

CHAPTER 372

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 26-1325

BY REPRESENTATIVE(S) Caldwell and Feret, Bacon, Barron, Boesenecker, Brown, Clifford, Duran, Flannell, Froelich, Gonzalez R., Lieder, McCormick, Nguyen, Phillips, Rutinel, Rydin, Soper, Winter T., Lindsay, Ricks; also SENATOR(S) Ball and Pelton R., Catlin, Cutter, Danielson, Gonzales J., Hinrichsen, Kipp, Lindstedt, Marchman, Sullivan, Wallace, Coleman.

AN ACT**CONCERNING NATURAL MEDICINE.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado is facing a severe and worsening mental health crisis due to high rates of mental health conditions and substance use disorders, including opioid use disorder;

(b) Existing treatment approaches for treating mental health conditions and substance use disorders are often inadequate for long-term remission and recovery, necessitating the exploration of innovative options;

(c) Ibogaine is a psychoactive indole alkaloid derived from the root bark of the tabernanthe iboga plant and other plants, such as the voacanga africana plant, that have shown significant potential as life-saving treatment options for substance use disorders and mental health conditions;

(d) A carefully regulated, medically supervised, and therapeutic framework for administering ibogaine is necessary to make ibogaine accessible, facilitate rigorous research, and ensure patient safety;

(e) The mental health and well-being of veterans is a priority of the general assembly, and ibogaine treatment has shown promise in treating severe

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

service-related post-traumatic stress disorder and other mental health conditions related to combat deployments; and

(f) Establishing a research pilot program to explore the therapeutic uses of ibogaine, better understand potential risks of ibogaine use, and lay the groundwork for a future comprehensive regulatory program is necessary to find additional treatment options for people suffering from a mental health condition or a substance use disorder.

SECTION 2. In Colorado Revised Statutes, **add 27-60-207** as follows:

27-60-207. Ibogaine research pilot program - creation - federal approval - fund - rules - reporting - definitions - repeal.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BENEFIT-SHARING PLAN" MEANS AN ARRANGEMENT WITH INDIGENOUS COMMUNITIES TRADITIONALLY CONNECTED TO THE USE OF IBOGAININE OR IBOGA THAT IS INTENDED TO SHARE IN THE BENEFITS THAT ARISE FROM THE RESEARCH, THERAPEUTIC USE, OR COMMERCIALIZATION OF IBOGAININE OR IBOGA. BENEFITS MAY INCLUDE:

(I) FINANCIAL BENEFIT SHARING;

(II) COLLABORATIVE RESEARCH OR DATA SHARING;

(III) CONSERVATION SUPPORT FOR PLANT SPECIES AND HABITATS;

(IV) COMMUNITY-IDENTIFIED DEVELOPMENT PRIORITIES;

(V) CULTURAL OR EDUCATIONAL EXCHANGES; AND

(VI) UTILIZING A SOURCE FOR IBOGAININE THAT ENGAGES IN BENEFIT-SHARING AND ETHICAL AND SUSTAINABLE CULTIVATION PRACTICES.

(b) "FUND" MEANS THE IBOGAININE RESEARCH PILOT PROGRAM CASH FUND CREATED IN SUBSECTION (10) OF THIS SECTION.

(c) "IBOGAININE PILOT SITE" MEANS A FACILITATION SITE SELECTED AND AUTHORIZED BY THE BHA TO ADMINISTER THE PILOT PROGRAM.

(d) "PILOT PROGRAM" MEANS THE IBOGAININE RESEARCH PILOT PROGRAM ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

(2) THERE IS ESTABLISHED IN THE BHA THE IBOGAININE RESEARCH PILOT PROGRAM FOR THE PURPOSE OF SUPPORTING RESEARCH ON THE SAFETY AND EFFECTIVENESS OF USING IBOGAININE TO TREAT MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS.

(3) THE BHA SHALL OPERATE THE PILOT PROGRAM. IN OPERATING THE PILOT PROGRAM, THE BHA:

- (a) MAY APPROVE UP TO FIVE IBOGAINÉ PILOT SITES;
 - (b) MAY REQUIRE A MEMORANDUM OF UNDERSTANDING WITH EACH PILOT SITE TO ENSURE PROPER ADMINISTRATION OF THE PILOT PROGRAM;
 - (c) IN PARTNERSHIP WITH THE IBOGAINÉ PILOT SITES, AND IN COORDINATION WITH OTHER APPROPRIATE STATE AGENCIES, MAY SEEK FEDERAL AUTHORIZATION PURSUANT TO 21 U.S.C. SEC. 872(e) OR OTHER APPLICABLE FEDERAL LAW FOR PURPOSES OF EXPANDING OR ADVANCING IBOGAINÉ RESEARCH EFFORTS;
 - (d) SHALL ASSIST THE IBOGAINÉ PILOT SITES TO COMPLETE AND SUBMIT AN INVESTIGATIONAL NEW DRUG APPLICATION, OR REVISE AND EXPAND UPON AN EXISTING INVESTIGATIONAL NEW DRUG APPLICATION WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN ACCORDANCE WITH 21 CFR PART 312;
 - (e) SHALL CONSIDER WHETHER TO OBTAIN FEDERAL RESEARCH PROGRAM STATUS UNDER 21 U.S.C. SEC. 872 OR OTHER APPLICABLE FEDERAL LAW FOR THE PURPOSES OF EXPANDING OR ADVANCING RESEARCH EFFORTS OF THE PILOT SITES;
 - (f) MAY NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES FOOD AND DRUG ADMINISTRATION, UNITED STATES ATTORNEY GENERAL, OR ANY OTHER APPROPRIATE FEDERAL AGENCY, AS NECESSARY TO ENSURE FEDERAL COMPLIANCE AND PROPER ADMINISTRATION OF THE PILOT PROGRAM;
 - (g) MAY CONTRACT WITH INDIVIDUALS WITH EXPERTISE IN BEHAVIORAL HEALTH, NURSING, RESEARCHING A SCHEDULE I CONTROLLED SUBSTANCE, DRUG DEVELOPMENT, INSTITUTIONAL REVIEW BOARD AND UNITED STATES FOOD AND DRUG ADMINISTRATION REGULATORY COMPLIANCE, AND PHYSICIAN CONSULTATION SERVICES TO ASSIST IN THE ADMINISTRATION OF THE PILOT PROGRAM;
 - (h) MAY ASSIST IBOGAINÉ PILOT SITES WITH FUNDING OPPORTUNITIES, INCLUDING IDENTIFYING AND APPLYING FOR STATE, FEDERAL, OR PRIVATE GRANTS;
 - (i) MAY AWARD GRANTS TO SELECTED IBOGAINÉ PILOT SITES TO ASSIST WITH OPERATIONAL COSTS; AND
 - (j) MAY COLLABORATE AND ENTER INTO AGREEMENTS WITH OTHER STATES, STATE AGENCIES, FEDERALLY RECOGNIZED TRIBES, AND PUBLIC OR PRIVATE ENTITIES TO PARTICIPATE IN MULTI-STATE CONSORTIA OR SIMILAR EFFORTS, INCLUDING THE SHARING OF DATA, FUNDING, RESEARCH, CLINICAL PROTOCOLS, AND REGULATORY BEST PRACTICES RELATED TO IBOGAINÉ AND IBOGAINÉ-RELATED THERAPIES.
- (4)(a) THE BHA SHALL ESTABLISH A PROCESS TO SOLICIT AND SELECT IBOGAINÉ PILOT SITES.
- (b) THE BHA SHALL ESTABLISH A PILOT PROPOSAL REVIEW COMMITTEE TO REVIEW APPLICATIONS RECEIVED FROM THE SOLICITATION PROCESS REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION AND MAKE A RECOMMENDATION TO THE BHA ON THE SELECTION OR DENIAL OF EACH APPLICATION. THE BHA SHALL NOTIFY EACH

APPLICANT OF THE SELECTION DECISION WITHIN NINETY DAYS AFTER THE APPLICATION DEADLINE SET BY THE BHA.

