsection (3)(a)(ii) committed by a qualified  
1773 therapy provider agent, the department may assess the relevant qualified therapy provider a fine  
1774 of up to \$2,500, in accordance with a fine schedule that the department establishes by rule in  
1775 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.  
1776 (d) An individual who is guilty of a violation described in Subsection (3)(a) is not  
1777 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1778 underlying the violation described in Subsection (3)(a).  
1779 Section 41. Section **26B-4-914** is enacted to read:  
1780 **26B-4-914. Enforcement -- Fine -- Citation.**  
1781 (1) (a) The department may, for a qualified therapy provider's violation of this chapter  
1782 or an applicable administrative rule:  
1783 (i) revoke the qualified therapy provider's registration;  
1784 (ii) refuse to renew the qualified therapy provider's registration; or  
1785 (iii) assess the qualified therapy provider an administrative penalty.  
1786 (b) The department may, for a qualified therapy provider agent's violation of this part:  
1787 (i) revoke the qualified therapy provider agent registration card;  
1788 (ii) refuse to renew the qualified therapy provider agent registration card; or  
1789 (iii) assess the qualified therapy provider agent an administrative penalty.  
1790 (2) The department shall deposit an administrative penalty imposed under this section  
1791 into the General Fund.  
1792 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding

1793 of violation in an adjudicative proceeding under this section, the department may:

1794 (a) for a fine amount not already specified in law, assess the person a fine of up to  
1795 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule  
1796 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1797 (b) order the person to cease and desist from the action that creates a violation.

1798 (4) The department may not revoke a qualified therapy provider's registration without  
1799 first directing the qualified therapy provider to appear before an adjudicative proceeding  
1800 conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1801 (5) If, within 20 calendar days after the day on which the department issues a citation  
1802 for a violation of this part, the person that is the subject of the citation fails to request a hearing  
1803 to contest the citation, the citation becomes the department's final order.

1804 (6) The department may, for a person who fails to comply with a citation under this  
1805 section:

1806 (a) refuse to issue or renew the person's license or agent registration card; or

1807 (b) suspend, revoke, or place on probation the person's license or agent registration  
1808 card.

1809 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of  
1810 this part, if an individual violates a provision of this part, the individual is:

1811 (i) guilty of an infraction; and

1812 (ii) subject to a \$100 fine.

1813 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not  
1814 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1815 underlying the violation described in Subsection (7)(a).

1816 Section 42. Section **26B-4-915** is enacted to read:

1817 **26B-4-915. Report.**

1818 (1) On or before November 1, 2024, and each year thereafter, the department shall  
1819 submit a report to the Health and Human Services Interim Committee on:

1820 (a) the number of patients for whom psilocybin has been recommended;

1821 (b) the age and county of patients;

1822 (c) the number of qualified medical psilocybin providers;

1823 (d) the number of license applications and renewal license applications received;

- 1824 (e) the number of licenses the department has issued in each county;
- 1825 (f) the number of licenses the department has revoked;
- 1826 (g) the expenses incurred and revenues generated from the medical psilocybin
- 1827 program; and
- 1828 (h) the number and nature of adverse events reported.

1829 (2) The department may not include personally identifying information in the report  
1830 described in this section.

1831 (3) The department shall provide a written report to the Health and Human Services  
1832 Interim Committee on or before June 1, 2027, that describes the efficacy of the psilocybin pilot  
1833 program, including any recommendations for additional legislative action.

1834 Section 43. Section **26B-4-916** is enacted to read:

1835 **26B-4-916. Religious Freedom Restoration Act.**

1836 Nothing in this chapter shall be construed as limiting any right or privilege a person  
1837 possesses under the Religious Freedom Restoration Act, 42 U.S.C. Sec. 2000bb et. seq.

1838 Section 44. Section **30-3-10** is amended to read:

1839 **30-3-10. Custody of a child -- Custody factors.**

1840 (1) If a married couple having one or more minor children are separated, or the married  
1841 couple's marriage is declared void or dissolved, the court shall enter, and has continuing  
1842 jurisdiction to modify, an order of custody and parent-time.

