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

**SB 1570**

Introduced by  
Senators Shope: Carroll, Gowan, Kerr, Petersen, Shamp; Representatives Hernandez C, Payne, Peña

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

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

CHAPTER 42
PSILOCYBIN SERVICES
ARTICLE 1. GENERAL PROVISIONS

36-4201. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BOARD" MEANS THE ARIZONA PSILOCYBIN ADVISORY BOARD.
2. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
3. "INDIRECT SUPERVISION" MEANS THAT A HEALTH PROFESSIONAL WHO IS EMPLOYED BY OR CONTRACTED WITH A PSYCHEDELIC-ASSISTED THERAPY CENTER AND WHO IS NOT PHYSICALLY PRESENT AT THE LOCATION WHERE A PATIENT RECEIVES PSILOCYBIN SERVICES HAS GIVEN EITHER WRITTEN OR ORAL INSTRUCTIONS TO THE STAFF OF THE PSYCHEDELIC-ASSISTED THERAPY CENTER TO ADMINISTER PSILOCYBIN SERVICES TO THE PATIENT AND IS READILY AVAILABLE THROUGH TELECOMMUNICATIONS.
4. "LEGAL ENTITY" MEANS A CORPORATION, LIMITED LIABILITY COMPANY, LIMITED PARTNERSHIP OR OTHER SIMILAR BUSINESS ENTITY.
5. "LICENSEEE" MEANS A PERSON THAT IS APPROVED BY THE DEPARTMENT TO OWN AND OPERATE A PSYCHEDELIC-ASSISTED THERAPY CENTER.
6. "PATIENT" MEANS AN INDIVIDUAL WHO IS PROVIDED PSILOCYBIN SERVICES IN THIS STATE.
7. "PSILOCYBIN" INCLUDES PSILOCIN.
8. "PSILOCYBIN PRODUCT":
   (a) MEANS PSILOCYBIN-PRODUCING FUNGI AND MIXTURES OR A SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF PSILOCYBIN.
   (b) DOES NOT INCLUDE PSILOCYBIN SERVICES.
9. "PSILOCYBIN SERVICES" MEANS SERVICES THAT ARE PROVIDED TO A PATIENT BEFORE, DURING AND AFTER THE PATIENT'S CONSUMPTION OF A PSILOCYBIN PRODUCT, INCLUDING THE PREPARATION SESSION, ADMINISTRATION SESSION AND INTEGRATION SESSION.
10. "PSYCHEDELIC-ASSISTED THERAPY CENTER":
   (a) MEANS A LICENSED HEALTH CARE INSTITUTION OR A PRIVATE OFFICE OR CLINIC OF A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32 IN WHICH PSILOCYBIN SERVICES ARE ADMINISTERED.
   (b) DOES NOT INCLUDE A HOSPITAL, URGENT CARE CENTER, AMBULATORY SURGICAL CENTER, HOSPICE FACILITY OR NURSING CARE INSTITUTION.

36-4202. Psilocybin control and regulation fund

THE PSILOCYBIN CONTROL AND REGULATION FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED AND CIVIL PENALTIES IMPOSED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. MONIES IN THE FUND MAY BE USED TO PROVIDE GRANTS FOR PSILOCYBIN CLINICAL TRIALS.
36-4203. Arizona psilocybin advisory board; membership; terms; compensation

A. The Arizona psilocybin advisory board is established within the department consisting of not more than twelve members who are appointed as follows:

1. Four members appointed by the governor from the following:
   a. A representative of the Department of Health Services.
   d. A representative of the department who is familiar with health care institution licensing.
   e. A person who is a professor or researcher at a university under the jurisdiction of the Arizona Board of Regents.

2. Four members appointed by the president of the Senate from the following:
   a. An active member or a veteran of the United States Armed Forces.
   b. A person who is a law enforcement officer in this state.
   c. A person who represents firefighters in this state.
   d. A person who provides legal representation to and advocates on behalf of persons with mental illness or serious mental illness.

3. Four members appointed by the speaker of the House of Representatives from the following:
   a. A psychologist who is licensed pursuant to Title 32, Chapter 19.1 and who has professional experience in diagnosing or treating mental, emotional or behavioral conditions.
   b. A physician who is licensed pursuant to Title 32, Chapter 13 or 17 and who has experience in psychedelic-assisted therapy.
   c. A naturopathic physician who is licensed pursuant to Title 32, Chapter 14.
   d. A nurse practitioner who is licensed pursuant to Title 32, Chapter 15.
   e. A physician who is licensed pursuant to Title 32, Chapter 13 or 17 and who has expertise in addiction treatment.
   f. A physician who is licensed pursuant to Title 32, Chapter 13 or 17 and who has experience conducting clinical research involving the use of schedule I controlled substances.