(5) TO BE ELIGIBLE AS AN IBOGAINÉ PILOT SITE, AN APPLICANT MUST:

(a) DEMONSTRATE AN INTENT TO PURSUE THE FEDERAL APPROVAL TO OPERATE AN IBOGAINÉ PILOT SITE TO STUDY SAFETY AND TREATMENT EFFECTIVENESS OF THE USE OF IBOGAINÉ TO TREAT MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS; AND

(b) ESTABLISH A BENEFIT-SHARING PLAN, WHICH MAY BE DEVELOPED IN CONSULTATION WITH INDIGENOUS COMMUNITIES OR THEIR RECOGNIZED GOVERNING INSTITUTIONS TRADITIONALLY CONNECTED TO IBOGAINÉ OR IBOGA, THAT DIRECTLY BENEFITS THOSE COMMUNITIES AND SHARES IN THE BENEFITS ARISING FROM RESEARCH, THERAPEUTIC USE, OR COMMERCIALIZATION OF IBOGAINÉ OR IBOGA. THE BENEFIT-SHARING PLAN MUST INCLUDE DOCUMENTATION OF THE SOURCING OF IBOGAINÉ OR IBOGA.

(c) IN DEVELOPING A BENEFIT-SHARING PLAN PURSUANT TO THIS SUBSECTION (5), APPLICANTS MAY CONSIDER INTERNATIONALLY RECOGNIZED PRINCIPLES RELATED TO EQUITABLE BENEFIT SHARING THAT MAY ARISE FROM THE USE OF RESOURCES AND TRADITIONAL KNOWLEDGE.

(6) (a) THE COMMISSIONER SHALL ADOPT RULES THAT ARE NECESSARY TO ESTABLISH AND ADMINISTER THE IBOGAINÉ PILOT PROGRAM. AT A MINIMUM, THE COMMISSIONER SHALL ADOPT RULES ON THE FOLLOWING:

(I) THE APPLICATION PROCESS FOR PROSPECTIVE IBOGAINÉ PILOT SITE APPLICANTS;

(II) CRITERIA FOR AWARDING GRANTS TO IBOGAINÉ PILOT SITES TO ASSIST THE IBOGAINÉ PILOT SITE WITH FUNDING;

(III) DATA AND RESEARCH COLLECTION BY THE IBOGAINÉ PILOT SITES ON THE USE AND EFFECTIVENESS OF IBOGAINÉ IN TREATING MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS;

(IV) INFORMATION SHARING BETWEEN THE IBOGAINÉ PILOT SITES AND THE BHA;

(V) ADVERSE EVENT REPORTING; AND

(VI) OTHER RULES THAT ARE NECESSARY FOR THE SAFE AND EFFECTIVE OPERATION OF THE IBOGAINÉ PILOT SITES AND ADMINISTRATION OF THE IBOGAINÉ RESEARCH PILOT PROGRAM ESTABLISHED BY THIS SECTION.

(b) WITH THE EXCEPTION OF THE REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION, THE COMMISSIONER SHALL NOT ADOPT RULES THAT ARE DUPLICATIVE OF FEDERAL LAW.

(7) ON OR BEFORE A DATE SET BY THE BHA AND ANNUALLY THEREAFTER THAT THE PILOT PROGRAM IS OPERATIONAL, EACH IBOGAINÉ PILOT SITE MUST SUBMIT THE

DATA AND RESEARCH AS REQUIRED PURSUANT TO SUBSECTION (6)(a)(III) OF THIS SECTION FOR THE PROCEEDING YEAR TO THE BHA.

(8) AT LEAST ANNUALLY, BUT NOT MORE THAN QUARTERLY, BEGINNING ONE MONTH AFTER THE DATE SET BY THE BHA DESCRIBED IN SUBSECTION (7) OF THIS SECTION WHILE THE PILOT PROGRAM IS OPERATIONAL, THE BHA MUST REVIEW THE DATA AND RESEARCH SUBMITTED BY THE IBOGAINÉ PILOT SITES, AS REQUIRED BY SUBSECTION (7) OF THIS SECTION, AND POST A REPORT DETAILING THE IBOGAINÉ PILOT SITE FINDINGS ON THE BHA'S WEBSITE.

(9) THE BHA MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS RECEIVED FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE BHA SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE IBOGAINÉ RESEARCH PILOT PROGRAM CASH FUND CREATED IN SUBSECTION (10) OF THIS SECTION. THE BHA MAY ACCEPT DONATIONS OF IN-KIND SERVICES FOR PURPOSES OF THIS SECTION.

(10) THE IBOGAINÉ RESEARCH PILOT PROGRAM CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (9) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE BHA FOR THE PURPOSE OF ADMINISTERING THE IBOGAINÉ RESEARCH PILOT PROGRAM AND AWARDING GRANTS TO SELECTED IBOGAINÉ PILOT SITES.

(11) THE OPERATION OF AN IBOGAINÉ PILOT SITE IN ACCORDANCE WITH THIS SECTION IS CONTINGENT ON FEDERAL APPROVAL.

(12) THIS SECTION DOES NOT PRECLUDE A PERSON FROM ADMINISTERING IBOGAINÉ OUTSIDE OF THE PILOT PROGRAM IN COMPLIANCE WITH FEDERAL LAW OR AS PERMITTED PURSUANT TO THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12, AND THE "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44.

(13) AN INDIVIDUAL OR ENTITY PARTICIPATING IN THE PILOT PROGRAM MUST NOT BE PROSECUTED OR OTHERWISE DISCIPLINED FOR ACTIONS OR CONDUCT PERMITTED PURSUANT TO THIS SECTION.

(14)(a) A PHYSICIAN OR HEALTH-CARE PROFESSIONAL ADMINISTERING IBOGAINÉ TO PARTICIPANTS AS PART OF THE PILOT PROGRAM, OR AN IBOGAINÉ PILOT SITE, IS NOT LIABLE FOR MONEY DAMAGES IN A CIVIL MALPRACTICE ACTION, A PHYSICAL OR PSYCHOLOGICAL INJURY THAT A PARTICIPANT MAY EXPERIENCE AS A RESULT OF BEING ADMINISTERED IBOGAINÉ AS A PARTICIPANT IN THE PILOT PROGRAM, UNLESS THE INJURY WAS THE DIRECT RESULT OF THE PHYSICIAN'S OR HEALTH-CARE PROFESSIONAL'S INTENTIONAL MISCONDUCT, GROSS NEGLIGENCE, OR A DEVIATION FROM THE GENERALLY ACCEPTED STANDARDS OF PRACTICE.