1843 (2) In determining any form of custody and parent-time under Subsection (1), the court  
1844 shall consider the best interest of the child and may consider among other factors the court  
1845 finds relevant, the following for each parent:

1846 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional  
1847 abuse, involving the child, the parent, or a household member of the parent;

1848 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet  
1849 the developmental needs of the child, including the child's:

- 1850 (i) physical needs;
- 1851 (ii) emotional needs;
- 1852 (iii) educational needs;
- 1853 (iv) medical needs; and
- 1854 (v) any special needs;

- 1855 (c) the parent's capacity and willingness to function as a parent, including:
- 1856 (i) parenting skills;
- 1857 (ii) co-parenting skills, including:
- 1858 (A) ability to appropriately communicate with the other parent;
- 1859 (B) ability to encourage the sharing of love and affection; and
- 1860 (C) willingness to allow frequent and continuous contact between the child and the
- 1861 other parent, except that, if the court determines that the parent is acting to protect the child
- 1862 from domestic violence, neglect, or abuse, the parent's protective actions may be taken into
- 1863 consideration; and
- 1864 (iii) ability to provide personal care rather than surrogate care;
- 1865 (d) in accordance with Subsection (10), the past conduct and demonstrated moral
- 1866 character of the parent;
- 1867 (e) the emotional stability of the parent;
- 1868 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 1869 drinking, or other causes;
- 1870 (g) whether the parent has intentionally exposed the child to pornography or material
- 1871 harmful to minors, as "material" and "harmful to minors" are defined in Section [76-10-1201](#);
- 1872 (h) the parent's reasons for having relinquished custody or parent-time in the past;
- 1873 (i) duration and depth of desire for custody or parent-time;
- 1874 (j) the parent's religious compatibility with the child;
- 1875 (k) the parent's financial responsibility;
- 1876 (l) the child's interaction and relationship with step-parents, extended family members
- 1877 of other individuals who may significantly affect the child's best interests;
- 1878 (m) who has been the primary caretaker of the child;
- 1879 (n) previous parenting arrangements in which the child has been happy and
- 1880 well-adjusted in the home, school, and community;
- 1881 (o) the relative benefit of keeping siblings together;
- 1882 (p) the stated wishes and concerns of the child, taking into consideration the child's
- 1883 cognitive ability and emotional maturity;
- 1884 (q) the relative strength of the child's bond with the parent, meaning the depth, quality,
- 1885 and nature of the relationship between the parent and the child; and

1886 (r) any other factor the court finds relevant.

1887 (3) There is a rebuttable presumption that joint legal custody, as defined in Section

1888 30-3-10.1, is in the best interest of the child, except in cases when there is:

1889 (a) evidence of domestic violence, neglect, physical abuse, sexual abuse, or emotional

1890 abuse involving the child, a parent, or a household member of the parent;

1891 (b) special physical or mental needs of a parent or child, making joint legal custody

1892 unreasonable;

1893 (c) physical distance between the residences of the parents, making joint decision

1894 making impractical in certain circumstances; or

1895 (d) any other factor the court considers relevant including those listed in this section

1896 and Section 30-3-10.2.

1897 (4) (a) The person who desires joint legal custody shall file a proposed parenting plan

1898 in accordance with Sections 30-3-10.8 and 30-3-10.9.

1899 (b) A presumption for joint legal custody may be rebutted by a showing by a

1900 preponderance of the evidence that it is not in the best interest of the child.

1901 (5) (a) A child may not be required by either party to testify unless the trier of fact

1902 determines that extenuating circumstances exist that would necessitate the testimony of the

1903 child be heard and there is no other reasonable method to present the child's testimony.

1904 (b) (i) The court may inquire of the child's and take into consideration the child's

1905 desires regarding future custody or parent-time schedules, but the expressed desires are not

1906 controlling and the court may determine the child's custody or parent-time otherwise.

1907 (ii) The desires of a child 14 years [~~of age~~] old or older shall be given added weight,

1908 but is not the single controlling factor.

