

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0271.07 Jacob Baus x2173

SENATE BILL 23-290

SENATE SPONSORSHIP

Fenberg, Bridges, Ginal, Jaquez Lewis, Marchman, Priola

HOUSE SPONSORSHIP

Amabile,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING NATURAL MEDICINE, AND, IN CONNECTION THEREWITH,**
102 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the regulatory framework for natural medicine and natural medicine product.

The bill requires the director of the division of professions and occupations to:

- Regulate facilitators and the practice of regulation, including issuing licenses for facilitators;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 25, 2023

SENATE
Amended 2nd Reading
April 24, 2023

- Promulgate rules necessary for the regulation of facilitators and the practice of facilitation; and
- Perform duties necessary for the implementation and administration of the "Natural Medicine Health Act of 2022", including investigatory and disciplinary authority.

The bill creates the natural medicine advisory board (board). The board's duties include examining issues related to natural medicine and natural medicine product, and making recommendations to the director of the division of professions and occupations and the executive director of the state licensing authority.

The bill creates within the department of revenue the division of natural medicine for the purpose of regulating and licensing the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of natural medicine or natural medicine product between natural medicine licensees. The bill requires the division of natural medicine to:

- Regulate natural medicine, natural medicine product, and natural medicine businesses, including healing centers, cultivators, manufacturers, and testers, and issue licenses for such businesses;
- Promulgate rules necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses; and
- Perform duties necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses, including investigatory and disciplinary authority.

The bill requires the department of revenue to coordinate with the department of public health and environment concerning testing standards of regulated natural medicine and natural medicine product.

The bill requires a sunset review for the articles governing the department of regulatory affairs and the department of revenue in the regulation of natural medicine, natural medicine product, facilitators, and natural medicine businesses.

The bill states that:

- A person who is under 21 years of age who knowingly possesses or consumes natural medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than \$100 or not more than 4 hours of substance use education or counseling; except that a second or subsequent offense is subject to a fine of not more than \$100, not more than 4 hours of substance use education or counseling, and not more than 24 hours of useful public service;
- A person who openly and publicly consumes natural

medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than \$100 and not more than 24 hours of useful public service;

- A person who cultivates natural medicine shall do so on the person's private property, subject to area and physical security requirements. A person who violates this provision commits a drug petty offense and is subject to a fine of not more than \$1,000.
- A person who is not licensed to manufacture natural medicine product and who knowingly manufactures natural medicine product using an inherently hazardous substance commits a level 2 drug felony;
- Unless expressly limited, a person who for the purpose of personal use and without remuneration, possesses, consumes, shares, cultivates, or manufactures natural medicine or natural medicine product, does not violate state or local law, except that nothing permits a person to distribute natural medicine or natural medicine product to a person for certain unlawful purposes;
- A peace officer is prohibited from arresting, and a district attorney is prohibited from charging or prosecuting, a person for a criminal offense under part 4 of article 18 of title 18 involving natural medicine or natural medicine product, unless expressly provided by the bill;
- A lawful action related to natural medicine or natural medicine product must not be the sole reason to subject a person to a civil penalty, deny a right or privilege, or seize assets;
- A lawful action related to natural medicine or natural medicine product must not be used as the sole factor in a probable cause or reasonable suspicion determination of any criminal offense; except that an action may be used in such determination if the original stop or search was lawful and other factors are present to support a probable cause or reasonable suspicion determination of any criminal offense;
- The fact that a person is entitled to consume natural medicine or natural medicine product does not constitute a defense against any charge for violation of an offense related to operation of a vehicle, aircraft, boat, machinery, or other device;
- A local jurisdiction is prohibited from adopting, enacting, or enforcing a conflicting law;
- A person or entity who occupies, owns, or controls a property may prohibit or otherwise regulate the cultivation or manufacture of natural medicine or natural medicine

product on or in that property.

The bill states that an act involving natural medicine or natural medicine product that is performed by a person:

- Does not solely constitute child abuse or neglect, or grounds for restricting or prohibiting family time;
- Does not solely constitute grounds for denying health insurance coverage;
- Does not solely constitute grounds for discrimination for organ donation; and
- Must not be considered for public assistance benefits eligibility, unless required by federal law.

The bill makes a person eligible to file a motion to have conviction records related to natural medicine or natural medicine product sealed immediately after the later date of final disposition or release from supervision.

Under federal law, certain expenses are disallowed under section 280E of the internal revenue code. Under state law, the state income tax code permits taxpayers who are licensed under the "Colorado Marijuana Code" to subtract expenses that are disallowed by section 280E of the internal revenue code. The bill expands this permission to taxpayers who are licensed under the "Colorado Natural Medicine Code".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-170-102, **amend**
3 (1)(b); and **add** (2) as follows:

4 **12-170-102. Legislative declaration.** (1) The voters of the state
5 of Colorado find and declare that:

6 (b) Coloradans are experiencing problematic mental health issues,
7 including but not limited to suicidality, addiction, END-OF-LIFE DISTRESS,
8 depression, and anxiety.

9 (2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

10 (a) CONSIDERABLE HARM MAY OCCUR TO THE FEDERALLY
11 RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE, COMMUNITIES,
12 CULTURES, AND RELIGIONS IF NATURAL MEDICINE IS OVERLY
13 COMMODIFIED, COMMERCIALIZED, AND EXPLOITED IN A MANNER THAT

1 RESULTS IN THE ERASURE OF IMPORTANT CULTURAL AND RELIGIOUS
2 CONTEXT;

3 (b) CONSIDERABLE HARM MAY OCCUR TO THE FEDERALLY
4 RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE, COMMUNITIES,
5 CULTURES, AND RELIGIONS IF FACILITATORS, HEALING CENTERS, AND
6 OTHER NATURAL MEDICINE LICENSEES WITH MINIMAL OR NO CONNECTION
7 TO TRADITIONAL USE OF NATURAL MEDICINE MISAPPROPRIATE OR EXPLOIT
8 TRIBAL AND INDIGENOUS CULTURES AND RELIGIONS;

9 (c) IT IS THE GENERAL ASSEMBLY'S INTENT TO ENSURE THAT THE
10 FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE,
11 COMMUNITIES, CULTURES, AND RELIGIONS ARE HONORED AND RESPECTED
12 AS THE STATE LEGALIZES AND REGULATES NATURAL MEDICINE. BY
13 ENACTING LAWS, RULES, AND ORDERS TO IMPLEMENT THIS ARTICLE 170
14 AND ARTICLE 50 OF TITLE 44, THE GENERAL ASSEMBLY, DIVISION, AND
15 STATE LICENSING AUTHORITY SHALL CONSIDER THE POTENTIAL FOR
16 DIRECT AND INDIRECT HARM THAT MAY OCCUR TO THE FEDERALLY
17 RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE, COMMUNITIES,
18 CULTURES, AND RELIGIONS THAT HAVE A CONNECTION TO NATURAL
19 MEDICINE; AND

20 (d) ALTHOUGH THERE MAY BE TREMENDOUS POTENTIAL IN
21 UTILIZING NATURAL MEDICINE FOR MANAGING VARIOUS MENTAL HEALTH
22 CONDITIONS, HEALING, AND SPIRITUAL GROWTH, THIS POTENTIAL MUST BE
23 APPROPRIATELY BALANCED WITH THE HEALTH AND SAFETY RISKS THAT IT
24 COULD POSE TO CONSUMERS AS WELL AS THE CULTURAL HARMS IT COULD
25 POSE TO THE FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS
26 AND TRADITIONAL COMMUNITIES THAT HAVE CONNECTIONS TO NATURAL
27 MEDICINE.

1 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
2 **with amendments,** 12-170-103 as follows:

3 **12-170-103. Applicability of common provisions.** ARTICLES 1
4 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
5 ARTICLE 170.

6 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 12-170-104 as follows:

8 **12-170-104. Definitions.** AS USED IN THIS ARTICLE 170, UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (1) "ADMINISTRATION SESSION" MEANS A SESSION CONDUCTED AT
11 A HEALING CENTER, OR ANOTHER LOCATION AS ALLOWED BY THIS ARTICLE
12 170 AND ARTICLE 50 OF TITLE 44, DURING WHICH A PARTICIPANT
13 CONSUMES AND EXPERIENCES THE EFFECTS OF REGULATED NATURAL
14 MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT UNDER THE
15 SUPERVISION OF A FACILITATOR.

16 (2) "BOARD" MEANS THE STATE NATURAL MEDICINE ADVISORY
17 BOARD CREATED IN SECTION 12-170-106.

18 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE
19 DIRECTOR'S DESIGNEE.

20 (4) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND
21 OCCUPATIONS CREATED IN THE DEPARTMENT PURSUANT TO SECTION
22 12-20-103.

23 (5) "FACILITATION" MEANS THE PERFORMANCE AND SUPERVISION
24 OF NATURAL MEDICINE SERVICES FOR A PARTICIPANT.

