

Senate Engrossed

psilocybin services; regulation; licensure

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1570

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42;
AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED
STATUTES; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 42, to read:

4 CHAPTER 42

5 PSILOCYBIN SERVICES

6 ARTICLE 1. GENERAL PROVISIONS

7 36-4201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BOARD" MEANS THE ARIZONA PSILOCYBIN ADVISORY BOARD.

10 2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

11 3. "INDIRECT SUPERVISION" MEANS THAT A HEALTH PROFESSIONAL WHO IS
12 EMPLOYED BY OR CONTRACTED WITH A PSYCHEDELIC-ASSISTED THERAPY CENTER AND
13 WHO IS NOT PHYSICALLY PRESENT AT THE LOCATION WHERE A PATIENT RECEIVES
14 PSILOCYBIN SERVICES HAS GIVEN EITHER WRITTEN OR ORAL INSTRUCTIONS TO THE
15 STAFF OF THE PSYCHEDELIC-ASSISTED THERAPY CENTER TO ADMINISTER PSILOCYBIN
16 SERVICES TO THE PATIENT AND IS READILY AVAILABLE THROUGH
17 TELECOMMUNICATIONS.

18 4. "LEGAL ENTITY" MEANS A CORPORATION, LIMITED LIABILITY COMPANY,
19 LIMITED PARTNERSHIP OR OTHER SIMILAR BUSINESS ENTITY.

20 5. "LICENSEE" MEANS A PERSON THAT IS APPROVED BY THE DEPARTMENT TO
21 OWN AND OPERATE A PSYCHEDELIC-ASSISTED THERAPY CENTER.

22 6. "PATIENT" MEANS AN INDIVIDUAL WHO IS PROVIDED PSILOCYBIN
23 SERVICES IN THIS STATE.

24 7. "PSILOCYBIN" INCLUDES PSILOCIN.

25 8. "PSILOCYBIN PRODUCT":

26 (a) MEANS PSILOCYBIN-PRODUCING FUNGI AND MIXTURES OR A SUBSTANCE
27 CONTAINING A DETECTABLE AMOUNT OF PSILOCYBIN.

28 (b) DOES NOT INCLUDE PSILOCYBIN SERVICES.

29 9. "PSILOCYBIN SERVICES" MEANS SERVICES THAT ARE PROVIDED TO A
30 PATIENT BEFORE, DURING AND AFTER THE PATIENT'S CONSUMPTION OF A PSILOCYBIN
31 PRODUCT, INCLUDING THE PREPARATION SESSION, ADMINISTRATION SESSION AND
32 INTEGRATION SESSION.

33 10. "PSYCHEDELIC-ASSISTED THERAPY CENTER":

34 (a) MEANS A LICENSED HEALTH CARE INSTITUTION OR A PRIVATE OFFICE OR
35 CLINIC OF A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32 IN
36 WHICH PSILOCYBIN SERVICES ARE ADMINISTERED.

37 (b) DOES NOT INCLUDE A HOSPITAL, URGENT CARE CENTER, AMBULATORY
38 SURGICAL CENTER, HOSPICE FACILITY OR NURSING CARE INSTITUTION.

39 36-4202. Psilocybin control and regulation fund

40 THE PSILOCYBIN CONTROL AND REGULATION FUND IS ESTABLISHED CONSISTING
41 OF FEES COLLECTED AND CIVIL PENALTIES IMPOSED UNDER THIS CHAPTER. THE
42 DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
43 APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING
44 TO LAPSING OF APPROPRIATIONS. MONIES IN THE FUND MAY BE USED TO PROVIDE
45 GRANTS FOR PSILOCYBIN CLINICAL TRIALS.

1 36-4203. Arizona psilocybin advisory board; membership;
2 terms; compensation

3 A. THE ARIZONA PSILOCYBIN ADVISORY BOARD IS ESTABLISHED WITHIN THE
4 DEPARTMENT CONSISTING OF NOT MORE THAN TWELVE MEMBERS WHO ARE APPOINTED AS
5 FOLLOWS:

6 1. FOUR MEMBERS APPOINTED BY THE GOVERNOR FROM THE FOLLOWING:

7 (a) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH SERVICES.

8 (b) A REPRESENTATIVE OF THE ARIZONA HEALTH CARE COST CONTAINMENT
9 SYSTEM ADMINISTRATION.

10 (c) A REPRESENTATIVE OF THE OFFICE OF THE ATTORNEY GENERAL.

11 (d) A REPRESENTATIVE OF THE DEPARTMENT WHO IS FAMILIAR WITH HEALTH
12 CARE INSTITUTION LICENSING.

13 (e) A PERSON WHO IS A PROFESSOR OR RESEARCHER AT A UNIVERSITY UNDER
14 THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

15 2. FOUR MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE FROM THE
16 FOLLOWING:

17 (a) AN ACTIVE MEMBER OR A VETERAN OF THE UNITED STATES ARMED
18 FORCES.

19 (b) A PERSON WHO IS A LAW ENFORCEMENT OFFICER IN THIS STATE.

20 (c) A PERSON WHO REPRESENTS FIREFIGHTERS IN THIS STATE.

21 (d) A PERSON WHO PROVIDES LEGAL REPRESENTATION TO AND ADVOCATES ON
22 BEHALF OF PERSONS WITH MENTAL ILLNESS OR SERIOUS MENTAL ILLNESS.