1909 (c) (i) If an interview with a child is conducted by the court pursuant to Subsection

1910 (5)(b), the interview shall be conducted by the judge in camera.

1911 (ii) The prior consent of the parties may be obtained but is not necessary if the court

1912 finds that an interview with a child is the only method to ascertain the child's desires regarding

1913 custody.

1914 (6) (a) Except as provided in Subsection (6)(b), a court may not discriminate against a

1915 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining

1916 whether a substantial change has occurred for the purpose of modifying an award of custody.

1917 (b) The court may not consider the disability of a parent as a factor in awarding custody  
1918 or modifying an award of custody based on a determination of a substantial change in  
1919 circumstances, unless the court makes specific findings that:

1920 (i) the disability significantly or substantially inhibits the parent's ability to provide for  
1921 the physical and emotional needs of the child at issue; and

1922 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
1923 available to supplement the parent's ability to provide for the physical and emotional needs of  
1924 the child at issue.

1925 (c) Nothing in this section may be construed to apply to adoption proceedings under  
1926 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

1927 (7) This section does not establish a preference for either parent solely because of the  
1928 gender of the parent.

1929 (8) This section establishes neither a preference nor a presumption for or against joint  
1930 physical custody or sole physical custody, but allows the court and the family the widest  
1931 discretion to choose a parenting plan that is in the best interest of the child.

1932 (9) When an issue before the court involves custodial responsibility in the event of a  
1933 deployment of one or both parents who are servicemembers, and the servicemember has not yet  
1934 been notified of deployment, the court shall resolve the issue based on the standards in Sections  
1935 [78B-20-306](#) through [78B-20-309](#).

1936 (10) In considering the past conduct and demonstrated moral standards of each party  
1937 under Subsection (2)(d) or any other factor a court finds relevant, the court may not:

1938 (a) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
1939 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in  
1940 accordance with Title 4, Chapter 41a, Cannabis Production Establishments, Title 26, Chapter  
1941 61a, Utah Medical Cannabis Act, or Subsection [58-37-3.7\(2\)](#) or (3) any differently than the  
1942 court would consider or treat the lawful possession or use of any prescribed controlled  
1943 substance; [or]

1944 (b) discriminate against a parent because of the parent's status as a:

1945 (i) cannabis production establishment agent, as that term is defined in Section  
1946 [4-41a-102](#);

1947 (ii) medical cannabis pharmacy agent, as that term is defined in Section [26-61a-102](#);

1948 (iii) medical cannabis courier agent, as that term is defined in Section 26-61a-102; or  
1949 (iv) medical cannabis cardholder in accordance with Title 26, Chapter 61a, Utah  
1950 Medical Cannabis Act[-]; or

1951 (c) consider or treat a parent's lawful possession or use of psilocybin or psilocybin  
1952 product in accordance with Title 4, Chapter 41c, Psilocybin Production Act, and Title 26B,  
1953 Chapter 4, Part 9, Utah Medical Psilocybin Act, any differently than the court would consider  
1954 the lawful possession or use of any prescribed substance.

1955 Section 45. Section 31A-22-1016 is amended to read:

1956 **31A-22-1016. Workers' compensation coverage for medical cannabis operations.**

1957 A licensed and admitted workers' compensation insurer may issue coverage to:

- 1958 (1) a cannabis production establishment as defined in Section 4-41a-102; [or]  
1959 (2) a medical cannabis pharmacy as defined in Section 26-61a-102[-]; or  
1960 (3) a psilocybin production establishment as defined in Section 4-41c-101.