(b) THIS SUBSECTION (14) DOES NOT APPLY TO ADMINISTRATIVE PROCEEDINGS.

(15) THE BHA SHALL WORK TO SECURE FEDERAL RESEARCH AND DEVELOPMENT FUNDING AVAILABLE THROUGH THE ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH WITHIN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR OTHER AVAILABLE FEDERAL FUNDING, IN ORDER TO ADVANCE RESEARCH EFFORTS ON THE USE OF IBOGAINE AS A TREATMENT FOR SERIOUS MENTAL ILLNESSES.

(16) SUBSECTIONS (1), (2), (3), (4), (5), (6), (7), (8), (11), (12), (13), (14), AND (15) OF THIS SECTION TAKE EFFECT IF THE BHA RECEIVES ONE HUNDRED FIFTY THOUSAND DOLLARS IN GIFTS, GRANTS, OR DONATIONS, OR IF THE BHA RECEIVES IN-KIND DONATIONS FOR WHICH THE VALUE IS EQUAL TO ONE HUNDRED FIFTY THOUSAND DOLLARS, BEFORE JANUARY 1, 2028, FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. THE COMMISSIONER OF THE BHA SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (16) HAS OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. SUBSECTIONS (1), (2), (3), (4), (5), (6), (7), (8), (11), (12), (13), (14), AND (15) OF THIS SECTION TAKE EFFECT ON THE DATE IDENTIFIED IN THE NOTICE TO THE REVISOR OF STATUTES THAT THE BHA HAS RECEIVED ONE HUNDRED FIFTY THOUSAND DOLLARS IN GIFTS, GRANTS, OR DONATIONS, OR AN IN-KIND DONATION FOR WHICH THE VALUE IS EQUAL TO ONE HUNDRED FIFTY THOUSAND DOLLARS, FOR THE PURPOSE OF THIS SECTION, OR, IF THE NOTICE TO THE REVISOR OF STATUTES DOES NOT SPECIFY THAT DATE, ON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(17) (a) THE BHA MUST RECEIVE ADDITIONAL GIFTS, GRANTS, OR DONATIONS IN THE AMOUNT NECESSARY TO COVER THE TOTAL REMAINING COST OF OPERATING THE PILOT PROGRAM FOR THE DURATION OF THE PILOT PROGRAM, OR IN-KIND DONATIONS FOR WHICH THE VALUE IS EQUAL TO THE AMOUNT NECESSARY TO COVER THE TOTAL REMAINING COST OF OPERATING THE PILOT PROGRAM FOR THE DURATION OF THE PILOT PROGRAM, WITHIN THREE HUNDRED SIXTY-FIVE DAYS FOLLOWING THE DATE ON WHICH SUBSECTIONS (1), (2), (3), (4), (5), (6), (7), (8), (11), (12), (13), (14), AND (15) OF THIS SECTION TAKE EFFECT.

(b) THIS SECTION IS REPEALED IF THE BHA DOES NOT RECEIVE ADDITIONAL GIFTS, GRANTS, OR DONATIONS IN THE AMOUNT NECESSARY TO COVER THE TOTAL REMAINING COST OF OPERATING THE PILOT PROGRAM FOR THE DURATION OF THE PILOT PROGRAM, OR IN-KIND DONATIONS FOR WHICH THE VALUE IS EQUAL TO THE AMOUNT NECESSARY TO COVER THE TOTAL REMAINING COST OF OPERATING THE PILOT PROGRAM FOR THE DURATION OF THE PILOT PROGRAM, WITHIN THREE HUNDRED SIXTY-FIVE DAYS FOLLOWING THE DATE ON WHICH THE REVISOR OF STATUTES RECEIVES NOTICE PURSUANT TO SUBSECTION (16) OF THIS SECTION. THE COMMISSIONER OF THE BHA SHALL NOTIFY THE REVISOR OF STATUTES OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (17)(b) HAS OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV.

(18) (a) IF, ON OR BEFORE JANUARY 1, 2028, THE MONEY IN THE FUND HAS NEVER REACHED OR EXCEEDED ONE HUNDRED FIFTY THOUSAND DOLLARS, OR ADDITIONAL GIFTS, GRANTS, OR DONATIONS IN THE AMOUNT NECESSARY TO COVER THE TOTAL REMAINING COST OF THE PILOT PROGRAM ARE NOT RECEIVED WITHIN THREE HUNDRED SIXTY-FIVE DAYS FOLLOWING THE DATE ON WHICH THE REVISOR OF STATUTES RECEIVES NOTICE PURSUANT TO SUBSECTION (16) OF THIS SECTION, THE STATE TREASURER SHALL RETURN FROM THE FUND TO THE GRANTOR OR DONOR THE

AMOUNT OF THE GRANTOR'S OR DONOR'S GIFTS, GRANTS, OR DONATIONS AND, NOTWITHSTANDING SUBSECTION (17) OF THIS SECTION, THE BHA SHALL NOT ACCEPT ADDITIONAL GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS SECTION.

(b) IF ANY MONEY REMAINS IN THE FUND AFTER THE STATE TREASURER RETURNS MONEY TO DONORS OR GRANTORS PURSUANT TO SUBSECTION (18)(a) OF THIS SECTION, AS APPLICABLE, THE STATE TREASURER SHALL, PRIOR TO THE REPEAL OF THE FUND, TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND TO THE REGULATED NATURAL MEDICINE CASH FUND CREATED IN SECTION 44-50-601.

SECTION 3. In Colorado Revised Statutes, 12-170-104, **amend** (1), (12)(b)(II), and (12)(c) as follows:

12-170-104. Definitions.

As used in this article 170, unless the context otherwise requires:

(1) "Administration session" means a session conducted at a healing center, or another location as allowed by this article 170 and article 50 of title 44, during which a participant ~~consumes and experiences~~ MAY PURCHASE REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT AND CONSUME AND EXPERIENCE the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

(12) (b) In addition to the substances listed in subsection (12)(a) of this section, "natural medicine" includes:

(II) Ibogaine, if recommended by the board and approved by the director and the executive director of the state licensing authority; AND IBOGAINES DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA PLANT OR VOACANGA AFRICANA PLANT, IF APPROVED BY THE BOARD AS A NATURAL MEDICINE AND TO THE EXTENT PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN THE ADMINISTRATION SESSIONS CONDUCTED IN ACCORDANCE WITH THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44; or

(c) "Natural medicine" does not mean a synthetic or synthetic analog of the substances listed in subsections (12)(a) and (12)(b) of this section, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthesis, chemical modification, or chemical conversion, EXCEPT FOR IBOGAINES DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA PLANT, VOACANGA AFRICANA PLANT, OR ANOTHER SOURCE THAT IS RECOMMENDED BY THE BOARD, PURSUANT TO SECTION 12-170-106, FOR USE AS A NATURAL MEDICINE AND TO THE EXTENT PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN ADMINISTRATION SESSIONS, PURSUANT TO THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44.

SECTION 4. In Colorado Revised Statutes, 12-170-105, **amend** (1)(a) introductory portion and (1)(a)(II)(I); and **add** (1)(a)(I.5) as follows:

12-170-105. Director powers and duties - prohibition - rules.