25 (6) "FACILITATOR" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE
26 YEARS OF AGE OR OLDER; HAS THE NECESSARY QUALIFICATIONS,
27 TRAINING, EXPERIENCE, AND KNOWLEDGE, AS REQUIRED PURSUANT TO

1 THIS ARTICLE 170 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE
2 170, TO PERFORM AND SUPERVISE NATURAL MEDICINE SERVICES FOR A
3 PARTICIPANT; AND IS LICENSED BY THE DIRECTOR TO ENGAGE IN THE
4 PRACTICE OF FACILITATION.

5 (7) "HEALING CENTER" MEANS AN ENTITY LICENSED BY THE STATE
6 LICENSING AUTHORITY PURSUANT TO ARTICLE 50 OF TITLE 44 THAT
7 PERMITS A FACILITATOR TO PROVIDE AND SUPERVISE NATURAL MEDICINE
8 SERVICES FOR A PARTICIPANT.

9 (8) "HEALTH-CARE FACILITY" MEANS AN ENTITY THAT IS
10 LICENSED, CERTIFIED, OR OTHERWISE PERMITTED BY LAW TO ADMINISTER
11 MEDICAL TREATMENT IN THIS STATE, INCLUDING A HOSPITAL, CLINIC,
12 HOSPICE ENTITY, COMMUNITY MENTAL HEALTH CENTER, FEDERALLY
13 QUALIFIED HEALTH CENTER, RURAL HEALTH CLINIC, ORGANIZATION
14 PROVIDING A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY,
15 LONG-TERM CARE FACILITY, CONTINUING CARE RETIREMENT COMMUNITY,
16 OR OTHER TYPE OF ENTITY WHERE HEALTH CARE IS PROVIDED.

17 (9) "INTEGRATION SESSION" MEANS A MEETING BETWEEN A
18 PARTICIPANT AND FACILITATOR THAT OCCURS AFTER THE COMPLETION OF
19 AN ADMINISTRATION SESSION.

20 (10) "LOCAL JURISDICTION" MEANS A COUNTY, MUNICIPALITY, OR
21 CITY AND COUNTY.

22 (11) (a) "NATURAL MEDICINE" MEANS THE FOLLOWING
23 SUBSTANCES:

24 (I) PSILOCYBIN; OR

25 (II) PSILOCYN.

26 (b) IN ADDITION TO THE SUBSTANCES LISTED IN SUBSECTION
27 (11)(a) OF THIS SECTION, "NATURAL MEDICINE" INCLUDES:

1 (I) DIMETHYLTRYPTAMINE, IF RECOMMENDED BY THE BOARD AND
2 APPROVED BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE
3 LICENSING AUTHORITY FOR INCLUSION ON OR AFTER JUNE 1, 2026;

4 (II) IBOGAIN, IF RECOMMENDED BY THE BOARD AND APPROVED
5 BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE LICENSING
6 AUTHORITY; OR

7 (III) Mescaline, IF RECOMMENDED BY THE BOARD AND APPROVED
8 BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE LICENSING
9 AUTHORITY FOR INCLUSION ON OR AFTER JUNE 1, 2026.

10 (c) "NATURAL MEDICINE" DOES NOT MEAN A SYNTHETIC OR
11 SYNTHETIC ANALOG OF THE SUBSTANCES LISTED IN SUBSECTIONS (11)(a)
12 AND (11)(b) OF THIS SECTION, INCLUDING A DERIVATIVE OF A NATURALLY
13 OCCURRING COMPOUND OF NATURAL MEDICINE THAT IS PRODUCED USING
14 CHEMICAL SYNTHESIS, CHEMICAL MODIFICATION, OR CHEMICAL
15 CONVERSION.

16 (d) NOTWITHSTANDING SUBSECTION (11)(b)(III) OF THIS SECTION,
17 "Mescaline" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE
18 PLANT CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIER,
19 WHETHER GROWING OR NOT; ITS SEED; ANY EXTRACT FROM ANY PART OF
20 THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR
21 PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

22 (12) "NATURAL MEDICINE PRODUCT" MEANS A PRODUCT INFUSED
23 WITH NATURAL MEDICINE THAT IS INTENDED FOR CONSUMPTION.

24 (13) "NATURAL MEDICINE SERVICES" MEANS A PREPARATION
25 SESSION, ADMINISTRATION SESSION, AND INTEGRATION SESSION PROVIDED
26 PURSUANT TO THIS ARTICLE 170.

27 (14) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE

1 YEARS OF AGE OR OLDER AND WHO RECEIVES NATURAL MEDICINE
2 SERVICES PERFORMED BY AND UNDER THE SUPERVISION OF A FACILITATOR.

3 (15) "PREPARATION SESSION" MEANS A MEETING BETWEEN A
4 PARTICIPANT AND FACILITATOR THAT OCCURS BEFORE AN
5 ADMINISTRATION SESSION. "PREPARATION SESSION" DOES NOT MEAN AN
6 INITIAL CONSULTATION, AN INQUIRY, OR RESPONSE ABOUT NATURAL
7 MEDICINE SERVICES.

8 (16) "REGULATED NATURAL MEDICINE" MEANS NATURAL
9 MEDICINE THAT IS CULTIVATED, MANUFACTURED, TESTED, STORED,
10 DISTRIBUTED, TRANSPORTED, TRANSFERRED, OR DISPENSED PURSUANT TO
11 ARTICLE 50 OF TITLE 44.

12 (17) "REGULATED NATURAL MEDICINE PRODUCT" MEANS NATURAL
13 MEDICINE PRODUCT THAT IS CULTIVATED, MANUFACTURED, TESTED,
14 STORED, DISTRIBUTED, TRANSPORTED, TRANSFERRED, OR DISPENSED
15 PURSUANT TO ARTICLE 50 OF TITLE 44.

16 (18) "REMUNERATION" MEANS ANYTHING OF VALUE, INCLUDING
17 MONEY, REAL PROPERTY, TANGIBLE AND INTANGIBLE PERSONAL
18 PROPERTY, CONTRACT RIGHT, CHOSE IN ACTION, SERVICE, AND ANY RIGHT
19 OF USE OR EMPLOYMENT OR PROMISE OR AGREEMENT CONNECTED
20 THEREWITH, BUSINESS PROMOTION, OR COMMERCIAL ACTIVITY.

21 (19) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY
22 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
23 LICENSING OF THE CULTIVATION, MANUFACTURING, TESTING, STORING,
24 DISTRIBUTION, TRANSPORTATION, TRANSFER, AND DISPENSATION OF
25 REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE
26 PRODUCT IN THIS STATE PURSUANT TO SECTION 44-50-201.

27 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**

1 **with amendments**, 12-170-105 as follows:

2 **12-170-105. Director powers and duties - prohibition - rules.**

3 (1) IN ADDITION TO ANY OTHER POWERS AND DUTIES GRANTED OR
4 IMPOSED ON THE DIRECTOR PURSUANT TO THIS ARTICLE 170 OR BY ANY
5 OTHER LAW, THE DIRECTOR HAS THE FOLLOWING POWERS AND DUTIES:

6 (a) TO PROMULGATE RULES PURSUANT TO SECTION 12-20-204
7 CONCERNING THE FOLLOWING SUBJECTS:

8 (I) REQUIREMENTS FOR THE SAFE PROVISION OF REGULATED
9 NATURAL MEDICINE, REGULATED NATURAL MEDICINE PRODUCT, AND
10 NATURAL MEDICINE SERVICES TO A PARTICIPANT, INCLUDING:

11 (A) PARAMETERS FOR A PREPARATION SESSION, AN
12 ADMINISTRATION SESSION, AND AN INTEGRATION SESSION, INCLUDING
13 REQUIREMENTS FOR PROVIDING AND VERIFYING THE COMPLETION OF EACH
14 SESSION; WHETHER ANY OF THE SESSIONS MAY BE CONDUCTED USING
15 TELEPHONE OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY; AND ANY
16 TIMELINESS REQUIREMENTS FOR WHEN EACH SESSION MUST BE COMPLETED
17 IN RELATION TO THE OTHER SESSIONS;

18 (B) HEALTH AND SAFETY WARNINGS THAT MUST BE PROVIDED TO
19 A PARTICIPANT BEFORE THE PREPARATION SESSION, ADMINISTRATION
20 SESSION, AND INTEGRATION SESSION BEGIN;

21 (C) EDUCATIONAL MATERIALS THAT MUST BE PROVIDED TO A
22 PARTICIPANT BEFORE THE PREPARATION SESSION, ADMINISTRATION
23 SESSION, AND INTEGRATION SESSION BEGIN;