1961 Section 46. Section 52-4-205 is amended to read:

1962 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**  
1963 **meetings.**

1964 (1) A closed meeting described under Section 52-4-204 may only be held for:

1965 (a) except as provided in Subsection (3), discussion of the character, professional  
1966 competence, or physical or mental health of an individual;

1967 (b) strategy sessions to discuss collective bargaining;

1968 (c) strategy sessions to discuss pending or reasonably imminent litigation;

1969 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,

1970 including any form of a water right or water shares, or to discuss a proposed development

1971 agreement, project proposal, or financing proposal related to the development of land owned by

1972 the state, if public discussion would:

1973 (i) disclose the appraisal or estimated value of the property under consideration; or

1974 (ii) prevent the public body from completing the transaction on the best possible terms;

1975 (e) strategy sessions to discuss the sale of real property, including any form of a water  
1976 right or water shares, if:

1977 (i) public discussion of the transaction would:

1978 (A) disclose the appraisal or estimated value of the property under consideration; or



- 1979 (B) prevent the public body from completing the transaction on the best possible terms;  
1980 (ii) the public body previously gave public notice that the property would be offered for  
1981 sale; and  
1982 (iii) the terms of the sale are publicly disclosed before the public body approves the  
1983 sale;  
1984 (f) discussion regarding deployment of security personnel, devices, or systems;  
1985 (g) investigative proceedings regarding allegations of criminal misconduct;  
1986 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
1987 relating to the receipt or review of ethics complaints;  
1988 (i) as relates to an ethics committee of the Legislature, a purpose permitted under  
1989 Subsection [52-4-204\(1\)\(a\)\(iii\)\(C\)](#);  
1990 (j) as relates to the Independent Executive Branch Ethics Commission created in  
1991 Section [63A-14-202](#), conducting business relating to an ethics complaint;  
1992 (k) as relates to a county legislative body, discussing commercial information as  
1993 defined in Section [59-1-404](#);  
1994 (l) as relates to the Utah Higher Education Assistance Authority and its appointed  
1995 board of directors, discussing fiduciary or commercial information as defined in Section  
1996 [53B-12-102](#);  
1997 (m) deliberations, not including any information gathering activities, of a public body  
1998 acting in the capacity of:  
1999 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,  
2000 during the process of evaluating responses to a solicitation, as defined in Section [63G-6a-103](#);  
2001 (ii) a protest officer, defined in Section [63G-6a-103](#), during the process of making a  
2002 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or  
2003 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement  
2004 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17,  
2005 Procurement Appeals Board;  
2006 (n) the purpose of considering information that is designated as a trade secret, as  
2007 defined in Section [13-24-2](#), if the public body's consideration of the information is necessary to  
2008 properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;  
2009 (o) the purpose of discussing information provided to the public body during the

2010 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of  
2011 the meeting:

2012 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be  
2013 disclosed to a member of the public or to a participant in the procurement process; and

2014 (ii) the public body needs to review or discuss the information to properly fulfill its  
2015 role and responsibilities in the procurement process;

2016 (p) as relates to the governing board of a governmental nonprofit corporation, as that  
2017 term is defined in Section 11-13a-102, the purpose of discussing information that is designated  
2018 as a trade secret, as that term is defined in Section 13-24-2, if:

2019 (i) public knowledge of the discussion would reasonably be expected to result in injury  
2020 to the owner of the trade secret; and

2021 (ii) discussion of the information is necessary for the governing board to properly  
2022 discharge the board's duties and conduct the board's business;

2023 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board,  
2024 to review confidential information regarding violations and security requirements in relation to  
2025 the operation of a cannabis production [establishments] establishment; ~~[or]~~

2026 (r) as it relates to the Psilocybin Production Establishment Licensing Board, to review  
2027 confidential information regarding violations and security requirements in relation to the  
2028 operation of a psilocybin production establishment; or

2029 ~~[(†)]~~ (s) a purpose for which a meeting is required to be closed under Subsection (2).