B. On or before December 31, 2024, the governor, speaker of the house of representatives and president of the Senate shall appoint the members of the board as specified in subsection A of this section.

C. On or before March 1, 2025, the board shall hold its first meeting at a time and place specified by the department.

D. Board members serve four-year terms. A board member is not eligible for reappointment once the person has been appointed for two full
TERMS, IN ADDITION TO ANY TIME SERVED ON THE BOARD TO FILL A VACANCY. A PERSON MAY BE REAPPOINTED TO THE BOARD AFTER THE PERSON HAS NOT BEEN ON THE BOARD FOR A PERIOD OF AT LEAST TWO FULL TERMS.

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

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

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

36-4204. Board powers and duties; annual report

A. THE BOARD SHALL:

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

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

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

B. THE BOARD MAY:

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

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

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

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

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

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

2. A LONG-TERM STRATEGIC PLAN FOR ENSURING THAT PSYCHEDELIC-ASSISTED THERAPY WILL BECOME AND REMAIN A SAFE, ACCESSIBLE AND AFFORDABLE THERAPEUTIC OPTION FOR ALL PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE IN THIS STATE AND FOR WHOM PSILOCYBIN MAY BE APPROPRIATE, CONSIDERING FEDERAL LAWS, REGULATIONS AND POLICIES REGARDING PSILOCYBIN.
36-4205. **Training programs; minimum requirements**

A. **A training program for licensees and health professionals who serve as medical directors of psychedelic-assisted therapy centers shall provide core training that consists of at least one hundred thirty-two hours of instruction. For training that is not conducted in person, at least fifty percent of the training must be conveyed through online synchronous learning.**

B. **A person who applies to have the person's training program approved must demonstrate that the training program curriculum consists of at least the following minimum hours of instruction, in the following areas:**

1. **Historical, traditional and contemporary practices and applications:** twelve hours.
2. **Safety, ethics and responsibilities:** twelve hours.
3. **Psilocybin pharmacology, neuroscience and clinical research:** twenty hours.
4. **Core facilitation skills:** sixteen hours.
5. **Preparation and orientation:** sixteen hours.
6. **Administration:** sixteen hours.
7. **Integration:** twelve hours.
8. **Group facilitation:** sixteen hours.
9. **This state's public mental health systems:** four hours.
10. **This state's crisis mental health system:** four hours.

C. **Training programs must comply with the requirements specified in the department's rules to maintain approved status.**

D. **The requirements listed in subsection B of this section are minimum requirements. A training program may offer additional modules or hours of instruction.**

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

A. **On or before January 1, 2026, the department shall begin receiving applications to license persons to operate psychedelic-assisted therapy centers as a health care institution. All provisions of chapter 4, article 2 of this title relating to licensure and enforcement, including imposing civil penalties pursuant to section 36-431.01, apply to psychedelic-assisted therapy centers, except that all licensure and renewal fees and civil penalties collected pursuant to this article shall be deposited, pursuant to sections 35-146 and 35-147, in the psilocybin control and regulation fund established by section 36-4202.**

B. **The department shall:**

1. Adopt rules, including rules that the department considers necessary to protect the public health and safety.
2. Establish and collect application, licensing and renewal fees for licensees.
3. ADOPT RULES REGULATING AND PROHIBITING THE ADVERTISEMENT OF PSILOCYBIN SERVICES IN A MANNER THAT IS APPEALING TO MINORS, PROMOTES EXCESSIVE USE, PROMOTES ILLEGAL ACTIVITY OR OTHERWISE PRESENTS A SIGNIFICANT RISK TO PUBLIC HEALTH AND SAFETY.

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

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

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

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

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

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

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

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

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

B. A PSYCHEDELIC-ASSISTED THERAPY CENTER SHALL:

1. ANNUALLY RENEW A LICENSE ISSUED UNDER THIS ARTICLE.

2. PAY ALL REQUIRED APPLICATION, Licensure and renewal FEES ESTABLISHED IN RULE BY THE DEPARTMENT.

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

4. EMPLOY OR CONTRACT WITH A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32, WHO POSSESSES AN ACTIVE REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21 UNITED STATES CODE SECTIONS 801 THROUGH 904) AND WHO MEETS THE REQUIREMENTS ESTABLISHED IN RULE BY THE DEPARTMENT TO PROVIDE INDIRECT SUPERVISION OF THE
PSYCHEDELIC-ASSISTED THERAPY CENTER DURING ALL HOURS OF OPERATION AS THE MEDICAL DIRECTOR.