24 (D) A FORM THAT A PARTICIPANT, FACILITATOR, AND AN
25 AUTHORIZED REPRESENTATIVE OF THE HEALING CENTER MUST SIGN,
26 UNLESS THE FACILITATOR IS A SOLE PRACTITIONER, THEN ONLY THE
27 PARTICIPANT AND FACILITATOR MUST SIGN, BEFORE THE PREPARATION

1 SESSION, ADMINISTRATION SESSION, AND INTEGRATION SESSION BEGIN. AT
2 A MINIMUM, THE FORM MUST PROVIDE THAT THE PARTICIPANT PROVIDED
3 THE PARTICIPANT'S COMPLETE AND ACCURATE HEALTH INFORMATION TO
4 THE FACILITATOR AND THAT THE FACILITATOR PROVIDED TO THE
5 PARTICIPANT IDENTIFIED RISK FACTORS BASED UPON THE PARTICIPANT'S
6 PROVIDED HEALTH INFORMATION AND DRUG CONTRAINDICATIONS;
7 PARTICIPANT EXPECTATIONS OF THE NATURAL MEDICINE SERVICES;
8 PARAMETERS FOR PHYSICAL CONTACT DURING NATURAL MEDICINE
9 SERVICES, THE REQUIREMENT OF INFORMED CONSENT PERMITTING
10 PHYSICAL CONTACT, AND THE RIGHT TO WITHDRAW CONSENT FOR
11 PHYSICAL CONTACT; AND RISKS OF PARTICIPATING IN NATURAL MEDICINE
12 SERVICES.

13 (E) PROPER SUPERVISION BY THE FACILITATOR DURING THE
14 ADMINISTRATION SESSION, AND REQUIREMENTS TO ENSURE THAT THE
15 PARTICIPANT HAS A DISCHARGE PLAN OR SAFE TRANSPORTATION FROM
16 THE HEALING CENTER;

17 (F) PROVISIONS FOR GROUP ADMINISTRATION SESSIONS,
18 INCLUDING REQUIREMENTS FOR AN ADMINISTRATION SESSION THAT HAS
19 ONE OR MORE FACILITATORS PERFORMING AND SUPERVISING THE
20 ADMINISTRATION SESSION FOR MORE THAN ONE PARTICIPANT;

21 (G) PROVISIONS TO PERMIT A FACILITATOR TO REFUSE TO PROVIDE
22 NATURAL MEDICINE SERVICES TO A PERSON BASED UPON HEALTH AND
23 SAFETY RISKS, OR CIRCUMSTANCES PROMULGATED BY RULE; AND

24 (H) THE DOSAGE LIMIT OF REGULATED NATURAL MEDICINE OR
25 REGULATED NATURAL MEDICINE PRODUCT THAT MAY BE PROVIDED TO A
26 PARTICIPANT FOR CONSUMPTION DURING AN ADMINISTRATION SESSION.

27 (II) REQUIREMENTS FOR THE LICENSING OF FACILITATORS,

1 PRACTICE OF FACILITATION, AND PROFESSIONAL CONDUCT OF
2 FACILITATORS, INCLUDING:

3 (A) THE FORM AND PROCEDURES FOR APPLYING FOR A NEW
4 LICENSE OR RENEWING OR REINSTATING A LICENSE ISSUED PURSUANT TO
5 THIS ARTICLE 170;

6 (B) THE EDUCATIONAL AND EXPERIENTIAL REQUIREMENTS AND
7 QUALIFICATIONS FOR AN INDIVIDUAL TO BECOME A FACILITATOR,
8 INCLUDING EDUCATION AND TRAINING ON PARTICIPANT SAFETY, DRUG
9 INTERACTIONS, CONTRAINDICATIONS, MENTAL HEALTH AND STATE,
10 PHYSICAL HEALTH AND STATE, SOCIAL AND CULTURAL CONSIDERATIONS,
11 PREPARATION, ADMINISTRATION, INTEGRATION, AND ETHICS. THE
12 EDUCATIONAL REQUIREMENTS MUST NOT REQUIRE A PROFESSIONAL
13 LICENSE OR PROFESSIONAL DEGREE OTHER THAN A FACILITATOR LICENSE
14 ISSUED PURSUANT TO THIS ARTICLE 170, EXCEPT THAT IF THERE ARE
15 MULTIPLE TIERS OF FACILITATOR LICENSES, AN ADVANCED TIER OF
16 FACILITATOR LICENSES MAY REQUIRE ANOTHER PROFESSIONAL LICENSE OR
17 PROFESSIONAL DEGREE;

18 (C) OVERSIGHT AND SUPERVISION REQUIREMENTS, INCLUDING
19 PROFESSIONAL RESPONSIBILITY STANDARDS AND CONTINUING EDUCATION
20 REQUIREMENTS;

21 (D) ESTABLISHMENT OF PROFESSIONAL STANDARDS OF CONDUCT
22 TO PRACTICE FACILITATION, OR A LICENSE, REGISTRATION, PERMIT, OR
23 CERTIFICATION PURSUANT TO THIS ARTICLE 170;

24 (E) PARAMETERS FOR PHYSICAL CONTACT WITH A PARTICIPANT
25 DURING NATURAL MEDICINE SERVICES, INCLUDING REQUIREMENTS FOR
26 OBTAINING SIGNED INFORMED CONSENT FOR PERMISSIBLE PHYSICAL
27 CONTACT AND PERMITTING A PARTICIPANT TO WITHDRAW CONSENT FOR

1 PERMISSIBLE PHYSICAL CONTACT WITH A PARTICIPANT IN ANY MANNER
2 AND AT ANY TIME;

3 (F) PERMITTING REMUNERATION FOR THE PROVISION OF NATURAL
4 MEDICINE SERVICES;

5 (G) PERMITTING PROVISION OF GROUP ADMINISTRATION SESSIONS
6 BY ONE FACILITATOR WHO IS PERFORMING AND SUPERVISING THE
7 ADMINISTRATION SESSION FOR MORE THAN ONE PARTICIPANT, AND
8 ESTABLISH A LIMIT ON THE TOTAL NUMBER OF PARTICIPANTS WHO MAY
9 PARTICIPATE IN A GROUP ADMINISTRATION SESSION THAT IS PERFORMED
10 AND SUPERVISED BY ONE FACILITATOR;

11 (H) RECORD-KEEPING, PRIVACY, AND CONFIDENTIALITY
12 REQUIREMENTS FOR LICENSEES, REGISTRANTS, PERMITTEES, AND
13 CERTIFICATE HOLDERS, INCLUDING PROTECTIONS PREVENTING DISCLOSURE
14 OF A PROSPECTIVE PARTICIPANT'S OR PARTICIPANT'S PERSONALLY
15 IDENTIFIABLE INFORMATION TO THE PUBLIC, THIRD PARTIES, OR ANY
16 GOVERNMENT AGENCY, EXCEPT AS ALLOWED FOR PURPOSES EXPRESSLY
17 STATED PURSUANT TO THIS ARTICLE 170, RULES PROMULGATED PURSUANT
18 TO THIS ARTICLE 170, ARTICLE 50 OF TITLE 44, RULES PROMULGATED
19 PURSUANT TO ARTICLE 50 OF TITLE 44, OR FOR STATE OR LOCAL LAW
20 ENFORCEMENT AGENCIES TO ACCESS RECORDS AND INFORMATION FOR
21 OTHER STATE OR LOCAL LAW ENFORCEMENT. THE INFORMATION OR
22 RECORDS RELATED TO A PARTICIPANT CONSTITUTE MEDICAL DATA AS
23 DESCRIBED IN SECTION 24-72-204 (3)(a)(I), AND THE INFORMATION OR
24 RECORDS MAY ONLY BE DISCLOSED TO THOSE PERSONS DIRECTLY
25 INVOLVED WITH AN ACTIVE INVESTIGATION OR PROCEEDING.

26 (I) PARAMETERS FOR A FACILITATOR'S PERMISSIBLE AND
27 PROHIBITED FINANCIAL INTERESTS IN A HEALING CENTER, LICENSE

1 PURSUANT TO THIS ARTICLE 170, OR LICENSE PURSUANT TO ARTICLE 50 OF
2 TITLE 44; EXCEPT THAT A FACILITATOR MAY NOT HAVE A FINANCIAL
3 INTEREST IN MORE THAN FIVE NATURAL MEDICINE BUSINESS LICENSES
4 PURSUANT TO ARTICLE 50 OF TITLE 44.