2030 (2) The following meetings shall be closed:

2031 (a) a meeting of the Health and Human Services Interim Committee to review a report  
2032 described in Subsection 62A-16-301(1)(a), and the responses to the report described in  
2033 Subsections 62A-16-301(2) and (4);

2034 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

2035 (i) review a report described in Subsection 62A-16-301(1)(a), and the responses to the  
2036 report described in Subsections 62A-16-301(2) and (4); or

2037 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);

2038 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in  
2039 Section 26-7-13, to review and discuss an individual case, as described in Subsection  
2040 26-7-13(10);

- 2041 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the  
2042 purpose of advising the Natural Resource Conservation Service of the United States  
2043 Department of Agriculture on a farm improvement project if the discussed information is  
2044 protected information under federal law;
- 2045 (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for  
2046 the purpose of reviewing petitions for a medical cannabis card in accordance with Section  
2047 26-61a-105;
- 2048 (f) a meeting of the Colorado River Authority of Utah if:
- 2049 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in  
2050 the Colorado River system; and
- 2051 (ii) failing to close the meeting would:
- 2052 (A) reveal the contents of a record classified as protected under Subsection  
2053 63G-2-305(82);
- 2054 (B) reveal a legal strategy relating to the state's claim to the use of the water in the  
2055 Colorado River system;
- 2056 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to  
2057 negotiate the best terms and conditions regarding the use of water in the Colorado River  
2058 system; or
- 2059 (D) give an advantage to another state or to the federal government in negotiations  
2060 regarding the use of water in the Colorado River system;
- 2061 (g) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 2062 (i) the purpose of the meeting is to discuss an application for participation in the  
2063 regulatory sandbox as defined in Section 63N-16-102; and
- 2064 (ii) failing to close the meeting would reveal the contents of a record classified as  
2065 protected under Subsection 63G-2-305(83);
- 2066 (h) a meeting of a project entity if:
- 2067 (i) the purpose of the meeting is to conduct a strategy session to discuss market  
2068 conditions relevant to a business decision regarding the value of a project entity asset if the  
2069 terms of the business decision are publicly disclosed before the decision is finalized and a  
2070 public discussion would:
- 2071 (A) disclose the appraisal or estimated value of the project entity asset under

2072 consideration; or

2073 (B) prevent the project entity from completing on the best possible terms a  
2074 contemplated transaction concerning the project entity asset;

2075 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could  
2076 cause commercial injury to, or confer a competitive advantage upon a potential or actual  
2077 competitor of, the project entity;

2078 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of  
2079 which could cause commercial injury to, or confer a competitive advantage upon a potential or  
2080 actual competitor of, the project entity; or

2081 (iv) failing to close the meeting would prevent the project entity from getting the best  
2082 price on the market; and

2083 (i) a meeting of the School Activity Eligibility Commission, described in Section  
2084 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to  
2085 consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's  
2086 eligibility to participate in an interscholastic activity, as that term is defined in Section  
2087 53G-6-1001, including the commission's determinative vote on the student's eligibility.

2088 (3) In a closed meeting, a public body may not:

2089 (a) interview a person applying to fill an elected position;

2090 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,  
2091 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;  
2092 or

2093 (c) discuss the character, professional competence, or physical or mental health of the  
2094 person whose name was submitted for consideration to fill a midterm vacancy or temporary  
2095 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and  
2096 Temporary Absence in Elected Office.

2097 Section 47. Section 58-31b-305 is amended to read:

2098 **58-31b-305. Term of license -- Expiration -- Renewal.**

2099 (1) (a) The division shall issue each license or certification under this chapter in  
2100 accordance with a two-year renewal cycle established by rule.

2101 (b) The division may by rule extend or shorten a renewal period by as much as one year  
2102 to stagger the renewal cycles the division administers.

2103 (2) The division shall renew the license of a licensee who, at the time of renewal:

2104 (a) completes and submits an application for renewal in a form prescribed by the  
2105 division;

2106 (b) pays a renewal fee established by the division under Section [63J-1-504](#);

2107 (c) views a suicide prevention video described in Section [58-1-601](#) and submits proof  
2108 in the form required by the division; and

2109 (d) meets continuing competency requirements as established by rule.