23 (e) AN ENROLLED MEMBER OF A NATIVE AMERICAN TRIBE IN THIS STATE WHO
24 IS EXPERIENCED IN THE USE OF PSILOCYBIN IN CULTURALLY AND SPIRITUALLY
25 SIGNIFICANT CEREMONIES.

26 3. FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
27 REPRESENTATIVES FROM THE FOLLOWING:

28 (a) A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER
29 19.1 AND WHO HAS PROFESSIONAL EXPERIENCE IN DIAGNOSING OR TREATING MENTAL,
30 EMOTIONAL OR BEHAVIORAL CONDITIONS.

31 (b) A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR
32 17 AND WHO HAS EXPERIENCE IN PSYCHEDELIC-ASSISTED THERAPY.

33 (c) A NATUROPATHIC PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32,
34 CHAPTER 14.

35 (d) A NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32,
36 CHAPTER 15.

37 (e) A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR
38 17 AND WHO HAS EXPERTISE IN ADDICTION TREATMENT.

39 (f) A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR
40 17 AND WHO HAS EXPERIENCE CONDUCTING CLINICAL RESEARCH INVOLVING THE USE
41 OF SCHEDULE I CONTROLLED SUBSTANCES.

42 B. ON OR BEFORE DECEMBER 31, 2024, THE GOVERNOR, SPEAKER OF THE
43 HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE SHALL APPOINT THE
44 MEMBERS OF THE BOARD AS SPECIFIED IN SUBSECTION A OF THIS SECTION.

1 C. ON OR BEFORE MARCH 1, 2025, THE BOARD SHALL HOLD ITS FIRST
2 MEETING AT A TIME AND PLACE SPECIFIED BY THE DEPARTMENT.

3 D. BOARD MEMBERS SERVE FOUR-YEAR TERMS. A BOARD MEMBER IS NOT
4 ELIGIBLE FOR REAPPOINTMENT ONCE THE PERSON HAS BEEN APPOINTED FOR TWO FULL
5 TERMS, IN ADDITION TO ANY TIME SERVED ON THE BOARD TO FILL A VACANCY. A
6 PERSON MAY BE REAPPOINTED TO THE BOARD AFTER THE PERSON HAS NOT BEEN ON
7 THE BOARD FOR A PERIOD OF AT LEAST TWO FULL TERMS.

8 E. THE BOARD SHALL ANNUALLY ELECT A CHAIRPERSON FROM AMONG ITS
9 MEMBERS.

10 F. THE BOARD SHALL MEET AT LEAST ONCE EVERY TWO CALENDAR MONTHS AT
11 A TIME AND PLACE DETERMINED BY THE CHAIRPERSON OR A MAJORITY OF THE VOTING
12 MEMBERS OF THE BOARD.

13 G. MEMBERS OF THE BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION
14 BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38,
15 CHAPTER 4, ARTICLE 2.

16 36-4204. Board powers and duties; annual report

17 A. THE BOARD SHALL:

18 1. PUBLISH AN ANNUAL REPORT AS PRESCRIBED IN SUBSECTION C OF THIS
19 SECTION.

20 2. APPROVE TRAINING PROGRAMS FOR LICENSEES AND HEALTH PROFESSIONALS
21 WHO PROVIDE PSILOCYBIN SERVICES.

22 3. MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING TO
23 MANUFACTURING, CULTIVATING, POSSESSING AND TRANSPORTING PSILOCYBIN.

24 B. THE BOARD MAY:

25 1. ADVISE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE
26 IMPLEMENTATION OF THIS CHAPTER.

27 2. DETERMINE THE HEALTH AND SAFETY WARNINGS AND OTHER DISCLOSURES
28 THAT MUST BE MADE TO A PATIENT BEFORE THE PATIENT RECEIVES PSILOCYBIN
29 SERVICES.

30 3. RECOMMEND THE FORMULATION OF A CODE OF PROFESSIONAL CONDUCT FOR
31 INDIVIDUALS WHO ARE LICENSED PURSUANT TO THIS ARTICLE, INCLUDING A CODE OF
32 ETHICS.

33 4. MONITOR AND STUDY FEDERAL LAWS, REGULATIONS AND POLICIES
34 REGARDING PSILOCYBIN.

35 C. ON OR BEFORE JULY 31, 2025, AND EACH JULY 31 THEREAFTER, THE
36 BOARD, IN CONSULTATION WITH THE DEPARTMENT, SHALL PUBLISH AND DISTRIBUTE
37 TO THE PUBLIC A REPORT THAT INCLUDES:

38 1. A SUMMARY OF AVAILABLE MEDICAL, PSYCHOLOGICAL AND SCIENTIFIC
39 STUDIES, RESEARCH AND OTHER INFORMATION RELATING TO THE SAFETY AND
40 EFFICACY OF PSILOCYBIN IN TREATING MENTAL HEALTH CONDITIONS, INCLUDING
41 ADDICTION, DEPRESSION, ANXIETY DISORDERS AND END-OF-LIFE PSYCHOLOGICAL
42 DISTRESS.

43 2. A LONG-TERM STRATEGIC PLAN FOR ENSURING THAT
44 PSYCHEDELIC-ASSISTED THERAPY WILL BECOME AND REMAIN A SAFE, ACCESSIBLE AND
45 AFFORDABLE THERAPEUTIC OPTION FOR ALL PERSONS WHO ARE AT LEAST TWENTY-ONE

1 YEARS OF AGE IN THIS STATE AND FOR WHOM PSILOCYBIN MAY BE APPROPRIATE,
2 CONSIDERING FEDERAL LAWS, REGULATIONS AND POLICIES REGARDING PSILOCYBIN.