(1) In addition to any other powers and duties granted or imposed on the director pursuant to this article 170 or by any other law, the director has the following powers and duties:

(a) To ~~promulgate~~ ADOPT rules pursuant to section 12-20-204 concerning the following subjects:

(I.5) REQUIREMENTS FOR THE USE AND ADMINISTRATION OF IBOGAINE, INCLUDING:

(A) REQUIRING MEDICAL PRESCREENING, WHICH MAY INCLUDE AN ELECTROCARDIOGRAM, BLOOD TESTS, GENETIC TESTS, AND ANY OTHER MEDICAL TEST, THE RESULTS OF WHICH MAY BE USED TO HELP REDUCE THE RISKS RELATED TO IBOGAINE ADMINISTRATION FOR A PARTICIPANT;

(B) REQUIRING CONTINUOUS MEDICAL MONITORING DURING AN IBOGAINE ADMINISTRATION SESSION;

(C) REQUIRING APPROPRIATE OVERSIGHT BY TRAINED AND EXPERIENCED MEDICAL PROFESSIONALS DURING AN IBOGAINE ADMINISTRATION SESSION; AND

(D) REQUIRING EXTENDED INTEGRATION OR AFTERCARE, AS APPROPRIATE, WHICH MAY UTILIZE REFERRALS, MEDICAL AND MENTAL HEALTH PROFESSIONALS, AND CERTIFIED PEER SUPPORT SPECIALISTS;

(II) Requirements for the licensing of facilitators, practice of facilitation, and professional conduct of facilitators, including:

(I) Parameters for a facilitator's permissible and prohibited financial interests in a healing center, license pursuant to this article 170, or license pursuant to article 50 of title 44; ~~except that a facilitator may not have a financial interest in more than five natural medicine business licenses pursuant to article 50 of title 44;~~

SECTION 5. In Colorado Revised Statutes, 12-170-106, **amend** (1), (2), (4)(c), and (5)(f); **repeal** (3); and **add** (4)(d), (4)(e), and (4)(f) as follows:

12-170-106. Board - creation - appointment - duties - report.

(1) There is created within the division a natural medicine advisory board, which consists of fifteen VOTING MEMBERS AND ONE NONVOTING MEMBER DESCRIBED IN SUBSECTION (3) OF THIS SECTION, to advise the division and the state licensing authority concerning the implementation of this article 170 and article 50 of title 44. THE BOARD IS ADVISORY IN NATURE AND SHALL NOT EXERCISE LICENSING, ENFORCEMENT, RULE-MAKING, OR OPERATIONAL AUTHORITY.

(2)(a) ~~The governor shall appoint initial board members on or before January 31, 2023, with consent of the senate. The members must include:~~ THE GOVERNOR SHALL APPOINT THE FIFTEEN VOTING MEMBERS TO THE BOARD.

(a)(b) ~~Seven members with significant expertise and experience in one or more of the following areas: Natural medicine therapy, medicine, and research; mycology~~

~~and natural medicine cultivation; licensee qualifications; emergency medical services and services provided by first responders; mental and behavioral health care; health-care insurance and health-care policy; and public health, drug policy, and harm reduction; and~~ IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL ENSURE THAT THE BOARD REFLECTS A DIVERSE RANGE OF PROFESSIONAL EXPERTISE, LIVED EXPERIENCE, AND PERSPECTIVES NECESSARY TO ADVISE ON THE SAFE, EFFECTIVE, AND EQUITABLE IMPLEMENTATION OF NATURAL MEDICINES AUTHORIZED PURSUANT TO THIS ARTICLE 170.

~~(b) (c) Eight members with significant expertise and experience in one or more of the following areas: Religious use of natural medicines; issues confronting veterans; traditional tribal or Indigenous use of natural medicines; levels and disparities in access to health-care services among different communities; and past criminal justice reform efforts in Colorado. At least one of the eight members must have expertise or experience in traditional, tribal, or Indigenous use of natural medicines.~~ MEMBERS APPOINTED TO THE BOARD MUST HAVE RELEVANT EXPERIENCE TO THE NATURAL MEDICINE CURRENTLY BEING REGULATED OR UNDER CONSIDERATION BY THE BOARD. RELEVANT EXPERIENCE MAY CONSIST OF WORK OR EXPERTISE IN THE FOLLOWING AREAS:

(I) MEDICAL, CLINICAL, SCIENTIFIC, PHARMACOLOGICAL, TOXICOLOGICAL, OR RESEARCH RELATED TO NATURAL MEDICINE;

(II) PHYSICAL HEALTH CARE, MENTAL HEALTH CARE, BEHAVIORAL HEALTH CARE, OR SUBSTANCE USE DISORDER TREATMENT;

(III) EMERGENCY MEDICAL SERVICES, FIRST RESPONDER SERVICES, OR ACUTE CARE MEDICINE;

(IV) PUBLIC HEALTH, DRUG POLICY, HARM REDUCTION, OR HEALTH-CARE POLICY;

(V) NATURAL MEDICINE CULTIVATION, SOURCING, PROCESSING, MANUFACTURING, SUPPORTIVE CARE PROVIDED PRIOR TO AND FOLLOWING THE ADMINISTRATION OF NATURAL MEDICINE, OR QUALITY CONTROL OF NATURAL MEDICINE;

(VI) REGULATORY COMPLIANCE, PROFESSIONAL LICENSURE, HEALTH-CARE REGULATION, OR LABORATORY STANDARDS;

(VII) RELIGIOUS, SPIRITUAL, TRADITIONAL, TRIBAL, OR INDIGENOUS USE OF NATURAL MEDICINE;

(VIII) ISSUES IMPACTING VETERANS OR OTHER POPULATIONS DISPROPORTIONATELY IMPACTED BY SUBSTANCE USE DISORDER OR MENTAL HEALTH CONDITIONS;

(IX) HEALTH-CARE ACCESS, HEALTH EQUITY, OR DISPARITIES IN ACCESS TO CARE;

(X) CRIMINAL JUSTICE REFORM, DRUG POLICY REFORM, OR IMPACTS OF PRIOR DRUG ENFORCEMENT POLICIES; OR

(XI) ISSUES AFFECTING THE ECOLOGY OR CULTURE OF INDIGENOUS PEOPLE WHO HAVE HISTORICALLY USED NATURAL MEDICINE.

(d) NOTHING IN SUBSECTION (2)(c) OF THIS SECTION REQUIRES THE BOARD TO REPRESENT ALL AREAS OF EXPERTISE LISTED IN SUBSECTION (2)(c) OF THIS SECTION.

(e) SUBSECTION (2)(c) OF THIS SECTION DOES NOT LIMIT THE GOVERNOR'S DISCRETION TO APPOINT MEMBERS WHOSE QUALIFICATIONS ARE PARTICULARLY RELEVANT TO A SPECIFIC NATURAL MEDICINE THAT IS BEING REGULATED OR IS UNDER CONSIDERATION BY THE BOARD.

~~(3) The board includes the executive director of the department of revenue, or the executive director's designee, serving as a nonvoting member.~~

~~(4) (c) Except for the executive director of the state licensing authority, or the executive director's designee, Members of the board may serve up to two consecutive terms. Members are subject to removal for misconduct, incompetence, neglect of duty, or unprofessional conduct.~~

(d) MEMBERS ARE SUBJECT TO REMOVAL FOR MISCONDUCT, INCOMPETENCE, NEGLECT OF DUTY, OR UNPROFESSIONAL CONDUCT, AND THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD IF THE GOVERNOR DETERMINES THAT CHANGES TO THE BOARD'S COMPOSITION ARE NECESSARY TO ENSURE THE BOARD POSSESSES THE EXPERTISE REQUIRED TO FULFILL ITS ADVISORY ROLE WITH RESPECT TO A NATURAL MEDICINE BEING REGULATED OR UNDER CONSIDERATION BY THE BOARD.