5 (J) PARAMETERS FOR A FACILITATOR TO PROVIDE AND SUPERVISE
6 NATURAL MEDICINE SERVICES AT AN AUTHORIZED LOCATION THAT IS NOT
7 A HEALING CENTER'S LICENSED PREMISES, INCLUDING A HEALTH-CARE
8 FACILITY OR A PRIVATE RESIDENCE;

9 (K) STANDARDS FOR ADVERTISING AND MARKETING A LICENSEE'S
10 SERVICES, INCLUDING: AVOIDING THE MISAPPROPRIATION AND
11 EXPLOITATION OF THE FEDERALLY RECOGNIZED AMERICAN TRIBES AND
12 INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS; AVOIDING
13 THE EXCESSIVE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL
14 MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES; PROHIBITING
15 ADVERTISING AND MARKETING OF NATURAL MEDICINE, NATURAL
16 MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES DIRECTED TO
17 INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE; AND OTHER
18 PARAMETERS DETERMINED NECESSARY BY THE DIRECTOR.

19 (III) ANY RULES NECESSARY TO DIFFERENTIATE BETWEEN THE
20 TYPES OF REGULATED NATURAL MEDICINE OR REGULATED NATURAL
21 MEDICINE PRODUCT PROVIDED FOR PARTICIPANT CONSUMPTION DURING AN
22 ADMINISTRATION SESSION BASED ON QUALITIES, TRADITIONAL USES, AND
23 SAFETY PROFILE;

24 (IV) ANY RULES DETERMINED NECESSARY BY THE DIRECTOR
25 RELATED TO THE POWERS OR DUTIES GRANTED OR IMPOSED ON THE
26 DIRECTOR PURSUANT TO THIS ARTICLE 170 OR BY ANY OTHER LAW; AND

27 (V) ANY OTHER MATTERS DETERMINED NECESSARY BY THE

1 DIRECTOR TO IMPLEMENT OR ADMINISTER THIS ARTICLE 170.

2 (b) BEGINNING ON OR BEFORE DECEMBER 31, 2024, TO REVIEW
3 APPLICATIONS IN THE FORM AND MANNER DETERMINED BY THE DIRECTOR
4 FOR NEW LICENSES, REGISTRATIONS, PERMITS, OR CERTIFICATES AFTER
5 PAYMENT OF THE REQUIRED FEE AND TO GRANT OR DENY LICENSES,
6 REGISTRATIONS, PERMITS, OR CERTIFICATES AS PROVIDED IN THIS ARTICLE
7 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 170. THE
8 DIVISION SHALL PRIORITIZE REVIEWING APPLICATIONS FROM APPLICANTS
9 WHO HAVE ESTABLISHED RESIDENCY IN COLORADO.

10 (c) TO ESTABLISH LICENSES, REGISTRATIONS, PERMITS, OR
11 CERTIFICATES DETERMINED NECESSARY BY THE DIRECTOR TO IMPLEMENT
12 OR ADMINISTER THIS ARTICLE 170, AND TO ESTABLISH ELIGIBILITY
13 REQUIREMENTS AND PRIVILEGES UNDER THE LICENSES, REGISTRATIONS,
14 PERMITS, OR CERTIFICATES;

15 (d) TO ESTABLISH, WHEN FINANCIALLY FEASIBLE, PROCEDURES,
16 POLICIES, AND PROGRAMS TO ENSURE THIS ARTICLE 170 AND RULES
17 PROMULGATED PURSUANT TO THIS ARTICLE 170 ARE EQUITABLE AND
18 INCLUSIVE AND PROMOTE THE LICENSING, REGISTRATION, AND PERMITTING
19 OF, AND PROVISION OF NATURAL MEDICINE AND NATURAL MEDICINE
20 PRODUCT TO, PERSONS FROM COMMUNITIES THAT HAVE BEEN
21 DISPROPORTIONATELY HARMED BY HIGH RATES OF ARREST FOR
22 CONTROLLED SUBSTANCES, PERSONS WHO FACE BARRIERS TO
23 HEALTH-CARE ACCESS, PERSONS WHO HAVE TRADITIONAL, TRIBAL, OR
24 INDIGENOUS HISTORY WITH NATURAL MEDICINE OR NATURAL MEDICINE
25 PRODUCT, OR TO PERSONS WHO ARE VETERANS. THE DIRECTOR MAY
26 CONSULT THE BOARD WHEN CONSIDERING PROCEDURES, POLICIES, AND
27 PROGRAMS PURSUANT TO THIS SUBSECTION (1)(d).

1 (e) To CONDUCT INVESTIGATIONS AND HEARINGS, GATHER
2 EVIDENCE, AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTIONS
3 12-20-403, 12-20-404, AND 24-4-105, AND THIS ARTICLE 170, WITH
4 RESPECT TO LICENSES, REGISTRATIONS, PERMITS, OR CERTIFICATES WHEN
5 THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT AN INDIVIDUAL
6 OR ENTITY IS VIOLATING THIS ARTICLE 170 OR A RULE PROMULGATED
7 PURSUANT TO THIS ARTICLE 170;

8 (f) To TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN
9 SECTION 12-20-404 OR LIMIT THE SCOPE OF PRACTICE OF AN APPLICANT,
10 LICENSEE, REGISTRANT, PERMITTEE, OR CERTIFICATE HOLDER UPON PROOF
11 OF A VIOLATION OF THIS ARTICLE 170 OR A RULE PROMULGATED
12 PURSUANT TO THIS ARTICLE 170;

13 (g) To ISSUE CEASE-AND-DESIST ORDERS UNDER THE
14 CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED
15 IN SECTION 12-20-405;

16 (h) (I) To PETITION A DISTRICT COURT FOR AN INVESTIGATIVE
17 SUBPOENA APPLICABLE TO A PERSON WHO IS NOT LICENSED, REGISTERED,
18 PERMITTED, OR CERTIFIED PURSUANT TO THIS ARTICLE 170 TO OBTAIN
19 DOCUMENTS OR INFORMATION NECESSARY TO ENFORCE A PROVISION OF
20 THIS ARTICLE 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE
21 170 AFTER REASONABLE EFFORTS HAVE BEEN MADE TO OBTAIN
22 REQUESTED DOCUMENTS OR INFORMATION WITHOUT A SUBPOENA;

23 (II) To APPLY TO ANY COURT OF COMPETENT JURISDICTION TO
24 TEMPORARILY RESTRAIN OR PRELIMINARILY OR PERMANENTLY ENJOIN THE
25 ACT IN QUESTION OF AN INDIVIDUAL WHO OR ENTITY THAT IS NOT
26 LICENSED, REGISTERED, PERMITTED, OR CERTIFIED PURSUANT TO THIS
27 ARTICLE 170 AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE 170 OR A

1 RULE PROMULGATED PURSUANT TO THIS ARTICLE 170 WHENEVER IT
2 APPEARS TO THE DIRECTOR UPON SUFFICIENT EVIDENCE SATISFACTORY TO
3 THE DIRECTOR THAT AN INDIVIDUAL OR ENTITY HAS BEEN OR IS
4 COMMITTING AN ACT PROHIBITED BY THIS ARTICLE 170 OR A RULE
5 PROMULGATED PURSUANT TO THIS ARTICLE 170, AND THE ACT:

6 (A) THREATENS PUBLIC HEALTH OR SAFETY; OR

7 (B) CONSTITUTES AN UNLAWFUL ACT FOR WHICH THE INDIVIDUAL
8 OR ENTITY DOES NOT HOLD THE REQUIRED LICENSE, REGISTRATION,
9 PERMIT, OR CERTIFICATE PURSUANT TO THIS ARTICLE 170 OR A RULE
10 PROMULGATED PURSUANT TO THIS ARTICLE 170;

11 (i) TO MAINTAIN AND UPDATE AN ONLINE LIST THAT IS ACCESSIBLE
12 TO THE PUBLIC OF LICENSEES, REGISTRANTS, PERMITTEES, AND
13 CERTIFICATE HOLDERS THAT INCLUDES WHETHER THE LICENSEE,
14 REGISTRANT, PERMITTEE, OR CERTIFICATE HOLDER HAS HAD ITS LICENSE,
15 REGISTRATION, PERMIT, OR CERTIFICATE LIMITED, SUSPENDED, OR
16 REVOKED IN ACCORDANCE WITH A DISCIPLINARY ACTION PURSUANT TO
17 THIS ARTICLE 170;

18 (j) IN COORDINATION WITH THE STATE LICENSING AUTHORITY
19 PURSUANT TO SECTION 44-50-202 (1)(k), ANNUALLY PUBLISH A PUBLICLY
20 AVAILABLE REPORT CONCERNING THE IMPLEMENTATION AND
21 ADMINISTRATION OF THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44. THE
22 REPORT MUST USE RELEVANT DATA, AS DETERMINED BY THE DIRECTOR
23 AND THE STATE LICENSING AUTHORITY, AND MUST NOT DISCLOSE THE
24 IDENTITY OF ANY PARTICIPANT OR INCLUDE ANY INFORMATION THAT
25 COULD DISCLOSE THE IDENTITY OF A PARTICIPANT.

26 (k) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO
27 ADMINISTER THIS ARTICLE 170.

1 (2) THE DIRECTOR SHALL CONSULT THE BOARD WHEN
2 CONSIDERING AND PROMULGATING RULES PURSUANT TO THIS ARTICLE 170.