2110 (3) In addition to the renewal requirements under Subsection (2), a person licensed as  
2111 an advanced practice registered nurse shall be currently certified by a program approved by the  
2112 division in collaboration with the board and submit evidence satisfactory to the division of that  
2113 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

2114 (4) In addition to the requirements described in Subsections (2) and (3), an advanced  
2115 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of  
2116 the day on which the division originally issued the licensee's license had not completed the  
2117 division's clinical practice requirements in psychiatric and mental health nursing, shall, to  
2118 qualify for renewal:

2119 (a) if renewing less than two years after the day on which the division originally issued  
2120 the license, demonstrate satisfactory progress toward completing the clinical practice  
2121 requirements; or

2122 (b) have completed the clinical practice requirements.

2123 (5) Each license or certification automatically expires on the expiration date shown on  
2124 the license or certification unless renewed in accordance with Section [58-1-308](#).

2125 (6) The division shall accept and apply toward an hour requirement that the division  
2126 establishes under Subsection (2)(d) continuing education that an advanced practice registered  
2127 nurse completes in accordance with Section [26-61a-106](#), [26B-4-904](#), or [26B-4-911](#).

2128 Section 48. Section [58-37-3.1](#) is enacted to read:

2129 **58-37-3.1. Exemption for possession or distribution of psilocybin or psilocybin**  
2130 **product.**

2131 (1) As used in this section, "psilocybin" means any mushroom containing psilocybin  
2132 whether fresh or dried.

2133 (2) Notwithstanding any other provision of law, an individual is not guilty for a

2134 violation of this title for the following conduct if the individual engages in the conduct in  
2135 accordance with Title 4, Chapter 41c, Psilocybin Production Act, or Title 26B, Chapter 4, Part  
2136 9, Utah Medical Psilocybin Act:

2137 (a) possessing, ingesting, producing, manufacturing, dispensing, distributing, selling,  
2138 or offering to sell psilocybin or a psilocybin product; or

2139 (b) possessing psilocybin or a psilocybin product with the intent to engage in conduct  
2140 described in Subsection (2)(a).

2141 (3) An individual who is assessed a penalty or convicted of a crime under Title 4,  
2142 Chapter 41c, Psilocybin Production Act, or Title 26B, Chapter 4, Part 9, Utah Medical  
2143 Psilocybin Act, is not, based on the conduct underlying that penalty or conviction, subject to a  
2144 penalty described in this chapter for:

2145 (a) the possession, manufacture, sale, or offer for sale of psilocybin or a psilocybin  
2146 product; or

2147 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

2148 Section 49. Section **58-60-205.5** is amended to read:

2149 **58-60-205.5. Continuing education.**

2150 (1) As a condition for renewal of a license under this part, a social service worker  
2151 licensee shall, during each two-year licensure cycle, complete qualified continuing professional  
2152 education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah  
2153 Administrative Rulemaking Act.

2154 (2) The division shall accept and apply toward the professional education established  
2155 under Subsection (1) any hours completed in accordance with Section [26B-4-911](#).

2156 Section 50. Section **58-61-306** is amended to read:

2157 **58-61-306. Continuing education.**

2158 (1) By rule made under Section [58-1-203](#), the division may establish a continuing  
2159 education requirement as a condition for renewal of a license under this chapter upon finding  
2160 continuing education is necessary to reasonably protect the public health, safety, or welfare.

2161 (2) The division shall accept and apply toward the professional education established  
2162 under Subsection (1) any hours completed in accordance with Section [26B-4-911](#).

2163 Section 51. Section **58-67-304** is amended to read:

2164 **58-67-304. License renewal requirements.**

2165 (1) As a condition precedent for license renewal, each licensee shall, during each  
2166 two-year licensure cycle or other cycle defined by division rule:

2167 (a) complete qualified continuing professional education requirements in accordance  
2168 with the number of hours and standards defined by division rule made in collaboration with the  
2169 board;

2170 (b) appoint a contact person for access to medical records and an alternate contact  
2171 person for access to medical records in accordance with Subsection 58-67-302(1)(i);

2172 (c) if the licensee practices medicine in a location with no other persons licensed under  
2173 this chapter, provide some method of notice to the licensee's patients of the identity and  
2174 location of the contact person and alternate contact person for the licensee; and

2175 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,  
2176 successfully complete the educational methods and programs described in Subsection  
2177 58-67-807(4).