3 36-4205. Training programs; minimum requirements

4 A. A TRAINING PROGRAM FOR LICENSEES AND HEALTH PROFESSIONALS WHO
5 SERVE AS MEDICAL DIRECTORS OF PSYCHEDELIC-ASSISTED THERAPY CENTERS SHALL
6 PROVIDE CORE TRAINING THAT CONSISTS OF AT LEAST ONE HUNDRED THIRTY-TWO
7 HOURS OF INSTRUCTION. FOR TRAINING THAT IS NOT CONDUCTED IN PERSON, AT
8 LEAST FIFTY PERCENT OF THE TRAINING MUST BE CONVEYED THROUGH ONLINE
9 SYNCHRONOUS LEARNING.

10 B. A PERSON WHO APPLIES TO HAVE THE PERSON'S TRAINING PROGRAM
11 APPROVED MUST DEMONSTRATE THAT THE TRAINING PROGRAM CURRICULUM CONSISTS OF
12 AT LEAST THE FOLLOWING MINIMUM HOURS OF INSTRUCTION, IN THE FOLLOWING
13 AREAS:

14 1. HISTORICAL, TRADITIONAL AND CONTEMPORARY PRACTICES AND
15 APPLICATIONS: TWELVE HOURS.

16 2. SAFETY, ETHICS AND RESPONSIBILITIES: TWELVE HOURS.

17 3. PSILOCYBIN PHARMACOLOGY, NEUROSCIENCE AND CLINICAL RESEARCH:
18 TWENTY HOURS.

19 4. CORE FACILITATION SKILLS: SIXTEEN HOURS.

20 5. PREPARATION AND ORIENTATION: SIXTEEN HOURS.

21 6. ADMINISTRATION: SIXTEEN HOURS.

22 7. INTEGRATION: TWELVE HOURS.

23 8. GROUP FACILITATION: SIXTEEN HOURS.

24 9. THIS STATE'S PUBLIC MENTAL HEALTH SYSTEMS: FOUR HOURS.

25 10. THIS STATE'S CRISIS MENTAL HEALTH SYSTEM: FOUR HOURS.

26 C. TRAINING PROGRAMS MUST COMPLY WITH THE REQUIREMENTS SPECIFIED IN
27 THE DEPARTMENT'S RULES TO MAINTAIN APPROVED STATUS.

28 D. THE REQUIREMENTS LISTED IN SUBSECTION B OF THIS SECTION ARE
29 MINIMUM REQUIREMENTS. A TRAINING PROGRAM MAY OFFER ADDITIONAL MODULES OR
30 HOURS OF INSTRUCTION.

31 36-4206. Licensure of psychedelic-assisted therapy centers:
32 department duties; rules; fees; prohibitions

33 A. ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL BEGIN
34 RECEIVING APPLICATIONS TO LICENSE PERSONS TO OPERATE PSYCHEDELIC-ASSISTED
35 THERAPY CENTERS AS A HEALTH CARE INSTITUTION. ALL PROVISIONS OF CHAPTER
36 4, ARTICLE 2 OF THIS TITLE RELATING TO LICENSURE AND ENFORCEMENT,
37 INCLUDING IMPOSING CIVIL PENALTIES PURSUANT TO SECTION 36-431.01, APPLY TO
38 PSYCHEDELIC-ASSISTED THERAPY CENTERS, EXCEPT THAT ALL LICENSURE AND
39 RENEWAL FEES AND CIVIL PENALTIES COLLECTED PURSUANT TO THIS ARTICLE SHALL
40 BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE PSILOCYBIN
41 CONTROL AND REGULATION FUND ESTABLISHED BY SECTION 36-4202.

42 B. THE DEPARTMENT SHALL:

43 1. ADOPT RULES, INCLUDING RULES THAT THE DEPARTMENT CONSIDERS
44 NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY.

1 2. ESTABLISH AND COLLECT APPLICATION, LICENSING AND RENEWAL FEES
2 FOR LICENSEES.

3 3. ADOPT RULES REGULATING AND PROHIBITING THE ADVERTISEMENT OF
4 PSILOCYBIN SERVICES IN A MANNER THAT IS APPEALING TO MINORS, PROMOTES
5 EXCESSIVE USE, PROMOTES ILLEGAL ACTIVITY OR OTHERWISE PRESENTS A
6 SIGNIFICANT RISK TO PUBLIC HEALTH AND SAFETY.

7 C. THE DEPARTMENT MAY NOT REQUIRE THAT A PSILOCYBIN PRODUCT BE
8 MANUFACTURED BY MEANS OF CHEMICAL SYNTHESIS.

9 D. THE DEPARTMENT MAY NOT REQUIRE A PATIENT TO BE DIAGNOSED WITH OR
10 HAVE ANY PARTICULAR MEDICAL CONDITION AS A CONDITION TO BEING PROVIDED
11 PSILOCYBIN SERVICES.

12 E. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
13 35-147, FEES COLLECTED PURSUANT TO THIS SECTION IN THE PSILOCYBIN CONTROL
14 AND REGULATION FUND ESTABLISHED BY SECTION 36-4202.