(e) THE GOVERNOR SHALL FILL A VACANCY THAT OCCURS ON THE BOARD WITHIN ONE HUNDRED TWENTY DAYS AFTER THE VACANCY ARISES.

(f) A MEMBER APPOINTED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION SERVES FOR THE DURATION OF THE TERM BEING FILLED, SUBJECT TO SUBSECTION (4)(d) OF THIS SECTION.

(5) The board shall make recommendations to the director and state licensing authority related to, but not limited to, the following areas:

(f) The addition of other types of natural medicine to this article 170 and article 50 of title 44 pursuant to section 12-170-104 (12)(b)(I), (12)(b)(II), or (12)(b)(III) based on available medical, psychological, and scientific studies, research, and other information related to the safety and efficacy of each natural medicine, and shall prioritize considering the addition of ibogaine pursuant to section 12-170-104 (12)(b)(II), to this article 170, and to article 50 of title 44, INCLUDING ADDITIONAL GENERA OR SPECIES OF PLANTS THAT MAY BE CULTIVATED AND MANUFACTURED TO CREATE SEMI-SYNTHETIC IBOGAINE SUCH AS THE GENERA TABERNANTHE PLANT, VOACANGA AFRICANA PLANT, AND TABERNAEMONTANA PLANT;

SECTION 6. In Colorado Revised Statutes, 12-170-113, **add** (3) as follows:

12-170-113. Protections.

(3) (a) A FACILITATOR IS NOT LIABLE FOR MONEY DAMAGES IN A CIVIL MALPRACTICE ACTION FOR A PHYSICAL OR PSYCHOLOGICAL INJURY THAT A PARTICIPANT MAY EXPERIENCE AS A RESULT OF THE FACILITATOR'S PERFORMANCE OR SUPERVISION OF NATURAL MEDICINE SERVICES FOR A PARTICIPANT, UNLESS THE INJURY WAS THE DIRECT RESULT OF THE FACILITATOR'S INTENTIONAL MISCONDUCT, GROSS NEGLIGENCE, OR A DEVIATION FROM THE GENERALLY ACCEPTED STANDARDS OF PRACTICE.

(b) THIS SUBSECTION (3) DOES NOT APPLY TO ADMINISTRATIVE PROCEEDINGS.

SECTION 7. In Colorado Revised Statutes, 44-50-103, **amend** (13)(b)(II) and (13)(c) as follows:

44-50-103. Definitions.

As used in this article 50, unless the context otherwise requires:

(13) (b) In addition to the substances listed in subsection (13)(a) of this section, "natural medicine" includes:

(II) Ibogaine, if recommended by the board and approved by the director and the executive director of the state licensing authority for inclusion, AND IBOGAIN DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA PLANT OR VOACANGA AFRICANA PLANT, IF APPROVED BY THE BOARD AS A NATURAL MEDICINE AND, TO THE EXTENT PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN ADMINISTRATION SESSIONS CONDUCTED IN ACCORDANCE WITH THIS ARTICLE 50 AND ARTICLE 170 OF TITLE 12; or

(c) "Natural medicine" does not mean a synthetic or synthetic analog of the substances listed in subsections (13)(a) and (13)(b) of this section, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthesis, chemical modification, or chemical conversion, EXCEPT FOR IBOGAIN DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA PLANT, VOACANA AFRICANA PLANT, OR ANOTHER SOURCE THAT IS RECOMMENDED BY THE BOARD, PURSUANT TO SECTION 12-170-106, FOR USE AS A NATURAL MEDICINE AND, TO THE EXTENT PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN ADMINISTRATION SESSIONS CONDUCTED IN ACCORDANCE WITH THIS ARTICLE 50 AND ARTICLE 170 OF THIS TITLE 12.

SECTION 8. In Colorado Revised Statutes, 18-18-434, **amend** (5)(c)(IV) and (12)(d); and **add** (5)(c)(VI), (5)(c)(VII), (5)(c)(VIII), and (5.5) as follows:

18-18-434. Offenses relating to natural medicine and natural medicine product - definitions.

(5) (c) Nothing in this section permits a person to:

(IV) Dispense, distribute, or possess with intent to dispense or distribute natural medicine or natural medicine product as a part of a business promotion or commercial activity, except as provided by article 170 of title 12 and article 50 of title 44; or

(VI) ADVERTISE BONA FIDE HARM REDUCTION SERVICES OR BONA FIDE SUPPORT SERVICES OFFERED FOR REMUNERATION EXCEPT AS PROVIDED FOR IN SECTION (12)(d) OF THIS SECTION;

(VII) ADVERTISE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT; OR

(VIII) USE HARM REDUCTION SERVICES OR SUPPORT SERVICES TO CONDUCT SALES OF NATURAL MEDICINE. PROHIBITED SALES ACTIVITIES RELATED TO HARM REDUCTION SERVICES OR SUPPORT SERVICES INCLUDE BUT ARE NOT LIMITED TO:

(A) OPERATING A RETAIL STORE, VENDOR TABLE, VENDOR BOOTH, OR OTHER COMMERCIAL BUSINESS THAT DISPENSES FOR REMUNERATION ANY AMOUNT OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT NOT INTENDED FOR CONSUMPTION UNDER SUPERVISION BY THE NATURAL PERSON OR ENTITY THAT DISPENSES THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT;

(B) SALES OF SERVICES OR ITEMS THAT INCLUDE THE TRANSFER OF NATURAL MEDICINE, WHICH DOES NOT PRECLUDE REMUNERATION FOR BONA FIDE HARM REDUCTION SERVICES OR BONA FIDE SUPPORT SERVICES;

(C) PAYING RECURRING FEES TO ACQUIRE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCTS; AND

(D) ONLINE SALES THAT INCLUDE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCTS.

(5.5) BONA FIDE HARM REDUCTION SERVICES OR BONA FIDE SUPPORT SERVICES WITHOUT THE EXCHANGE OR SHARING OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCTS ARE NOT SUBJECT TO THIS SECTION.

(12) As used in this section, unless the context otherwise requires:

(d) "Personal use" means the consumption or use of natural medicine or natural medicine product; or the amount of natural medicine or natural medicine product a person may lawfully possess, cultivate, or manufacture that is necessary to share with another person who is twenty-one years of age or older within the context of counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services. "Personal use" does not mean the sale of natural medicine or natural medicine product for remuneration; the possession, cultivation, or manufacture of natural medicine or natural medicine product with intent to sell the natural medicine or natural medicine product for remuneration; or the possession, cultivation, manufacture, or distribution of natural medicine or natural medicine product for business or commercial purposes, except as provided by article 170 of title 12 and article 50 of title 44. Nothing in this section precludes remuneration for bona fide harm reduction services or bona fide support services used concurrently with the sharing of CONSUMPTION OF SHARED natural medicine or natural medicine product, provided that IF there is no advertisement related to the sharing of natural medicine, natural medicine product, or the services provided, SERVICES OFFERED, and provided that IF the individual providing the services informs an individual engaging in the services that the individual is not a licensed facilitator pursuant to article 170 of title 12.