2178 (2) If a renewal period is extended or shortened under Section 58-67-303, the  
2179 continuing education hours required for license renewal under this section are increased or  
2180 decreased proportionally.

2181 (3) An application to renew a license under this chapter shall:

2182 (a) require a physician to answer the following question: "Do you perform elective  
2183 abortions in Utah in a location other than a hospital?"; and

2184 (b) immediately following the question, contain the following statement: "For purposes  
2185 of the immediately preceding question, elective abortion means an abortion other than one of  
2186 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
2187 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
2188 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
2189 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
2190 the woman is pregnant as a result of rape or incest."

2191 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
2192 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,  
2193 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the  
2194 division shall, within 30 days after the day on which it renews the physician's license under this  
2195 chapter, inform the Department of Health in writing:



2196 (a) of the name and business address of the physician; and  
2197 (b) that the physician responded positively to the question described in Subsection  
2198 (3)(a).

2199 (5) The division shall accept and apply toward the hour requirement in Subsection  
2200 (1)(a) any continuing education that a physician completes in accordance with [Sections  
2201 ~~26-61a-106 and 26-61a-403~~] Section 26-61a-106, 26-61a-403, 26B-4-904, or 26B-4-911.

2202 Section 52. Section **58-68-304** is amended to read:

2203 **58-68-304. License renewal requirements.**

2204 (1) As a condition precedent for license renewal, each licensee shall, during each  
2205 two-year licensure cycle or other cycle defined by division rule:

2206 (a) complete qualified continuing professional education requirements in accordance  
2207 with the number of hours and standards defined by division rule in collaboration with the  
2208 board;

2209 (b) appoint a contact person for access to medical records and an alternate contact  
2210 person for access to medical records in accordance with Subsection 58-68-302(1)(i);

2211 (c) if the licensee practices osteopathic medicine in a location with no other persons  
2212 licensed under this chapter, provide some method of notice to the licensee's patients of the  
2213 identity and location of the contact person and alternate contact person for access to medical  
2214 records for the licensee in accordance with Subsection 58-68-302(1)(j); and

2215 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,  
2216 successfully complete the educational methods and programs described in Subsection  
2217 58-68-807(4).

2218 (2) If a renewal period is extended or shortened under Section 58-68-303, the  
2219 continuing education hours required for license renewal under this section are increased or  
2220 decreased proportionally.

2221 (3) An application to renew a license under this chapter shall:

2222 (a) require a physician to answer the following question: "Do you perform elective  
2223 abortions in Utah in a location other than a hospital?"; and

2224 (b) immediately following the question, contain the following statement: "For purposes  
2225 of the immediately preceding question, elective abortion means an abortion other than one of  
2226 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is



2227 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
2228 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
2229 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
2230 the woman is pregnant as a result of rape or incest."

2231 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
2232 to the licensing of an abortion clinic, if a physician responds positively to the question  
2233 described in Subsection (3)(a), the division shall, within 30 days after the day on which it  
2234 renews the physician's license under this chapter, inform the Department of Health in writing:

2235 (a) of the name and business address of the physician; and

2236 (b) that the physician responded positively to the question described in Subsection  
2237 (3)(a).

2238 (5) The division shall accept and apply toward the hour requirement in Subsection  
2239 (1)(a) any continuing education that a physician completes in accordance with [~~Sections~~  
2240 ~~26-61a-106 and 26-61a-403~~] Section 26-61a-106, 26-61a-403, 26B-4-904, or 26B-4-911.

2241 Section 53. Section **58-70a-303** is amended to read:

2242 **58-70a-303. Term of license -- Expiration -- Renewal.**

2243 (1) (a) The division shall issue each license under this chapter in accordance with a  
2244 two-year renewal cycle established by division rule.

2245 (b) The division may by rule extend or shorten a renewal period by as much as one year  
2246 to stagger the renewal cycles it administers.

2247 (2) At the time of renewal, the licensee shall show compliance with continuing  
2248 education renewal requirements.