15 36-4207. Psychedelic-assisted therapy centers; licensure
16 requirements

17 A. A PSYCHEDELIC-ASSISTED THERAPY CENTER SHALL BE LICENSED AS AN
18 OUTPATIENT TREATMENT CENTER BY THE DEPARTMENT FOR THE PREMISES AT WHICH
19 PSILOCYBIN SERVICES ARE PROVIDED. TO HOLD A PSYCHEDELIC-ASSISTED THERAPY
20 CENTER LICENSE UNDER THIS SECTION, AN OWNER SHALL:

21 1. IF THE DIRECT OWNER OF THE BUSINESS OPERATING OR TO BE OPERATED
22 UNDER THE LICENSE IS A LEGAL ENTITY, PROVIDE PROOF THAT MORE THAN FIFTY
23 PERCENT OF THE SHARES, MEMBERSHIP INTERESTS, PARTNERSHIP INTERESTS OR
24 OTHER OWNERSHIP INTERESTS OF THE LEGAL ENTITY ARE HELD, DIRECTLY OR
25 INDIRECTLY, BY ONE OR MORE INDIVIDUALS WHO HAVE BEEN RESIDENTS OF THIS
26 STATE FOR AT LEAST FOUR YEARS.

27 2. IF THE DIRECT OWNER OF THE BUSINESS OPERATING OR TO BE OPERATED
28 UNDER THE LICENSE IS A PARTNERSHIP, PROVIDE PROOF THAT MORE THAN FIFTY
29 PERCENT OF THE PARTNERSHIP INTERESTS ARE HELD, DIRECTLY OR INDIRECTLY, BY
30 ONE OR MORE INDIVIDUALS WHO HAVE BEEN RESIDENTS OF THIS STATE FOR AT LEAST
31 FOUR YEARS.

32 3. IF THE DIRECT OWNER OF THE BUSINESS OPERATING OR TO BE OPERATED
33 UNDER THE LICENSE IS AN INDIVIDUAL, PROVIDE PROOF THAT THE INDIVIDUAL HAS
34 BEEN A RESIDENT OF THIS STATE FOR AT LEAST FOUR YEARS.

35 4. MEET THE REQUIREMENTS OF THIS CHAPTER AND ANY RULES ADOPTED
36 PURSUANT TO THIS CHAPTER.

37 B. A PSYCHEDELIC-ASSISTED THERAPY CENTER SHALL:

38 1. ANNUALLY RENEW A LICENSE ISSUED UNDER THIS ARTICLE.

39 2. PAY ALL REQUIRED APPLICATION, LICENSURE AND RENEWAL FEES
40 ESTABLISHED IN RULE BY THE DEPARTMENT.

41 3. MEET ANY PUBLIC HEALTH AND SAFETY STANDARDS AND INDUSTRY BEST
42 PRACTICES ESTABLISHED BY THE DEPARTMENT.

43 4. EMPLOY OR CONTRACT WITH A HEALTH PROFESSIONAL WHO IS LICENSED
44 PURSUANT TO TITLE 32, WHO POSSESSES AN ACTIVE REGISTRATION UNDER THE
45 CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21 UNITED STATES

1 CODE SECTIONS 801 THROUGH 904) AND WHO MEETS THE REQUIREMENTS ESTABLISHED
2 IN RULE BY THE DEPARTMENT TO PROVIDE INDIRECT SUPERVISION OF THE
3 PSYCHEDELIC-ASSISTED THERAPY CENTER DURING ALL HOURS OF OPERATION AS THE
4 MEDICAL DIRECTOR.

5 5. MAINTAIN A RECORD FOR EACH STAFF MEMBER THAT INCLUDES:

6 (a) VERIFICATION OF HAVING A CURRENT UNRESTRICTED HEALTH
7 PROFESSIONAL LICENSE ISSUED PURSUANT TO TITLE 32, IF APPLICABLE.

8 (b) EVIDENCE OF SUCCESSFULLY COMPLETING A PSILOCYBIN SERVICES
9 TRAINING PROGRAM FOR ANY EMPLOYEE REQUIRED TO BE TRAINED PURSUANT TO THIS
10 ARTICLE.

11 (c) EVIDENCE THAT THE STAFF MEMBER HOLDS A VALID FINGERPRINT
12 CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07.

13 C. THE DEPARTMENT MAY NOT LICENSE AN APPLICANT UNDER THIS ARTICLE
14 IF THE APPLICANT IS UNDER TWENTY-ONE YEARS OF AGE.

15 D. AN APPLICANT FOR A LICENSE TO OPERATE A PSYCHEDELIC-ASSISTED
16 THERAPY CENTER MAY RECEIVE A LICENSE IF ONE OF THE FOLLOWING APPLIES:

17 1. BOTH OF THE FOLLOWING APPLY:

18 (a) THE OWNER CAN DEMONSTRATE THAT THE PSILOCYBIN PRODUCT TO BE
19 USED AT THE PSYCHEDELIC-ASSISTED THERAPY CENTER IS FROM A MANUFACTURER,
20 DISTRIBUTOR, DISPENSER, IMPORTER OR EXPORTER WITH A LICENSE ISSUED
21 PURSUANT TO THE CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21
22 UNITED STATES CODE SECTIONS 801 THROUGH 904).

23 (b) THE PSYCHEDELIC-ASSISTED THERAPY CENTER IS OPERATING TO CONDUCT
24 RESEARCH FOR A CLINICAL TRIAL OF WHOLE MUSHROOM PSILOCYBIN PHASE ONE,
25 PHASE TWO AND PHASE THREE CLINICAL TRIALS THAT ARE CAPABLE OF BEING
26 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EVALUATE THE
27 EFFECTS OF WHOLE MUSHROOM PSILOCYBIN.