SECTION 9. In Colorado Revised Statutes, 44-50-103, **amend** (1); and **add** (11.5) and (24.5) as follows:

44-50-103. Definitions.

As used in this article 50, unless the context otherwise requires:

(1) "Administration session" means a session conducted at a healing center, or other location if permitted by this article 50 or rules promulgated ADOPTED pursuant to this article 50, during which a participant ~~consumes and experiences~~ MAY PURCHASE REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT AND CONSUME AND EXPERIENCE the effects of natural medicine under the supervision of a facilitator.

(11.5) "LIMITED REGULATED NATURAL MEDICINE SALES LICENSE" MEANS A LICENSE ISSUED TO AN OWNER AUTHORIZING THE LICENSE TO CO-LOCATE WITH A HEALING CENTER IN WHICH THERE IS AT LEAST ONE PERSON LICENSED AS AN OWNER ASSOCIATED WITH BOTH THE LIMITED REGULATED NATURAL MEDICINE SALES LICENSE AND THE HEALING CENTER.

(24.5) "TEMPORARY PREMISES" MEANS THE PHYSICAL LOCATION WHERE A NATURAL MEDICINE HEALING CENTER, LICENSED PURSUANT TO THIS ARTICLE 50, IS AUTHORIZED TO PROVIDE NATURAL MEDICINE SERVICES UNDER THE TERMS OF A TEMPORARY PREMISES PERMIT.

SECTION 10. In Colorado Revised Statutes, 44-50-104, **amend** (2) as follows:

44-50-104. Applicability.

(2) A person applying for licensure pursuant to this article 50 must complete forms as provided by the state licensing authority and must pay the application fee and the licensing fee, which must be credited to the regulated natural medicine division cash fund established pursuant to section 44-50-601. The state licensing authority shall prioritize reviewing applications from applicants ~~who have established residency in Colorado.~~ IN THE FOLLOWING ORDER:

(a) APPLICANTS WHO PARTICIPATED IN THE PILOT PROGRAM TO ADMINISTER IBOGAIN PURSUANT TO SECTION 27-60-207;

(b) APPLICANTS WHO HAVE ESTABLISHED RESIDENCY IN COLORADO; AND

(c) APPLICANTS WHO DEMONSTRATE PRIORITY REVIEW STATUS AS ESTABLISHED BY THE STATE LICENSING AUTHORITY IN RULE.

SECTION 11. In Colorado Revised Statutes, 44-50-202, **amend** (1)(a); and **add** (10) as follows:

44-50-202. Powers and duties of state licensing authority - report - rules.

(1) The state licensing authority shall:

(a) Beginning on or before December 31, 2024, grant or refuse state licenses for the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of regulated natural medicine or regulated natural medicine product; suspend, fine, restrict, or revoke ~~such~~ THE licenses, whether active, expired, or surrendered, upon a violation of this article 50 or a rule ~~promulgated~~ ADOPTED pursuant to this article 50; and impose any penalty authorized by this article 50 or a rule ~~promulgated~~ ADOPTED pursuant to this article 50. The state licensing authority may take any action with respect to a registration or permit pursuant to this article 50 as it may with respect to a license issued pursuant to this article 50, in accordance with the procedures established pursuant to this article 50.

(I) THE INCORPORATION OF ADDITIONAL NATURAL MEDICINES, AS RECOMMENDED BY THE BOARD AND APPROVED BY THE DIRECTOR AND EXECUTIVE DIRECTOR OF THE STATE LICENSING AUTHORITY, IS SUBJECT TO AVAILABLE FUNDING TO COVER THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS ARTICLE 50. THE STATE LICENSING AUTHORITY IS NOT REQUIRED TO INCORPORATE ADDITIONAL NATURAL MEDICINES IF THERE IS NOT SUFFICIENT FUNDING TO FINANCE PROGRAM ADMINISTRATION.

(II) ONCE SUFFICIENT FUNDING IS SECURED FOR PROGRAM IMPLEMENTATION, THE STATE LICENSING AUTHORITY, IN CONSULTATION WITH THE BOARD, THE DEPARTMENT OF REGULATORY AGENCIES, THE BEHAVIORAL HEALTH ADMINISTRATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL DETERMINE THE PROGRAM SCOPE FOR IMPLEMENTATION.

(10) THE STATE LICENSING AUTHORITY IS NOT REQUIRED TO CONDUCT ROUTINE, PERIODIC, OR PRE-OPERATIONAL INSPECTIONS AS A CONDITION OF LICENSURE UNLESS EXPRESSLY REQUIRED BY THIS ARTICLE 50.

SECTION 12. In Colorado Revised Statutes, 44-50-203, **amend** (1)(e), (2)(r), and (2)(s)(III); and **add** (1)(p), (1)(q), (2)(t), (2)(u), (2.5), (4)(c), (5), and (6) as follows:

44-50-203. State licensing authority - rules.

(1) **Mandatory rule-making.** Rules adopted pursuant to section 44-50-202 (1)(b) must include the following subjects:

(e) Permissible and prohibited financial interests in a license issued pursuant to this article 50 or a license issued pursuant to article 170 of title 12; ~~except that an individual shall not have a financial interest in more than five natural medicine business licenses;~~

(p) LICENSE PRIVILEGES AND RESTRICTIONS OF A LIMITED REGULATED NATURAL MEDICINE SALES LICENSE, WHICH INCLUDES ALLOWING THE LICENSEE TO STORE, DISTRIBUTE, TRANSPORT, PURCHASE, POSSESS, AND TRANSFER REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT AND TO TRANSFER FOR REMUNERATION REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCTS TO A PARTICIPANT ONLY FOR PURPOSES OF CONSUMPTION DURING A FACILITATED ADMINISTRATION SESSION AT A CO-LOCATED HEALING CENTER'S LICENSED PREMISES;

(q) ELIGIBILITY REQUIREMENTS FOR AN APPLICANT TO OBTAIN A LIMITED REGULATED NATURAL MEDICINE SALES LICENSE, INCLUDING, BUT NOT LIMITED TO:

(I) REQUIRING A LIMITED REGULATED NATURAL MEDICINE SALES LICENSE TO HAVE AND MAINTAIN COMMON OWNERSHIP WITH THE CO-LOCATED HEALING CENTER LICENSE ISSUED PURSUANT TO SECTION 44-50-401 AND ANY RULES ADOPTED BY THE STATE LICENSING AUTHORITY; AND

(II) ESTABLISHING APPLICATION AND LICENSE FEES TO COVER THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE LIMITED REGULATED NATURAL MEDICINE SALES LICENSE CREATED PURSUANT TO SECTION 44-50-401(6), WHICH FEES SHALL BE DEPOSITED IN THE NATURAL MEDICINE CASE FUND CREATED IN SECTION 44-50-601.