3 (3) THE DIVISION HAS AUTHORITY TO COLLECT AVAILABLE AND
4 RELEVANT DATA NECESSARY TO PERFORM FUNCTIONS AND DUTIES
5 NECESSARY TO ADMINISTER THIS ARTICLE 170.

6 (4) THE DIRECTOR OR A DIVISION EMPLOYEE WITH REGULATORY
7 OVERSIGHT RESPONSIBILITIES FOR LICENSEES, PERMITTEES, REGISTRANTS,
8 OR CERTIFICATE HOLDERS PURSUANT TO THIS ARTICLE 170 SHALL NOT
9 WORK FOR, REPRESENT, PROVIDE CONSULTING SERVICES TO, OR
10 OTHERWISE DERIVE PECUNIARY GAIN FROM A LICENSEE, PERMITTEE,
11 REGISTRANT, OR CERTIFICATE HOLDER THAT IS REGULATED PURSUANT TO
12 THIS ARTICLE 170 OR ANY OTHER BUSINESS ESTABLISHED FOR THE
13 PRIMARY PURPOSE OF PROVIDING SERVICES TO THE NATURAL MEDICINE
14 INDUSTRY FOR A PERIOD OF SIX MONTHS AFTER THE EMPLOYEE'S LAST DAY
15 OF EMPLOYMENT WITH THE DIVISION.

16 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**
17 **with amendments,** 12-170-106 as follows:

18 **12-170-106. Board - creation - appointment - duties - report.**

19 (1) THERE IS CREATED WITHIN THE DIVISION A NATURAL MEDICINE
20 ADVISORY BOARD, WHICH CONSISTS OF FIFTEEN MEMBERS, TO ADVISE THE
21 DIVISION AND THE STATE LICENSING AUTHORITY CONCERNING THE
22 IMPLEMENTATION OF THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44.

23 (2) THE GOVERNOR SHALL APPOINT INITIAL BOARD MEMBERS ON
24 OR BEFORE JANUARY 31, 2023, WITH CONSENT OF THE SENATE. THE
25 MEMBERS MUST INCLUDE:

26 (a) SEVEN MEMBERS WITH SIGNIFICANT EXPERTISE AND
27 EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: NATURAL

1 MEDICINE THERAPY, MEDICINE, AND RESEARCH; MYCOLOGY AND NATURAL
2 MEDICINE CULTIVATION; LICENSEE QUALIFICATIONS; EMERGENCY MEDICAL
3 SERVICES AND SERVICES PROVIDED BY FIRST RESPONDERS; MENTAL AND
4 BEHAVIORAL HEALTH CARE; HEALTH-CARE INSURANCE AND HEALTH-CARE
5 POLICY; AND PUBLIC HEALTH, DRUG POLICY, AND HARM REDUCTION; AND

6 (b) EIGHT MEMBERS WITH SIGNIFICANT EXPERTISE AND
7 EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: RELIGIOUS USE
8 OF NATURAL MEDICINES; ISSUES CONFRONTING VETERANS; TRADITIONAL
9 TRIBAL OR INDIGENOUS USE OF NATURAL MEDICINES; LEVELS AND
10 DISPARITIES IN ACCESS TO HEALTH-CARE SERVICES AMONG DIFFERENT
11 COMMUNITIES; AND PAST CRIMINAL JUSTICE REFORM EFFORTS IN
12 COLORADO. AT LEAST ONE OF THE EIGHT MEMBERS MUST HAVE EXPERTISE
13 OR EXPERIENCE IN TRADITIONAL, TRIBAL, OR INDIGENOUS USE OF
14 NATURAL MEDICINES.

15 (3) THE BOARD INCLUDES THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT OF REVENUE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE,
17 SERVING AS A NON-VOTING MEMBER.

18 (4) (a) FOR THE INITIAL BOARD, SEVEN OF THE MEMBERS ARE
19 APPOINTED TO A TERM OF TWO YEARS AND EIGHT MEMBERS ARE
20 APPOINTED TO A TERM OF FOUR YEARS AS DESIGNATED IN THE
21 GOVERNOR'S APPOINTMENT.

22 (b) AT THE EXPIRATION OF THE TERMS OF THE MEMBERS OF THE
23 INITIAL BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE
24 GOVERNOR SHALL APPOINT MEMBERS TO THE BOARD, WITHOUT CONSENT
25 OF THE SENATE. EACH MEMBER APPOINTED BY THE GOVERNOR IS
26 APPOINTED TO A TERM OF FOUR YEARS.

27 (c) EXCEPT FOR THE EXECUTIVE DIRECTOR OF THE STATE

1 LICENSING AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE,
2 MEMBERS OF THE BOARD MAY SERVE UP TO TWO CONSECUTIVE TERMS.
3 MEMBERS ARE SUBJECT TO REMOVAL FOR MISCONDUCT, INCOMPETENCE,
4 NEGLECT OF DUTY, OR UNPROFESSIONAL CONDUCT.

5 (5) THE BOARD SHALL MAKE RECOMMENDATIONS TO THE
6 DIRECTOR AND STATE LICENSING AUTHORITY RELATED TO, BUT NOT
7 LIMITED TO, THE FOLLOWING AREAS:

8 (a) ACCURATE PUBLIC HEALTH APPROACHES REGARDING USE,
9 BENEFITS, HARMS, AND RISK REDUCTION FOR NATURAL MEDICINE AND
10 NATURAL MEDICINE PRODUCT AND THE CONTENT AND SCOPE OF
11 EDUCATIONAL CAMPAIGNS RELATED TO NATURAL MEDICINE AND NATURAL
12 MEDICINE PRODUCT;

13 (b) RESEARCH RELATED TO THE EFFICACY AND REGULATION OF
14 NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT, INCLUDING
15 RECOMMENDATIONS RELATED TO PRODUCT SAFETY, HARM REDUCTION,
16 AND CULTURAL RESPONSIBILITY;

17 (c) THE PROPER CONTENT OF TRAINING PROGRAMS, EDUCATIONAL
18 AND EXPERIENTIAL REQUIREMENTS, AND QUALIFICATIONS FOR
19 FACILITATORS. WHEN CONSIDERING RECOMMENDATIONS MADE PURSUANT
20 TO THIS SUBSECTION (5)(c), THE BOARD MAY CONSIDER:

21 (I) TIERED FACILITATOR LICENSING, FOR THE PURPOSE OF
22 REQUIRING VARYING LEVELS OF EDUCATION AND TRAINING DEPENDENT
23 UPON THE TYPE OF PARTICIPANT THAT THE FACILITATOR WILL BE
24 PROVIDING SERVICES TO AND THE TYPE OF SERVICES THE FACILITATOR
25 WILL BE PROVIDING;

26 (II) LIMITED WAIVERS OF EDUCATION AND TRAINING
27 REQUIREMENTS BASED UPON THE APPLICANT'S PRIOR EXPERIENCE,

1 TRAINING, OR SKILLS, INCLUDING BUT NOT LIMITED TO NATURAL MEDICINE
2 OR NATURAL MEDICINE PRODUCT; AND

3 (III) THE REMOVAL OF UNREASONABLE FINANCIAL OR LOGISTICAL
4 BARRIERS THAT MAKE OBTAINING A FACILITATOR LICENSE COMMERCIALY
5 UNREASONABLE FOR INDIVIDUALS, INCLUDING LOW-INCOME INDIVIDUALS.

6 (d) AFFORDABLE, EQUITABLE, ETHICAL, AND CULTURALLY
7 RESPONSIBLE ACCESS TO NATURAL MEDICINE AND NATURAL MEDICINE
8 PRODUCT AND REQUIREMENTS TO ENSURE THIS ARTICLE 170 IS EQUITABLE
9 AND INCLUSIVE. IN PERFORMING THIS REQUIREMENT, THE BOARD MAY
10 CONSIDER MAKING RECOMMENDATIONS ON WAYS TO REDUCE THE COSTS
11 OF LICENSURE FOR LOW-INCOME INDIVIDUALS, FOR PROVIDING INCENTIVES
12 FOR THE PROVISION OF NATURAL MEDICINE SERVICES AT A REDUCED COST
13 TO INDIVIDUALS WITH LOW INCOME, AND PROVIDING INCENTIVES FOR THE
14 PROVISION OF NATURAL MEDICINE SERVICES IN GEOGRAPHIC AND
15 CULTURALLY DIVERSE REGIONS OF THE STATE.