28 2. A MANUFACTURER, DISTRIBUTOR, DISPENSER, IMPORTER OR EXPORTER
29 BECOMES AVAILABLE WITHOUT VIOLATING THE CONTROLLED SUBSTANCES ACT (P.L.
30 91-513; 84 STAT. 1242; 21 UNITED STATES CODE SECTIONS 801 THROUGH 904).

31 3. THE APPLICANT HAS RECEIVED TRAINING AS APPROVED BY THE BOARD
32 PURSUANT TO SECTION 36-4205.

33 E. THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE TO AN APPLICANT OR
34 RENEW THE LICENSE OF A LICENSEE IF THE DEPARTMENT FINDS THAT THE APPLICANT
35 OR LICENSEE:

36 1. HAS NOT COMPLETED THE TRAINING REQUIRED UNDER THIS ARTICLE OR
37 RULES ADOPTED PURSUANT TO THIS ARTICLE.

38 2. HAS MADE FALSE STATEMENTS TO THE DEPARTMENT.

39 3. HAS BEEN CONVICTED OF VIOLATING A FEDERAL LAW, STATE LAW OR
40 LOCAL ORDINANCE IF THE CONVICTION IS SUBSTANTIALLY RELATED TO THE FITNESS
41 AND ABILITY OF THE APPLICANT TO LAWFULLY CARRY OUT ACTIVITIES UNDER THE
42 LICENSE.

43 4. DOES NOT HAVE A GOOD RECORD OF COMPLIANCE WITH THIS ARTICLE OR
44 RULES ADOPTED PURSUANT TO THIS ARTICLE.

1 5. IS NOT THE LEGITIMATE OWNER OF THE PREMISES PROPOSED TO BE
2 LICENSED OR HAS NOT DISCLOSED THAT OTHER PERSONS HAVE OWNERSHIP INTERESTS
3 IN THE PREMISES PROPOSED TO BE LICENSED.

4 6. HAS NOT DEMONSTRATED FINANCIAL RESPONSIBILITY SUFFICIENT TO
5 ADEQUATELY MEET THE REQUIREMENTS OF THE PREMISES PROPOSED TO BE LICENSED.

6 7. IS UNABLE TO UNDERSTAND THE LAWS OF THIS STATE RELATING TO
7 PSILOCYBIN PRODUCTS OR PSILOCYBIN SERVICES OR THE RULES ADOPTED PURSUANT
8 TO THIS ARTICLE.

9 36-4208. Department employees; possession of psilocybin
10 products

11 NOTWITHSTANDING TITLE 13, CHAPTER 34, AN EMPLOYEE OF THE DEPARTMENT
12 MAY NOT BE CHARGED WITH OR PROSECUTED FOR POSSESSION OF PSILOCYBIN
13 PRODUCTS IF THE EMPLOYEE IS ACTING IN THE EMPLOYEE'S OFFICIAL CAPACITY AS
14 NECESSARY TO ENSURE COMPLIANCE WITH AND THE ENFORCEMENT OF THIS ARTICLE.

15 36-4209. Fingerprint clearance cards

16 AN APPLICATION FOR A LICENSE TO OPERATE A PSYCHEDELIC-ASSISTED
17 THERAPY CENTER SHALL INCLUDE A COPY OF A VALID FINGERPRINT CLEARANCE CARD
18 ISSUED TO THE APPLICANT PURSUANT TO SECTION 41-1758.07 AND TO AN
19 INDIVIDUAL WHO IS ANY OF THE FOLLOWING:

20 1. IF THE APPLICANT IS A LIMITED PARTNERSHIP, EACH GENERAL PARTNER
21 OF THE LIMITED PARTNERSHIP.

22 2. IF THE APPLICANT IS A MANAGER-MANAGED LIMITED LIABILITY COMPANY,
23 EACH MANAGER OF THE LIMITED LIABILITY COMPANY.

24 3. IF THE APPLICANT IS A MEMBER-MANAGED LIMITED LIABILITY COMPANY,
25 EACH VOTING MEMBER OF THE LIMITED LIABILITY COMPANY.

26 4. IF THE APPLICANT IS A CORPORATION, EACH DIRECTOR AND OFFICER OF
27 THE CORPORATION.

28 5. AN INDIVIDUAL WHO HOLDS A FINANCIAL INTEREST OF AT LEAST TEN
29 PERCENT IN THE LEGAL ENTITY APPLYING FOR THE LICENSE.

30 36-4210. Psychedelic-assisted therapy centers; location;
31 restrictions; exception

32 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
33 PSYCHEDELIC-ASSISTED THERAPY CENTER MAY NOT BE LOCATED WITHIN ONE THOUSAND
34 FEET OF A PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO STUDENTS
35 IN KINDERGARTEN PROGRAMS OR IN ANY OF GRADES ONE THROUGH TWELVE.

36 B. A PSYCHEDELIC-ASSISTED THERAPY CENTER MAY BE LOCATED WITHIN ONE
37 THOUSAND FEET OF A SCHOOL AS DESCRIBED IN SUBSECTION A OF THIS SECTION IF
38 THE DEPARTMENT DETERMINES THAT THERE IS A PHYSICAL OR GEOGRAPHIC BARRIER
39 CAPABLE OF PREVENTING CHILDREN FROM TRAVERSING TO THE PREMISES OF THE
40 PSYCHEDELIC-ASSISTED THERAPY CENTER.