(2) **Permissive rule-making.** Rules adopted pursuant to section 44-50-202 (1)(b) may include, but need not be limited to, the following subjects:

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this article 50; ~~and~~

(s) Requirements that healing centers collect data and information related to regulated natural medicine services and provide the data and information to the department of public health and environment in accordance with section 44-50-401 (6), which data and information must include:

(III) Other information as determined by the state licensing authority in consultation with the department of public health and environment;

(t) APPLICATION PROCEDURES AND LICENSE REQUIREMENTS FOR A HEALING CENTER TO OPERATE A TEMPORARY PREMISES, IN ACCORDANCE WITH SECTION 44-50-401(6), AND MAY INCLUDE:

(I) ESTABLISHING THE LOCATION ELIGIBILITY REQUIREMENTS FOR A TEMPORARY PREMISES;

(II) ESTABLISHING MINIMUM SECURITY AND SURVEILLANCE REQUIREMENTS FOR A TEMPORARY PREMISES, WHICH MUST REFLECT THE TEMPORARY NATURE OF THE USE AND ANY PUBLIC HEALTH AND SAFETY CONSIDERATIONS FOR ADMINISTRATION OF NATURAL MEDICINE SERVICES;

(III) ESTABLISHING MINIMUM RECORD KEEPING REQUIREMENTS, WHICH MAY INCLUDE AUTHORIZING LICENSEES OPERATING A TEMPORARY PREMISES TO MAINTAIN REQUIRED RECORDS AT THE HEALING CENTER LICENSEE'S LICENSED PREMISES;

(IV) ESTABLISHING NOTIFICATION REQUIREMENTS FOR WHEN A HEALING CENTER MUST REPORT TO THE STATE LICENSING AUTHORITY INFORMATION THAT RELATES TO THE LICENSEE'S USE OF AN APPROVED TEMPORARY PREMISES;

(V) ESTABLISHING CRITERIA UNDER WHICH A HEALING CENTER MAY APPLY AND BE APPROVED FOR MORE THAN ONE TEMPORARY PREMISES IN A SINGLE APPLICATION; AND

(VI) ADJUSTING THE AMOUNTS OF THE APPLICATION AND PERMIT FEES FOR A TEMPORARY PREMISES TO REFLECT THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE TEMPORARY PREMISES PERMIT; AND

(u) REQUIREMENTS FOR THE CULTIVATION, MANUFACTURE, TESTING, OR DISPENSING OF IBOGAINE, INCLUDING:

(I) LIMITING PRODUCTS CONTAINING IBOGAINE, AS NECESSARY, DUE TO ITS HEALTH AND SAFETY RISKS; AND

(II) ESTABLISHING MINIMUM MANUFACTURING AND TESTING STANDARDS FOR IBOGAINE AND IBOGAINE PRODUCTS, INCLUDING REQUIREMENTS THAT LICENSEES MAINTAIN RECORDS REGARDING CULTIVATED AND MANUFACTURED PRODUCTS SOURCE MATERIAL, ADDITIVES AND INGREDIENTS, AND ANY CONDUCTED TEST RESULTS, AND REQUIREMENTS THAT PRODUCTS PROVIDED TO HEALING CENTERS BE LABELED WITH THE SAME INFORMATION.

(2.5) THE STATE LICENSING AUTHORITY MAY TEMPORARILY WAIVE OR ADJUST STATUTORY OR REGULATORY TESTING REQUIREMENTS FOR REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCTS. ANY WAIVER OR ADJUSTMENT OF STATUTORY OR REGULATORY TESTING REQUIREMENTS ARE ONLY PERMITTED IF THERE IS NO NATURAL MEDICINE TESTING FACILITY CERTIFIED OR LICENSED TO CONDUCT REQUIRED TESTING AND MUST INCLUDE:

(a) PROCEDURES FOR LICENSEES TO SUBMIT REPRESENTATIVE TEST SAMPLES TO AN UNLICENSED, THIRD-PARTY TESTING LABORATORY;

(b) MINIMUM QUALIFICATIONS THAT THE UNLICENSED THIRD-PARTY TESTING LABORATORY MUST MEET TO RECEIVE TEST SAMPLES;

(c) MINIMUM STANDARDS FOR CERTIFICATES OF ANALYSIS THAT A LICENSEE MUST DEMONSTRATE THE UNLICENSED, THIRD-PARTY TESTING LABORATORY CAN MEET;

(d) FREQUENCY OF TESTING; AND

(e) LICENSEE NOTIFICATION AND RECORD KEEPING REQUIREMENTS FOR REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCTS TESTED BY UNLICENSED, THIRD-PARTY TESTING LABORATORIES.

(4) (c) THE STATE LICENSING AUTHORITY MAY ESTABLISH DIFFERENT APPLICATION FEES FOR LICENSES BASED ON THE TYPE OF NATURAL MEDICINE THAT THE LICENSEE SEEKS TO CULTIVATE, MANUFACTURE, TEST, OR DISPENSE.

(5) (a) A LICENSEE SEEKING TO CULTIVATE, MANUFACTURE, TEST, DISPENSE, OR ADMINISTER IBOGAINE SHALL, IN CONSULTATION WITH INDIGENOUS COMMUNITIES OR THEIR AUTHORIZED REPRESENTATIVE, ESTABLISH A BENEFIT-SHARING PLAN THAT DIRECTLY BENEFITS THOSE COMMUNITIES. A LICENSEE MAY USE OR RELY ON A THIRD PARTY FOR CONSULTATION.

(b) A LICENSEE SHALL MAINTAIN DOCUMENTATION DEMONSTRATING THE CONSULTATION PROCESS AND THE DEVELOPMENT OF THE BENEFIT-SHARING PLAN AND MAKE THE DOCUMENTATION PUBLICLY AVAILABLE UPON REQUEST.

(c) FOR PURPOSES OF THIS SUBSECTION (5), "BENEFIT-SHARING PLAN" MEANS AN ARRANGEMENT WITH INDIGENOUS COMMUNITIES TRADITIONALLY CONNECTED TO THE USE OF IBOGAIN OR IBOGA THAT IS INTENDED TO SHARE IN THE BENEFITS THAT ARISE FROM THE RESEARCH, THERAPEUTIC USE, OR COMMERCIALIZATION OF IBOGAIN OR IBOGA. BENEFITS MAY INCLUDE:

- (I) FINANCIAL BENEFIT SHARING;
- (II) COLLABORATIVE RESEARCH OR DATA SHARING;
- (III) CONSERVATION SUPPORT FOR PLANT SPECIES AND HABITATS;
- (IV) COMMUNITY-IDENTIFIED DEVELOPMENT PRIORITIES;
- (V) CULTURAL OR EDUCATIONAL EXCHANGES; AND
- (VI) UTILIZING A SOURCE FOR IBOGAIN THAT ENGAGES IN BENEFIT-SHARING AND ETHICAL AND SUSTAINABLE CULTIVATION PRACTICES.

(6) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE INDIGENOUS COMMUNITIES TO DISCLOSE OR SHARE TRADITIONAL KNOWLEDGE, CEREMONIAL PRACTICES, OR CULTURAL EXPRESSIONS.

SECTION 13. In Colorado Revised Statutes, 44-50-301, **amend** (2)(a)(IV) and (2)(a)(V); and **add** (2)(a)(VI) as follows:

44-50-301. Classes of licenses.

(2) (a) The following are natural medicine business licenses:

(IV) Natural medicine testing facility license; ~~and~~

(V) ~~Any natural medicine business license determined necessary by the state licensing authority~~ LIMITED REGULATED NATURAL MEDICINE SALES LICENSES; AND

(VI) ANY NATURAL MEDICINE BUSINESS LICENSE DETERMINED NECESSARY BY THE STATE LICENSING AUTHORITY.