16 (e) APPROPRIATE REGULATORY CONSIDERATIONS FOR EACH TYPE
17 OF NATURAL MEDICINE, AND THE PREPARATION SESSION, ADMINISTRATION
18 SESSION, AND INTEGRATION SESSION;

19 (f) THE ADDITION OF OTHER TYPES OF NATURAL MEDICINE TO THIS
20 ARTICLE 170 AND ARTICLE 50 OF TITLE 44 PURSUANT TO SECTION
21 12-170-104 (11)(b)(I), (11)(b)(II), OR (11)(b)(III) BASED ON AVAILABLE
22 MEDICAL, PSYCHOLOGICAL, AND SCIENTIFIC STUDIES, RESEARCH, AND
23 OTHER INFORMATION RELATED TO THE SAFETY AND EFFICACY OF EACH
24 NATURAL MEDICINE, AND SHALL PRIORITIZE CONSIDERING THE ADDITION
25 OF IBOGAINE PURSUANT TO SECTION 12-170-104 (11)(b)(II), TO THIS
26 ARTICLE 170, AND ARTICLE 50 OF TITLE 44;

27 (g) ALL RULES TO BE PROMULGATED BY THE DIRECTOR PURSUANT

1 TO THIS ARTICLE 170, AND THE STATE LICENSING AUTHORITY PURSUANT
2 TO ARTICLE 50 OF TITLE 44; AND

3 (h) REQUIREMENTS FOR ACCURATE AND COMPLETE DATA
4 COLLECTION, REPORTING, AND PUBLICATION OF INFORMATION RELATED TO
5 THE IMPLEMENTATION OF THIS ARTICLE 170.

6 (6) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND
7 EVALUATE EXISTING AND CURRENT RESEARCH, STUDIES, AND REAL-WORLD
8 DATA RELATED TO NATURAL MEDICINE AND MAKE RECOMMENDATIONS TO
9 THE GENERAL ASSEMBLY AND OTHER RELEVANT STATE AGENCIES AS TO
10 WHETHER NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, NATURAL
11 MEDICINE SERVICES, AND ASSOCIATED SERVICES SHOULD BE COVERED
12 UNDER HEALTH FIRST COLORADO OR OTHER INSURANCE PROGRAMS AS A
13 COST-EFFECTIVE INTERVENTION FOR VARIOUS MENTAL HEALTH
14 CONDITIONS, INCLUDING, BUT NOT LIMITED TO, END-OF-LIFE DISTRESS,
15 SUBSTANCE USE DISORDER, ALCOHOL USE DISORDER, DEPRESSIVE
16 DISORDERS, NEUROLOGICAL DISORDERS, CLUSTER HEADACHES, AND
17 POST-TRAUMATIC STRESS DISORDER.

18 (7) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND
19 EVALUATE SUSTAINABILITY ISSUES RELATED TO NATURAL MEDICINE AND
20 NATURAL MEDICINE PRODUCT AND THE IMPACT ON TRIBAL AND
21 INDIGENOUS CULTURES AND DOCUMENT EXISTING RECIPROCITY EFFORTS
22 AND CONTINUING SUPPORT MEASURES THAT ARE NEEDED.

23 (8) THE BOARD SHALL PUBLISH AN ANNUAL REPORT DESCRIBING
24 ITS ACTIVITIES, INCLUDING THE RECOMMENDATIONS AND ADVICE
25 PROVIDED TO THE DIRECTOR, THE STATE LICENSING AUTHORITY, AND THE
26 GENERAL ASSEMBLY.

27 (9) THE DIVISION SHALL PROVIDE REASONABLE REQUESTED

1 TECHNICAL, LOGISTICAL, AND OTHER SUPPORT TO THE BOARD TO ASSIST
2 THE BOARD WITH ITS DUTIES AND OBLIGATIONS.

3 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**
4 **with amendments,** 12-170-107 as follows:

5 **12-170-107. Federally recognized American tribes and**
6 **Indigenous community working group - creation - duties.** (1) THE
7 DIRECTOR SHALL ESTABLISH THE FEDERALLY RECOGNIZED AMERICAN
8 TRIBES AND INDIGENOUS COMMUNITY WORKING GROUP FOR THE PURPOSE
9 OF ENGAGING AND CREATING A DIALOGUE TO IDENTIFY ISSUES RELATED
10 TO THE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL MEDICINE
11 PRODUCT, AND NATURAL MEDICINE SERVICES FOR TRIBAL AND
12 INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS. THE
13 COMMUNITY WORKING GROUP SHALL STUDY THE FOLLOWING:

14 (a) AVOIDING THE MISAPPROPRIATION AND EXPLOITATION OF THE
15 FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE,
16 COMMUNITIES, CULTURES, AND RELIGIONS;

17 (b) AVOIDING THE EXCESSIVE COMMERCIALIZATION OF NATURAL
18 MEDICINE, NATURAL MEDICINE PRODUCT, AND NATURAL MEDICINE
19 SERVICES;

20 (c) ANY CONSERVATION ISSUES ASSOCIATED WITH THE
21 LEGALIZATION AND REGULATION OF NATURAL MEDICINE OR NATURAL
22 MEDICINE PRODUCT, INCLUDING THE POTENTIAL FOR FURTHER DEPLETION
23 OF PEYOTE DUE TO PEYOTE BEING A SOURCE OF MESCALINE; AND

24 (d) BEST PRACTICES AND OPEN COMMUNICATION TO BUILD TRUST
25 AND UNDERSTANDING BETWEEN THE FEDERALLY RECOGNIZED AMERICAN
26 TRIBES AND INDIGENOUS PEOPLE AND COMMUNITIES, THE BOARD, THE
27 DIVISION, THE STATE LICENSING AUTHORITY, AND LAW ENFORCEMENT

1 AGENCIES, FOR THE PURPOSE OF AVOIDING UNNECESSARY BURDENS AND
2 CRIMINALIZATION OF TRADITIONAL TRIBAL AND INDIGENOUS USES OF
3 NATURAL MEDICINE.

4 (2) THE WORKING GROUP SHALL ADVISE THE BOARD AND THE
5 DIVISION ON ITS FINDINGS AND RECOMMENDATIONS PURSUANT TO THE
6 SUBJECTS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION.

7 (3) THE DIRECTOR IS ENCOURAGED TO ENGAGE WITH THE
8 FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE
9 WHO HAVE SIGNIFICANT EXPERIENCE WITH TRADITIONAL USE OF NATURAL
10 MEDICINE AND OTHER PERSONS DEEMED NECESSARY BY THE DIRECTOR
11 FOR THE PURPOSE OF THIS SECTION.

12 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
13 **with amendments,** 12-170-108 as follows:

14 **12-170-108. License required - unauthorized practice -**
15 **mandatory disclosure of information - rule.** (1) AN INDIVIDUAL SHALL
16 NOT ENGAGE IN FACILITATION, OR REPRESENT TO THE PUBLIC OR IDENTIFY
17 THE INDIVIDUAL'S SELF AS A FACILITATOR, IN THIS STATE UNTIL THE
18 INDIVIDUAL HAS RECEIVED A LICENSE FROM THE DIRECTOR.

19 (2) A FACILITATOR SHALL CONSPICUOUSLY DISPLAY THE LICENSE
20 ISSUED BY THE DIRECTOR IN THE HEALING CENTER, INCLUDING
21 INFORMATION CONCERNING HOW TO FILE A COMPLAINT AGAINST THE
22 FACILITATOR WITH THE DIRECTOR.

23 (3) EVERY LICENSEE, PERMITTEE, REGISTRANT, OR CERTIFICATE
24 HOLDER SHALL PROVIDE THE FOLLOWING INFORMATION IN WRITING TO
25 EACH PARTICIPANT PRIOR TO A PREPARATION SESSION, ADMINISTRATION
26 SESSION, AND INTEGRATION SESSION:

27 (a) THE NAME, ADDRESS, AND PHONE NUMBER OF THE LICENSEE,

1 PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER;

2 (b) AN EXPLANATION OF THE REGULATIONS APPLICABLE TO THE
3 LICENSEE, PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER PURSUANT
4 TO THIS ARTICLE 170 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE
5 170;

6 (c) A LISTING OF TRAINING, EDUCATIONAL AND EXPERIENTIAL
7 REQUIREMENTS, AND QUALIFICATIONS THE LICENSEE, PERMITTEE,
8 REGISTRANT, OR CERTIFICATE HOLDER PURSUANT TO THIS ARTICLE 170 OR
9 RULES PROMULGATED PURSUANT TO THIS ARTICLE 170 SATISFIED IN ORDER
10 TO OBTAIN A LICENSE, PERMIT, REGISTRATION, OR CERTIFICATE;

11 (d) A STATEMENT INDICATING THAT THE LICENSEE, PERMITTEE,
12 REGISTRANT, OR CERTIFICATE HOLDER IS REGULATED BY THE DIVISION,
13 AND AN ADDRESS AND TELEPHONE NUMBER FOR THE DIVISION; AND

14 (e) A STATEMENT INDICATING THAT THE PARTICIPANT IS ENTITLED
15 TO RECEIVE INFORMATION ABOUT NATURAL MEDICINE SERVICES, MAY
16 TERMINATE NATURAL MEDICINE SERVICES AT ANY TIME, AND MAY
17 TERMINATE PREVIOUSLY PROVIDED INFORMED CONSENT FOR PHYSICAL
18 CONTACT AT ANY TIME.