41 C. IF A PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO
42 STUDENTS IN KINDERGARTEN PROGRAMS OR IN ANY OF GRADES ONE THROUGH TWELVE
43 IS ESTABLISHED WITHIN ONE THOUSAND FEET OF THE PREMISES FOR WHICH A
44 PSYCHEDELIC-ASSISTED THERAPY CENTER LICENSE HAS BEEN ISSUED, THE
45 PSYCHEDELIC-ASSISTED THERAPY CENTER LOCATED AT THAT PREMISES MAY REMAIN AT

1 THAT LOCATION UNLESS THE DEPARTMENT REVOKES OR REFUSES TO RENEW THE
2 LICENSE OF THE PSYCHEDELIC-ASSISTED THERAPY CENTER UNDER ANOTHER PROVISION
3 OF THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.

4 36-4211. Psilocybin product consumption; restrictions

5 A. A PATIENT MAY CONSUME A PSILOCYBIN PRODUCT ONLY AT A LICENSED
6 PSYCHEDELIC-ASSISTED THERAPY CENTER AND ONLY UNDER THE SUPERVISION OF A
7 STAFF MEMBER AND THE INDIRECT SUPERVISION OF THE MEDICAL DIRECTOR.

8 B. AN EMPLOYEE OF A LICENSED PSYCHEDELIC-ASSISTED THERAPY CENTER
9 MAY NOT CONSUME PSILOCYBIN PRODUCTS DURING THE ADMINISTRATION, INTEGRATION
10 OR PREPARATION SESSION THAT THE EMPLOYEE IS SUPERVISING.

11 36-4212. Employees; minimum age requirement

12 A. A LICENSEE MAY NOT EMPLOY A PERSON WHO IS UNDER TWENTY-ONE YEARS
13 OF AGE AT THE PREMISES FOR WHICH A PSYCHEDELIC-ASSISTED THERAPY CENTER
14 LICENSE HAS BEEN ISSUED UNDER THIS ARTICLE.

15 B. DURING AN INSPECTION OF THE PREMISES FOR WHICH A
16 PSYCHEDELIC-ASSISTED THERAPY CENTER LICENSE HAS BEEN ISSUED, THE
17 DEPARTMENT MAY REQUIRE PROOF THAT A PERSON PERFORMING WORK AT THE PREMISES
18 IS AT LEAST TWENTY-ONE YEARS OF AGE. IF THE PERSON DOES NOT PROVIDE THE
19 DEPARTMENT WITH ACCEPTABLE PROOF OF AGE ON REQUEST, THE DEPARTMENT MAY
20 REQUIRE THE PERSON TO IMMEDIATELY CEASE ANY ACTIVITY AND LEAVE THE
21 PREMISES UNTIL THE DEPARTMENT RECEIVES ACCEPTABLE PROOF OF AGE. THIS
22 SUBSECTION DOES NOT APPLY TO A PERSON WHO IS TEMPORARILY AT THE PREMISES
23 TO MAKE A SERVICE, MAINTENANCE OR REPAIR CALL OR FOR OTHER PURPOSES
24 INDEPENDENT OF THE PREMISES OPERATIONS.

25 C. IF A PERSON PERFORMING WORK HAS NOT PROVIDED PROOF OF AGE
26 REQUESTED BY THE DEPARTMENT UNDER SUBSECTION B OF THIS SECTION, THE
27 DEPARTMENT MAY REQUEST THAT THE LICENSEE PROVIDE PROOF THAT THE PERSON IS
28 AT LEAST TWENTY-ONE YEARS OF AGE. A LICENSEE'S FAILURE TO RESPOND TO A
29 REQUEST MADE UNDER THIS SUBSECTION BY PROVIDING ACCEPTABLE PROOF OF AGE
30 FOR A PERSON IS PRIMA FACIE EVIDENCE THAT THE LICENSEE HAS ALLOWED THE
31 PERSON TO PERFORM WORK AT THE PREMISES FOR WHICH A LICENSE HAS BEEN ISSUED
32 IN VIOLATION OF THE MINIMUM AGE REQUIREMENT.

33 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
34 read:

35 41-619.51. Definitions

36 In this article, unless the context otherwise requires:

37 1. "Agency" means the supreme court, the department of economic
38 security, the department of child safety, the department of education, the
39 department of health services, the department of juvenile corrections, the
40 department of emergency and military affairs, the department of public
41 safety, the department of transportation, the state real estate
42 department, the department of insurance and financial institutions, the
43 Arizona game and fish department, the Arizona department of agriculture,
44 the board of examiners of nursing care institution administrators and
45 assisted living facility managers, the state board of dental examiners,

1 the Arizona state board of pharmacy, the board of physical therapy, the
2 state board of psychologist examiners, the board of athletic training, the
3 board of occupational therapy examiners, the state board of podiatry
4 examiners, the acupuncture board of examiners, the state board of
5 technical registration, ~~or~~ the board of massage therapy or the Arizona
6 department of housing.

7 2. "Board" means the board of fingerprinting.

8 3. "Central registry exception" means notification to the
9 department of economic security, the department of child safety or the
10 department of health services, as appropriate, pursuant to section
11 41-619.57 that the person is not disqualified because of a central
12 registry check conducted pursuant to section 8-804.