SECTION 14. In Colorado Revised Statutes, 44-50-401, **amend** (2); and **add** (7), (8), and (9) as follows:

44-50-401. Natural medicine healing center license - data collection - rules.

(2) A natural medicine healing center licensee may transfer regulated natural medicine or regulated natural medicine product to another natural medicine healing center licensee, LIMITED REGULATED NATURAL MEDICINE SALES LICENSEE, or a facilitator pursuant to rules ~~promulgated~~ ADOPTED by the state licensing authority.

(7) (a) A HEALING CENTER MAY APPLY FOR A TEMPORARY PREMISES PERMIT AT A SEPARATE LOCATION. THE DEPARTMENT MAY ISSUE A TEMPORARY PREMISES PERMIT TO A LICENSED NATURAL MEDICINE HEALING CENTER IF THE FOLLOWING CONDITIONS ARE MET:

(I) THE HEALING CENTER SUBMITS A COMPLETE APPLICATION AND PAYS ALL APPLICATION AND PERMIT FEES TO THE DEPARTMENT;

(II) THE LOCATION IS APPROVED BY THE DEPARTMENT SUBJECT TO THE REQUIREMENTS IN SECTION 44-50-302;

(III) THE LICENSEE'S USE OF THE TEMPORARY PREMISES DOES NOT EXCEED THE DURATION APPROVED UNDER THE PERMIT;

(IV) THE APPLICANT DEMONSTRATES THE LICENSED NATURAL MEDICINE HEALING CENTER IS ENTITLED TO USE THE LOCATION AS A TEMPORARY PREMISES; AND

(V) THE TEMPORARY PREMISES OTHERWISE COMPLIES WITH THIS ARTICLE 50 AND ALL OTHER RULES ADOPTED BY THE DEPARTMENT.

(b) A NATURAL MEDICINE HEALING CENTER'S TEMPORARY PREMISES IS NOT REQUIRED TO BE LOCATED IN THE SAME LOCAL JURISDICTION AS THE LICENSED PREMISES.

(c) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A TEMPORARY PREMISES PERMIT FOR A LOCATION AT WHICH THE DISTRIBUTION, TRANSFER, AND DISPENSATION OF REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT IS NOT PERMITTED UNDER THE ZONING CODE OF THE LOCAL JURISDICTION.

(8) A LIMITED REGULATED NATURAL MEDICINE SALES LICENSE MAY BE ISSUED ONLY TO A PERSON THAT APPLIES FOR AND IS APPROVED TO OPERATE A HEALING CENTER LICENSE AND IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

(a) THE LICENSE MUST BE CO-LOCATED WITH A HEALING CENTER AT WHICH AN ADMINISTRATION SESSION IS HELD, WHERE REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT IS SOLD TO A PARTICIPANT.

(b) THE LICENSE MUST HAVE COMMON OWNERSHIP WITH THE CO-LOCATED HEALING CENTER. FOR PURPOSES OF THIS SECTION, COMMON OWNERSHIP MEANS THERE IS AT LEAST ONE PERSON LICENSED AS AN OWNER ASSOCIATED WITH BOTH THE LIMITED REGULATED NATURAL MEDICINE SALES LICENSE AND THE HEALING CENTER.

(c) THE LICENSE MAY BE EXERCISED TO STORE, PURCHASE, POSSESS, AND TRANSFER REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT AND INVOICE A PARTICIPANT FOR REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT TO BE USED SOLELY IN THE CONTEXT OF AN ADMINISTRATION SESSION AT A CO-LOCATED HEALING CENTER AND TO CONDUCT TRANSACTIONS ON BEHALF OF A FACILITATOR FOR THE NATURAL MEDICINE SERVICES PROVIDED IN ACCORDANCE WITH ARTICLE 170 OF TITLE 12.

(d) THE LICENSE IS NOT REQUIRED TO COMPLY WITH SUBSECTION (1) OF THIS SECTION SEPARATE FROM THE COMMONLY OWNED, CO-LOCATED HEALING CENTER LICENSE.

(e) ANY OTHER REQUIREMENTS ESTABLISHED BY RULES OF THE STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 50.

(9) A HEALTH CENTER LICENSEE SHALL NOT SELL REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT UNLESS A CO-LOCATED LIMITED REGULATED NATURAL MEDICINE SALES LICENSEE CONDUCTS THE TRANSACTION IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (8) OF THIS SECTION.

SECTION 15. In Colorado Revised Statutes, 44-50-402, **amend** (1) as follows:

44-50-402. Natural medicine cultivation facility license.

(1) A natural medicine cultivation facility license may be issued pursuant to state licensing authority rules and only to a person who cultivates regulated natural medicine for transfer and distribution to natural medicine healing center licensees, natural medicine product manufacturer licensees, A LIMITED REGULATED NATURAL MEDICINE SALES LICENSEE, other natural medicine cultivation facility licensees, or other persons licensed ~~under~~ PURSUANT TO article 170 of title 12 or this article 50.

SECTION 16. In Colorado Revised Statutes, 44-50-601, **amend** (1)(a) as follows:

44-50-601. Regulated natural medicine cash fund - created - rules - fees.

(1) (a) ~~All~~ Money collected by the state licensing authority pursuant to this article 50 or rules ~~promulgated~~ ADOPTED pursuant to this article 50 must be transmitted to the state treasurer, who shall credit the same to the regulated natural medicine division cash fund, which is ~~hereby~~ created IN THE STATE TREASURY. The regulated natural medicine division cash fund, referred to in this section as the "fund", consists of:

(I) The money collected by the state licensing authority; ~~and~~

(II) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE SOURCES;

(III) MONEY TRANSFERRED FROM THE IBOGAIN RESEARCH PILOT PROGRAM CASH FUND, ESTABLISHED IN SECTION 27-60-207 (10); AND

~~(H)~~ (IV) Any additional general fund money appropriated to the fund that is necessary for the operation of the state licensing authority.

SECTION 17. In Colorado Revised Statutes, **add** 44-50-702 as follows:

44-50-702. Unlawful exercise of the privileges of a license.

(1) IF THE DIRECTOR OF THE NATURAL MEDICINE DIVISION DETERMINES BASED UPON CREDIBLE EVIDENCE FROM A COMPLAINT OR INVESTIGATION THAT A PERSON

IS ACTING OR HAS ACTED WITHOUT THE LICENSE REQUIRED TO OPERATE A NATURAL MEDICINE BUSINESS OR TO OWN, GROW, HARVEST, TRANSFER, MANUFACTURE, SUPERVISE, PROVIDE, OR ADMINISTER NATURAL MEDICINE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE ORDER MUST SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED ACTIVITY IMMEDIATELY CEASE.

(2) WITHIN FOURTEEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST ISSUED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE RESPONDENT MAY REQUEST A HEARING BEFORE THE HEARINGS DIVISION ON THE QUESTION OF WHETHER THEIR ACTS OR PRACTICES WERE IN VIOLATION OF THIS TITLE 44 OR UNLICENSED ACTIVITY OCCURRED.

(3) THE HEARING MUST BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105.

(4) JUDICIAL REVIEW OF FINAL AGENCY ACTION REGARDING THE CEASE AND DESIST MUST BE CONDUCTED PURSUANT TO SECTION 24-4-106.

SECTION 18. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 4, 2026