5. MAINTAIN A RECORD FOR EACH STAFF MEMBER THAT INCLUDES:
   (a) VERIFICATION OF HAVING A CURRENT UNRESTRICTED HEALTH PROFESSIONAL LICENSE ISSUED PURSUANT TO TITLE 32, IF APPLICABLE.
   (b) EVIDENCE OF SUCCESSFULLY COMPLETING A PSILOCYBIN SERVICES TRAINING PROGRAM FOR ANY EMPLOYEE REQUIRED TO BE TRAINED PURSUANT TO THIS ARTICLE.
   (c) EVIDENCE THAT THE STAFF MEMBER HOLDS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07.

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

D. AN APPLICANT FOR A LICENSE TO OPERATE A PSYCHEDELIC-ASSISTED THERAPY CENTER MAY RECEIVE A LICENSE IF ONE OF THE FOLLOWING APPLIES:
   1. BOTH OF THE FOLLOWING APPLY:
      (a) THE OWNER CAN DEMONSTRATE THAT THE PSILOCYBIN PRODUCT TO BE USED AT THE PSYCHEDELIC-ASSISTED THERAPY CENTER IS FROM A MANUFACTURER, DISTRIBUTOR, DISPENSER, IMPORTER OR EXPORTER WITH A LICENSE ISSUED PURSUANT TO THE CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21 UNITED STATES CODE SECTIONS 801 THROUGH 904).
      (b) THE PSYCHEDELIC-ASSISTED THERAPY CENTER IS OPERATING TO CONDUCT RESEARCH FOR A CLINICAL TRIAL OF WHOLE MUSHROOM PSILOCYBIN PHASE ONE, PHASE TWO AND PHASE THREE CLINICAL TRIALS THAT ARE CAPABLE OF BEING APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EVALUATE THE EFFECTS OF WHOLE MUSHROOM PSILOCYBIN.
   2. A MANUFACTURER, DISTRIBUTOR, DISPENSER, IMPORTER OR EXPORTER BECOMES AVAILABLE WITHOUT VIOLATING THE CONTROLLED SUBSTANCES ACT (P.L. 91-513; 84 STAT. 1242; 21 UNITED STATES CODE SECTIONS 801 THROUGH 904).
   3. THE APPLICANT HAS RECEIVED TRAINING AS APPROVED BY THE BOARD PURSUANT TO SECTION 36-4205.

E. THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE TO AN APPLICANT OR RENEW THE LICENSE OF A LICENSEE IF THE DEPARTMENT FINDS THAT THE APPLICANT OR LICENSEE:
   1. HAS NOT COMPLETED THE TRAINING REQUIRED UNDER THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.
   2. HAS MADE FALSE STATEMENTS TO THE DEPARTMENT.
   3. HAS BEEN CONVICTED OF VIOLATING A FEDERAL LAW, STATE LAW OR LOCAL ORDINANCE IF THE CONVICTION IS SUBSTANTIALLY RELATED TO THE FITNESS AND ABILITY OF THE APPLICANT TO LAWFULLY CARRY OUT ACTIVITIES UNDER THE LICENSE.
   4. DOES NOT HAVE A GOOD RECORD OF COMPLIANCE WITH THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.
   5. IS NOT THE LEGITIMATE OWNER OF THE PREMISES PROPOSED TO BE LICENSED OR HAS NOT DISCLOSED THAT OTHER PERSONS HAVE OWNERSHIP INTERESTS IN THE PREMISES PROPOSED TO BE LICENSED.
6. HAS NOT DEMONSTRATED FINANCIAL RESPONSIBILITY SUFFICIENT TO ADEQUATELY MEET THE REQUIREMENTS OF THE PREMISES PROPOSED TO BE LICENSED.

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

36-4208. Department employees; possession of psilocybin products

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

36-4209. Fingerprint clearance cards

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

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

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

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

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

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

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

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

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

C. IF A PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO STUDENTS IN KINDERGARTEN PROGRAMS OR IN ANY OF GRADES ONE THROUGH TWELVE IS ESTABLISHED WITHIN ONE THOUSAND FEET OF THE PREMISES FOR WHICH A PSYCHEDELIC-ASSISTED THERAPY CENTER LICENSE HAS BEEN ISSUED, THE PSYCHEDELIC-ASSISTED THERAPY CENTER LOCATED AT THAT PREMISES MAY REMAIN AT THAT LOCATION UNLESS THE DEPARTMENT REVOKES OR REFUSES TO RENEW THE LICENSE OF THE PSYCHEDELIC-ASSISTED THERAPY CENTER UNDER ANOTHER PROVISION OF THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.
36-4211. Psilocybin product consumption; restrictions

A. A patient may consume a psilocybin product only at a licensed psychedelic-assisted therapy center and only under the supervision of a staff member and the indirect supervision of the medical director.

B. An employee of a licensed psychedelic-assisted therapy center may not consume psilocybin products during the administration, integration or preparation session that the employee is supervising.

36-4212. Employees; minimum age requirement

A. A licensee may not employ a person who is under twenty-one years of age at the premises for which a psychedelic-assisted therapy center license has been issued under this article.