13 4. "Expedited review" means an examination, in accordance with
14 board rule, of the documents an applicant submits by the board or its
15 hearing officer without the applicant being present.

16 5. "Good cause exception" means the issuance of a fingerprint
17 clearance card to an employee pursuant to section 41-619.55.

18 6. "Person" means a person who is required to be fingerprinted
19 pursuant to this article or who is subject to a central registry check and
20 any of the following:

- 21 (a) Section 3-314.
- 22 (b) Section 8-105.
- 23 (c) Section 8-322.
- 24 (d) Section 8-463.
- 25 (e) Section 8-509.
- 26 (f) Section 8-802.
- 27 (g) Section 8-804.
- 28 (h) Section 15-183.
- 29 (i) Section 15-503.
- 30 (j) Section 15-512.
- 31 (k) Section 15-534.
- 32 (l) Section 15-763.01.
- 33 (m) Section 15-782.02.
- 34 (n) Section 15-1330.
- 35 (o) Section 15-1881.
- 36 (p) Section 17-215.
- 37 (q) Section 28-3228.
- 38 (r) Section 28-3413.
- 39 (s) Section 32-122.02.
- 40 (t) Section 32-122.05.
- 41 (u) Section 32-122.06.
- 42 (v) Section 32-823.
- 43 (w) Section 32-1232.
- 44 (x) Section 32-1276.01.
- 45 (y) Section 32-1284.

1 (z) Section 32-1297.01.
2 (aa) Section 32-1904.
3 (bb) Section 32-1941.
4 (cc) Section 32-1982.
5 (dd) Section 32-2022.
6 (ee) Section 32-2063.
7 (ff) Section 32-2108.01.
8 (gg) Section 32-2123.
9 (hh) Section 32-2371.
10 (ii) Section 32-3430.
11 (jj) Section 32-3620.
12 (kk) Section 32-3668.
13 (ll) Section 32-3669.
14 (mm) Section 32-3922.
15 (nn) Section 32-3924.
16 (oo) Section 32-4222.
17 (pp) Section 32-4128.
18 (qq) Section 36-113.
19 (rr) Section 36-207.
20 (ss) Section 36-411.
21 (tt) Section 36-425.03.
22 (uu) Section 36-446.04.
23 (vv) Section 36-594.01.
24 (ww) Section 36-594.02.
25 (xx) Section 36-766.01.
26 (yy) Section 36-882.
27 (zz) Section 36-883.02.
28 (aaa) Section 36-897.01.
29 (bbb) Section 36-897.03.
30 (ccc) Section 36-3008.
31 (ddd) SECTION 36-4207.
32 (eee) SECTION 36-4209.
33 ~~(ddd)~~ (fff) Section 41-619.53.
34 ~~(eee)~~ (ggg) Section 41-1964.
35 ~~(fff)~~ (hhh) Section 41-1967.01.
36 ~~(ggg)~~ (iii) Section 41-1968.
37 ~~(hhh)~~ (jjj) Section 41-1969.
38 ~~(iii)~~ (kkk) Section 41-2814.
39 ~~(jjj)~~ (lll) Section 41-4025.
40 ~~(kkk)~~ (mmm) Section 46-141, subsection A or B.
41 ~~(lll)~~ (nnn) Section 46-321.
42 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to
43 read:
44 41-1758. Definitions
45 In this article, unless the context otherwise requires:

1 1. "Agency" means the supreme court, the department of economic
2 security, the department of child safety, the department of education, the
3 department of health services, the department of juvenile corrections, the
4 department of emergency and military affairs, the department of public
5 safety, the department of transportation, the state real estate
6 department, the department of insurance and financial institutions, the
7 board of fingerprinting, the Arizona game and fish department, the Arizona
8 department of agriculture, the board of examiners of nursing care
9 institution administrators and assisted living facility managers, the
10 state board of dental examiners, the Arizona state board of pharmacy, the
11 board of physical therapy, the state board of psychologist examiners, the
12 board of athletic training, the board of occupational therapy examiners,
13 the state board of podiatry examiners, the acupuncture board of examiners,
14 the state board of technical registration, ~~or~~ the board of massage therapy
15 or the Arizona department of housing.

16 2. "Division" means the fingerprinting division in the department
17 of public safety.

18 3. "Electronic or internet-based fingerprinting services" means a
19 secure system for digitizing applicant fingerprints and transmitting the
20 applicant data and fingerprints of a person or entity submitting
21 fingerprints to the department of public safety for any authorized purpose
22 under this title. For the purposes of this paragraph, "secure system"
23 means a system that complies with the information technology security
24 policy approved by the department of public safety.

25 4. "Good cause exception" means the issuance of a fingerprint
26 clearance card to an applicant pursuant to section 41-619.55.

27 5. "Person" means a person who is required to be fingerprinted
28 pursuant to any of the following:

- 29 (a) Section 3-314.
- 30 (b) Section 8-105.
- 31 (c) Section 8-322.
- 32 (d) Section 8-463.
- 33 (e) Section 8-509.
- 34 (f) Section 8-802.
- 35 (g) Section 15-183.
- 36 (h) Section 15-503.
- 37 (i) Section 15-512.
- 38 (j) Section 15-534.
- 39 (k) Section 15-763.01.
- 40 (l) Section 15-782.02.
- 41 (m) Section 15-1330.
- 42 (n) Section 15-1881.
- 43 (o) Section 17-215.
- 44 (p) Section 28-3228.
- 45 (q) Section 28-3413.