2249 (3) Each license issued under this chapter expires on the expiration date shown on the  
2250 license unless renewed in accordance with Section 58-1-308.

2251 (4) The division shall accept and apply toward an hour requirement that the division  
2252 establishes under Subsection (2) continuing education that a physician assistant completes in  
2253 accordance with Section 26-61a-106, 26B-4-904, or 26B-4-911.

2254 Section 54. Section **63I-1-204** is amended to read:

2255 **63I-1-204. Repeal dates: Title 4.**

2256 (1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1,  
2257 2023.

- 2258 (2) Title 4, Chapter 2, Part 7, Pollinator Pilot Program, is repealed July 1, 2024.
- 2259 (3) Section 4-17-104, which creates the State Weed Committee, is repealed July 1,  
2260 2026.
- 2261 (4) Title 4, Chapter 18, Part 3, Utah Soil Health Program, is repealed July 1, 2026.
- 2262 (5) Section 4-20-103, which creates the Utah Grazing Improvement Program Advisory  
2263 Board, is repealed July 1, 2032.
- 2264 (6) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife  
2265 Damage Prevention Board, are repealed July 1, 2024.
- 2266 (7) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1,  
2267 2025.
- 2268 (8) Section 4-35-103, which creates the Decision and Action Committee, is repealed  
2269 July 1, 2026.
- 2270 (9) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is  
2271 repealed July 1, 2027.
- 2272 (10) Title 4, Chapter 41c, Psilocybin Production Act, is repealed July 1, 2028.
- 2273 Section 55. Section 63I-1-226 is amended to read:
- 2274 **63I-1-226. Repeal dates: Titles 26 through 26B.**
- 2275 (1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July  
2276 1, 2025.
- 2277 (2) Section 26-1-40 is repealed July 1, 2022.
- 2278 (3) Section 26-1-41 is repealed July 1, 2026.
- 2279 (4) Section 26-1-43 is repealed December 31, 2025.
- 2280 (5) Section 26-7-10 is repealed July 1, 2025.
- 2281 (6) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,  
2282 2028.
- 2283 (7) Section 26-7-14 is repealed December 31, 2027.
- 2284 (8) Section 26-8a-603 is repealed July 1, 2027.
- 2285 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
2286 1, 2025.
- 2287 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,  
2288 is repealed July 1, 2026.

- 2289 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed  
2290 July 1, 2025.
- 2291 (12) Subsection 26-15c-104(3), relating to a limitation on the number of  
2292 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.
- 2293 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is  
2294 repealed July 1, 2028.
- 2295 (14) Section 26-18-27 is repealed July 1, 2025.
- 2296 (15) Section 26-18-28 is repealed June 30, 2027.
- 2297 (16) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
2298 2027.
- 2299 (17) Subsection 26-18-418(2), the language that states "and the Behavioral Health  
2300 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 2301 (18) Section 26-33a-117 is repealed December 31, 2023.
- 2302 (19) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 2303 (20) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,  
2304 2024.
- 2305 (21) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
2306 July 1, 2024.
- 2307 (22) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 2308 (23) Section 26-39-201, which creates the Residential Child Care Licensing Advisory  
2309 Committee, is repealed July 1, 2024.
- 2310 (24) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1,  
2311 2027.
- 2312 (25) Section 26-40-104, which creates the Utah Children's Health Insurance Program  
2313 Advisory Council, is repealed July 1, 2025.
- 2314 (26) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
2315 Committee, is repealed July 1, 2025.
- 2316 (27) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
2317 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 2318 (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,  
2319 2026.

2320 (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1,  
2321 2024.

2322 (30) Section 26-69-406 is repealed July 1, 2025.

2323 (31) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing  
2324 Advisory Committee, is repealed July 1, 2024.

2325 (32) Subsection 26B-1-204(2)(k), related to the Primary Care Grant Committee, is  
2326 repealed July 1, 2025.

2327 (33) Title 26B, Chapter 4, Part 9, Utah Medical Psilocybin Act, is repealed July 1,  
2328 2028.