B. During an inspection of the premises for which a psychedelic-assisted therapy center license has been issued, the department may require proof that a person performing work at the premises is at least twenty-one years of age. If the person does not provide the department with acceptable proof of age on request, the department may require the person to immediately cease any activity and leave the premises until the department receives acceptable proof of age. This subsection does not apply to a person who is temporarily at the premises to make a service, maintenance or repair call or for other purposes independent of the premises operations.

C. If a person performing work has not provided proof of age requested by the department under subsection B of this section, the department may request that the licensee provide proof that the person is at least twenty-one years of age. A licensee's failure to respond to a request made under this subsection by providing acceptable proof of age for a person is prima facie evidence that the licensee has allowed the person to perform work at the premises for which a license has been issued in violation of the minimum age requirement.

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

41-619.51. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry...
examiners, the acupuncture board of examiners, the state board of technical registration, or the board of massage therapy or the Arizona department of housing.

2. "Board" means the board of fingerprinting.

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

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

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

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:
   (a) Section 3-314.
   (b) Section 8-105.
   (c) Section 8-322.
   (d) Section 8-463.
   (e) Section 8-509.
   (f) Section 8-802.
   (g) Section 8-804.
   (h) Section 15-183.
   (i) Section 15-503.
   (j) Section 15-512.
   (k) Section 15-534.
   (l) Section 15-763.01.
   (m) Section 15-782.02.
   (n) Section 15-1330.
   (o) Section 15-1881.
   (p) Section 17-215.
   (q) Section 28-3228.
   (r) Section 28-3413.
   (s) Section 32-122.02.
   (t) Section 32-122.05.
   (u) Section 32-122.06.
   (v) Section 32-823.
   (w) Section 32-1232.
   (x) Section 32-1276.01.
   (y) Section 32-1284.
   (z) Section 32-1297.01.
   (aa) Section 32-1904.
   (bb) Section 32-1941.
Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to read:

41-1758. Definitions
In this article, unless the context otherwise requires:
1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the
department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the board of fingerprinting, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, the acupuncture board of examiners, the state board of technical registration, or the board of massage therapy or the Arizona department of housing.

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

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

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

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

(a) Section 3-314.
(b) Section 8-105.
(c) Section 8-322.
(d) Section 8-463.
(e) Section 8-509.
(f) Section 8-802.
(g) Section 15-183.
(h) Section 15-503.
(i) Section 15-512.
(j) Section 15-534.
(k) Section 15-763.01.
(l) Section 15-782.02.
(m) Section 15-1330.
(n) Section 15-1881.
o) Section 17-215.
p) Section 28-3228.
(q) Section 28-3413.
r) Section 32-122.02.
s) Section 32-122.05.
t) Section 32-122.06.


1  (u) Section 32-823.
2  (v) Section 32-1232.
3  (w) Section 32-1276.01.
4  (x) Section 32-1284.
5  (y) Section 32-1297.01.
6  (z) Section 32-1904.
7  (aa) Section 32-1941.
8  (bb) Section 32-1982.
9  (cc) Section 32-2022.
10 (dd) Section 32-2063.
11 (ee) Section 32-2108.01.
12 (ff) Section 32-2123.
13 (gg) Section 32-2371.
14 (hh) Section 32-3430.
15 (ii) Section 32-3620.
16 (jj) Section 32-3668.
17 (kk) Section 32-3669.
18 (ll) Section 32-3922.
19 (mm) Section 32-3924.
20 (nn) Section 32-4128.
21 (oo) Section 32-4222.
22 (pp) Section 36-113.
23 (qq) Section 36-207.
24 (rr) Section 36-411.
25 (ss) Section 36-425.03.
26 (tt) Section 36-446.04.
27 (uu) Section 36-594.01.
28 (vv) Section 36-594.02.
29 (ww) Section 36-766.01.
30 (xx) Section 36-882.
31 (yy) Section 36-883.02.
32 (zz) Section 36-897.01.
33 (aaa) Section 36-897.03.
34 (bbb) Section 36-3008.
35 (ccc) SECTION 36-4207.
36 (ddd) SECTION 36-4209.
37 (eee) Section 41-619.52.
38 (fff) Section 41-619.53.
39 (ggg) Section 41-1964.
40 (hhh) Section 41-1967.01.
41 (iii) Section 41-1968.
42 (jjj) Section 41-1969.
43 (kkk) Section 41-2814.
44 (lll) Section 41-4025.
45 (mmm) Section 46-141, subsection A or B.
(nnn) Section 46-321.

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

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

41-1758.01. Fingerprinting division; powers and duties

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

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

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

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

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

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

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

7. Administer and enforce this article.

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

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

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

Sec. 5. **Severability**

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