- 1 (r) Section 32-122.02.
- 2 (s) Section 32-122.05.
- 3 (t) Section 32-122.06.
- 4 (u) Section 32-823.
- 5 (v) Section 32-1232.
- 6 (w) Section 32-1276.01.
- 7 (x) Section 32-1284.
- 8 (y) Section 32-1297.01.
- 9 (z) Section 32-1904.
- 10 (aa) Section 32-1941.
- 11 (bb) Section 32-1982.
- 12 (cc) Section 32-2022.
- 13 (dd) Section 32-2063.
- 14 (ee) Section 32-2108.01.
- 15 (ff) Section 32-2123.
- 16 (gg) Section 32-2371.
- 17 (hh) Section 32-3430.
- 18 (ii) Section 32-3620.
- 19 (jj) Section 32-3668.
- 20 (kk) Section 32-3669.
- 21 (ll) Section 32-3922.
- 22 (mm) Section 32-3924.
- 23 (nn) Section 32-4128.
- 24 (oo) Section 32-4222.
- 25 (pp) Section 36-113.
- 26 (qq) Section 36-207.
- 27 (rr) Section 36-411.
- 28 (ss) Section 36-425.03.
- 29 (tt) Section 36-446.04.
- 30 (uu) Section 36-594.01.
- 31 (vv) Section 36-594.02.
- 32 (ww) Section 36-766.01.
- 33 (xx) Section 36-882.
- 34 (yy) Section 36-883.02.
- 35 (zz) Section 36-897.01.
- 36 (aaa) Section 36-897.03.
- 37 (bbb) Section 36-3008.
- 38 (ccc) SECTION 36-4207.
- 39 (ddd) SECTION 36-4209.
- 40 ~~(ccc)~~ (eee) Section 41-619.52.
- 41 ~~(ddd)~~ (fff) Section 41-619.53.
- 42 ~~(eee)~~ (ggg) Section 41-1964.
- 43 ~~(fff)~~ (hhh) Section 41-1967.01.
- 44 ~~(ggg)~~ (iii) Section 41-1968.
- 45 ~~(hhh)~~ (jjj) Section 41-1969.

1 ~~(iii)~~ (kkk) Section 41-2814.

2 ~~(jjj)~~ (lll) Section 41-4025.

3 ~~(kkk)~~ (mmm) Section 46-141, subsection A or B.

4 ~~(iii)~~ (nnn) Section 46-321.

5 6. "Vulnerable adult" has the same meaning prescribed in section
6 13-3623.

7 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
8 read:

9 41-1758.01. Fingerprinting division; powers and duties

10 A. The fingerprinting division is established in the department of
11 public safety and shall:

12 1. Conduct fingerprint background checks for persons and applicants
13 who are seeking licenses from state agencies, employment with licensees,
14 contract providers and state agencies or employment or educational
15 opportunities with agencies that require fingerprint background checks
16 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
17 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
18 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
19 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
20 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
21 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
22 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
23 36-897.03, 36-3008, 36-4207, 36-4209, 41-619.52, 41-619.53, 41-1964,
24 41-1967.01, 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141,
25 subsection A or B and section 46-321.

26 2. Issue fingerprint clearance cards. On issuance, a fingerprint
27 clearance card becomes the personal property of the cardholder and the
28 cardholder shall retain possession of the fingerprint clearance card.

29 3. On submission of an application for a fingerprint clearance
30 card, collect the fees established by the board of fingerprinting pursuant
31 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
32 the monies collected in the board of fingerprinting fund.

33 4. Inform in writing each person who submits fingerprints for a
34 fingerprint background check of the right to petition the board of
35 fingerprinting for a good cause exception pursuant to section 41-1758.03,
36 41-1758.04 or 41-1758.07.

37 5. If after conducting a state and federal criminal history records
38 check the division determines that it is not authorized to issue a
39 fingerprint clearance card to a person, inform the person in writing that
40 the division is not authorized to issue a fingerprint clearance card. The
41 notice shall include the criminal history information on which the denial
42 was based. This criminal history information is subject to dissemination
43 restrictions pursuant to section 41-1750 and Public Law 92-544.

1 6. Notify the person in writing if the division suspends, revokes
2 or places a driving restriction notation on a fingerprint clearance card
3 pursuant to section 41-1758.04. The notice shall include the criminal
4 history information on which the suspension, revocation or placement of
5 the driving restriction notation was based. This criminal history
6 information is subject to dissemination restrictions pursuant to section
7 41-1750 and Public Law 92-544.

8 7. Administer and enforce this article.

9 B. The fingerprinting division may contract for electronic or
10 internet-based fingerprinting services through an entity or entities for
11 the acquisition and transmission of applicant fingerprint and data
12 submissions to the department, including identity verified fingerprints
13 pursuant to section 15-106. The entity or entities contracted by the
14 department of public safety may charge the applicant a fee for services
15 provided pursuant to this article. The entity or entities contracted by
16 the department of public safety shall comply with:

17 1. All information privacy and security measures and submission
18 standards established by the department of public safety.

19 2. The information technology security policy approved by the
20 department of public safety.

21 Sec. 5. Severability

22 If a provision of this act or its application to any person or
23 circumstance is held invalid, the invalidity does not affect other
24 provisions or applications of the act that can be given effect without the
25 invalid provision or application, and to this end the provisions of this
26 act are severable.