19 (4) NOTHING IN THIS SECTION PROHIBITS AN INDIVIDUAL FROM
20 PERFORMING A BONA FIDE RELIGIOUS, CULTURALLY TRADITIONAL, OR
21 SPIRITUAL CEREMONY, IF THE INDIVIDUAL INFORMS AN INDIVIDUAL
22 ENGAGING IN THE CEREMONY THAT THE INDIVIDUAL IS NOT A LICENSED
23 FACILITATOR, AND THAT THE CEREMONY IS NOT ASSOCIATED WITH
24 COMMERCIAL, BUSINESS, OR FOR-PROFIT ACTIVITY.

25 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**
26 **with amendments,** 12-170-109 as follows:

27 **12-170-109. Grounds for discipline.** (1) THE DIRECTOR MAY

1 TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION
2 12-20-404 UPON PROOF THAT THE LICENSEE, PERMITTEE, REGISTRANT, OR
3 CERTIFICATE HOLDER:

4 (a) VIOLATED A PROVISION OF THIS ARTICLE 170 OR A RULE
5 PROMULGATED PURSUANT TO THIS ARTICLE 170;

6 (b) HAS BEEN CONVICTED OF OR HAS ENTERED A PLEA OF NOLO
7 CONTENDERE TO A FELONY. IN CONSIDERING THE CONVICTION OF OR THE
8 PLEA TO ANY SUCH CRIME, THE DIRECTOR SHALL BE GOVERNED BY THE
9 PROVISIONS OF SECTIONS 12-20-202 (5) AND 24-5-101.

10 (c) MADE ANY MISSTATEMENT ON AN APPLICATION FOR A LICENSE,
11 REGISTRATION, OR PERMIT TO PRACTICE PURSUANT TO THIS ARTICLE 170
12 OR ATTEMPTED TO OBTAIN A LICENSE, REGISTRATION, PERMIT, OR
13 CERTIFICATE TO PRACTICE BY FRAUD, DECEPTION, OR
14 MISREPRESENTATION;

15 (d) COMMITTED AN ACT OR FAILED TO PERFORM AN ACT
16 NECESSARY TO MEET THE GENERALLY ACCEPTED PROFESSIONAL
17 STANDARDS OF CONDUCT TO PRACTICE A PROFESSION LICENSED PURSUANT
18 TO THIS ARTICLE 170 OR PROMULGATED BY RULE PURSUANT TO
19 12-170-105 (1)(a)(II)(D), INCLUDING PERFORMING SERVICES OUTSIDE OF
20 THE PERSON'S AREA OF TRAINING, EXPERIENCE, OR COMPETENCE;

21 (e) EXCESSIVELY OR HABITUALLY USES OR ABUSES ALCOHOL OR
22 CONTROLLED SUBSTANCES;

23 (f) VIOLATED ANY OF THE PROVISIONS OF THIS ARTICLE 170, AN
24 APPLICABLE PROVISION OF ARTICLE 20 OF THIS TITLE 12, OR ANY VALID
25 ORDER OF THE DIRECTOR;

26 (g) IS GUILTY OF UNPROFESSIONAL OR DISHONEST CONDUCT;

27 (h) ADVERTISES BY MEANS OF FALSE OR DECEPTIVE STATEMENT;

1 (i) FAILS TO DISPLAY THE LICENSE AS PROVIDED IN SECTION
2 12-170-108 (2);

3 (j) FAILS TO COMPLY WITH THE RULES PROMULGATED BY THE
4 DIRECTOR PURSUANT TO THIS ARTICLE 170;

5 (k) IS GUILTY OF WILLFUL MISREPRESENTATION;

6 (l) FAILS TO DISCLOSE TO THE DIRECTOR WITHIN FORTY-FIVE DAYS
7 A CONVICTION FOR A FELONY OR ANY CRIME THAT IS RELATED TO THE
8 PRACTICE AS A FACILITATOR;

9 (m) AIDS OR ABETS THE UNLICENSED PRACTICE OF FACILITATION;

10 OR

11 (n) FAILS TO TIMELY RESPOND TO A COMPLAINT SENT BY THE
12 DIRECTOR PURSUANT TO SECTION 12-170-110.

13 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
14 **with amendments,** 12-170-110 as follows:

15 **12-170-110. Disciplinary proceedings - administrative law**
16 **judges - judicial review.** (1) THE DIRECTOR MAY, THROUGH THE
17 DEPARTMENT, EMPLOY ADMINISTRATIVE LAW JUDGES TO CONDUCT
18 HEARINGS AS PROVIDED BY THIS SECTION OR ON ANY MATTER WITHIN THE
19 DIRECTOR'S JURISDICTION UPON SUCH CONDITIONS AND TERMS AS THE
20 DIRECTOR MAY DETERMINE.

21 (2) A PROCEEDING FOR DISCIPLINE OF A LICENSEE, PERMITTEE,
22 REGISTRANT, OR CERTIFICATE HOLDER MUST BE COMMENCED WHEN THE
23 DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A LICENSEE,
24 PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED ACTS
25 THAT MAY VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR RULES
26 PROMULGATED PURSUANT TO THIS ARTICLE 170. THE GROUNDS MAY BE
27 ESTABLISHED BY AN INVESTIGATION BEGUN BY THE DIRECTOR ON THE

1 DIRECTOR'S OWN MOTION OR BY AN INVESTIGATION PURSUANT TO A
2 WRITTEN COMPLAINT. SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24
3 GOVERN PROCEEDINGS BROUGHT PURSUANT TO THIS SECTION.

4 (3) ANY HEARING ON THE REVOCATION OR SUSPENSION OF A
5 LICENSE, PERMIT, REGISTRATION, OR CERTIFICATE, OR ON THE DENIAL OF
6 AN APPLICATION FOR A NEW LICENSE, PERMIT, REGISTRATION, OR
7 CERTIFICATE, OR FOR RENEWAL OF A PREVIOUSLY ISSUED LICENSE, PERMIT,
8 REGISTRATION, OR CERTIFICATE MUST BE CONDUCTED BY AN
9 ADMINISTRATIVE LAW JUDGE.

10 (4) FINAL ACTION BY THE DIRECTOR MAY BE JUDICIALLY
11 REVIEWED PURSUANT TO SECTION 12-20-408.

12 **SECTION 10.** In Colorado Revised Statutes, **repeal and reenact,**
13 **with amendments,** 12-170-111 as follows:

14 **12-170-111. Fees - cash fund - created.** (1) BASED UPON THE
15 APPROPRIATION MADE AND SUBJECT TO THE APPROVAL OF THE EXECUTIVE
16 DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, THE DIRECTOR
17 SHALL ESTABLISH AND ADJUST FEES THAT THE DIRECTOR IS AUTHORIZED
18 BY LAW TO COLLECT SO THAT THE REVENUE GENERATED FROM THE FEES
19 APPROXIMATES ITS DIRECT AND INDIRECT COSTS; EXCEPT THAT FEES MUST
20 NOT EXCEED THE AMOUNT NECESSARY TO ADMINISTER THIS ARTICLE 170.

21 (2) THE NATURAL MEDICINE FACILITATOR CASH FUND, REFERRED
22 TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY.
23 THE FUND CONSISTS OF FEES CREDITED TO THE FUND PURSUANT TO THIS
24 ARTICLE 170 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
25 APPROPRIATE OR TRANSFER TO THE FUND.

26 (3) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1 FUND TO THE FUND.

2 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
3 DEPARTMENT FOR THE ADMINISTRATION OF THIS ARTICLE 170.

4 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**
5 **with amendments,** 12-170-112 as follows:

6 **12-170-112. Local jurisdiction.** (1) A LOCAL JURISDICTION
7 SHALL NOT PROHIBIT A FACILITATOR FROM PROVIDING NATURAL MEDICINE
8 SERVICES WITHIN ITS BOUNDARIES IF THE INDIVIDUAL IS A LICENSED
9 FACILITATOR PURSUANT TO THIS ARTICLE 170.

10 (2) A LOCAL JURISDICTION SHALL NOT ADOPT ORDINANCES OR
11 REGULATIONS THAT ARE UNREASONABLE OR IN CONFLICT WITH THIS
12 ARTICLE 170.

13 **SECTION 12.** In Colorado Revised Statutes, **repeal and reenact,**
14 **with amendments,** 12-170-113 as follows:

15 **12-170-113. Protections.** (1) SUBJECT TO THE LIMITATIONS IN
16 THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44, BUT NOTWITHSTANDING
17 ANY OTHER PROVISION OF LAW:

18 (a) ACTIONS AND CONDUCT PERMITTED PURSUANT TO A LICENSE,
19 REGISTRATION, PERMIT, OR CERTIFICATE ISSUED BY THE DIRECTOR
20 PURSUANT TO THIS ARTICLE 170, OR BY THOSE WHO ALLOW PROPERTY TO
21 BE USED PURSUANT TO A LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE
22 ISSUED BY THE DIRECTOR PURSUANT TO THIS ARTICLE 170, ARE LAWFUL
23 AND ARE NOT AN OFFENSE UNDER STATE LAW, OR THE LAWS OF ANY LOCAL
24 JURISDICTION WITHIN THIS STATE; ARE NOT SUBJECT TO A CIVIL FINE,
25 PENALTY, OR SANCTION; ARE NOT A BASIS FOR DETENTION, SEARCH, OR
26 ARREST; AND ARE NOT A BASIS TO DENY ANY RIGHT OR PRIVILEGE, OR TO
27 SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCAL

1 JURISDICTION WITHIN THIS STATE.

2 (b) A CONTRACT IS NOT UNENFORCEABLE ON THE BASIS THAT
3 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS ALLOWED
4 PURSUANT TO THIS ARTICLE 170, IS PROHIBITED BY FEDERAL LAW;

5 (c) MENTAL HEALTH CARE, SUBSTANCE USE DISORDER
6 INTERVENTION SERVICES, OR BEHAVIORAL HEALTH SERVICES OTHERWISE
7 COVERED PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT",
8 ARTICLES 4 TO 6 OF TITLE 25.5, MUST NOT BE DENIED ON THE BASIS THAT
9 THEY ARE COVERED IN CONJUNCTION WITH NATURAL MEDICINE SERVICES,
10 OR THAT NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT ARE
11 PROHIBITED BY FEDERAL LAW. INSURANCE OR AN INSURANCE PROVIDER
12 IS NOT REQUIRED TO COVER THE COST OF NATURAL MEDICINE OR NATURAL
13 MEDICINE PRODUCT.

14 (d) NOTHING IN THIS SECTION MAY BE CONSTRUED OR
15 INTERPRETED TO PREVENT THE DIRECTOR FROM ENFORCING RULES
16 PROMULGATED BY THE DIRECTOR AGAINST A LICENSEE, REGISTRANT,
17 PERMITTEE, OR CERTIFICATE HOLDER OR LIMIT A STATE OR LOCAL LAW
18 ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY
19 IN RELATION TO A LICENSEE, REGISTRANT, PERMITTEE, OR CERTIFICATE
20 HOLDER.

21 (2) A PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION,
22 PERMIT, OR CERTIFICATE HOLDER IS NOT SUBJECT TO PROFESSIONAL
23 DISCIPLINE OR LOSS OF A PROFESSIONAL OR OCCUPATIONAL LICENSE,
24 REGISTRATION, PERMIT, OR CERTIFICATE FOR PROVIDING ADVICE OR
25 SERVICES ARISING OUT OF OR RELATED TO A NATURAL MEDICINE LICENSE,
26 REGISTRATION, PERMIT, OR CERTIFICATE ISSUED PURSUANT TO THIS
27 ARTICLE 170 OR ARTICLE 50 OF TITLE 44 OR APPLICATION FOR LICENSE,

1 REGISTRATION, PERMIT, OR CERTIFICATE ISSUED PURSUANT TO THIS
2 ARTICLE 170 OR ARTICLE 50 OF TITLE 44 ON THE BASIS THAT NATURAL
3 MEDICINE AND NATURAL MEDICINE PRODUCT ARE PROHIBITED BY FEDERAL
4 LAW, OR FOR PERSONAL USE OF NATURAL MEDICINE OR NATURAL
5 MEDICINE ALLOWED PURSUANT TO THIS ARTICLE 170. THIS ARTICLE 170
6 DOES NOT AUTHORIZE AN INDIVIDUAL TO ENGAGE IN CONDUCT THAT IN
7 THE COURSE OF PRACTICING UNDER THE INDIVIDUAL'S LICENSE,
8 REGISTRATION, PERMIT, OR CERTIFICATE WOULD VIOLATE STANDARDS OF
9 CARE OR SCOPE OF PRACTICE OF THE INDIVIDUAL'S PROFESSION OR
10 OCCUPATION AS REQUIRED BY ANY PROVISION OF LAW OR RULE.

11 **SECTION 13.** In Colorado Revised Statutes, **repeal and reenact,**
12 **with amendments,** 12-170-114 as follows:

13 **12-170-114. Liberal construction.** THIS ARTICLE 170 MUST BE
14 LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

15 **SECTION 14.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 12-170-115 as follows:

17 **12-170-115. Preemption.** A LOCAL JURISDICTION SHALL NOT
18 ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION THAT
19 IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ARTICLE 170.

20 **SECTION 15.** In Colorado Revised Statutes, **add** 12-170-116 as
21 follows:

22 **12-170-116. Self-executing, severability, conflicting provisions.**
23 ALL PROVISIONS OF THIS ARTICLE 170 ARE SELF-EXECUTING EXCEPT AS
24 SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHEN OTHERWISE
25 INDICATED, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL
26 CHARTER, ORDINANCE, OR RESOLUTION PROVISIONS, AND OTHER STATE
27 AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ARTICLE 170 OR ITS

1 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
2 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
3 THIS ARTICLE 170 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
4 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
5 ARTICLE 170 ARE SEVERABLE.

6 **SECTION 16.** In Colorado Revised Statutes, **add** 12-170-117 as
7 follows:

8 **12-170-117. Repeal of article - review of functions.** THIS
9 ARTICLE 170 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE
10 REPEAL, THIS ARTICLE 170 IS SCHEDULED FOR REVIEW IN ACCORDANCE
11 WITH SECTION 24-34-104.

12 **SECTION 17.** In Colorado Revised Statutes, 12-20-407, **amend**
13 (1)(a)(V)(V) and (1)(a)(V)(W); and **add** (1)(a)(V)(X) as follows:

14 **12-20-407. Unauthorized practice of profession or occupation**
15 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
16 and shall be punished as provided in section 18-1.3-501 if the person:

17 (V) Practices or offers or attempts to practice any of the following
18 professions or occupations without an active license, certification, or
19 registration issued under the part or article of this title 12 governing the
20 particular profession or occupation:

21 (V) Respiratory therapy, as regulated under article 300 of this title
22 12; or

23 (W) Veterinary medicine or as a veterinary technician, as
24 regulated under article 315 of this title 12; OR

25 (X) FACILITATING NATURAL MEDICINE SERVICES, AS REGULATED
26 UNDER ARTICLE 170 OF THIS TITLE 12.

27 **SECTION 18.** In Colorado Revised Statutes, 24-1-117, **amend**

1 (4)(a)(X) and (4)(a)(XI); and **add** (4)(a)(XII) as follows:

2 **24-1-117. Department of revenue - creation.** (4) (a) The
3 department of revenue consists of the following divisions:

4 (X) The auto industry division, created in section 44-20-105. The
5 division is a **type 2** entity, as defined in section 24-1-105, and exercises
6 its powers and performs its duties and functions under the department of
7 revenue; ~~and~~

8 (XI) The state licensing authority created in section 44-10-201;

9 AND

10 (XII) THE NATURAL MEDICINE DIVISION, CREATED IN SECTION
11 44-50-201, WHICH IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

12 **SECTION 19.** In Colorado Revised Statutes, 24-34-104, **add**
13 (33)(a)(IV) and (33)(a)(V) as follows:

14 **24-34-104. General assembly review of regulatory agencies**
15 **and functions for repeal, continuation, or reestablishment - legislative**
16 **declaration - repeal.** (33) (a) The following agencies, functions, or both,
17 are scheduled for repeal on September 1, 2032:

18 (IV) THE "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE
19 170 OF TITLE 12;

20 (V) THE "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF
21 TITLE 44.

22 **SECTION 20.** In Colorado Revised Statutes, **add** 25-1.5-120 as
23 follows:

24 **25-1.5-120. Natural medicine testing and standards - rules.**

25 (1) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN
26 COORDINATION WITH THE DEPARTMENT OF REVENUE, TO ENSURE
27 CONSISTENCY BETWEEN RULES, SHALL PROMULGATE RULES CONCERNING

1 TESTING STANDARDS AND CERTIFICATION REQUIREMENTS OF NATURAL
2 MEDICINE AND NATURAL MEDICINE PRODUCT REGULATED BY THE
3 DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 50 OF TITLE 44.

4 (2) AT A MINIMUM, THE RULES MUST:

5 (a) ESTABLISH NATURAL MEDICINE AND NATURAL MEDICINE
6 PRODUCT TESTING STANDARDS AND CERTIFICATION REQUIREMENTS;

7 (b) ESTABLISH A NATURAL MEDICINE INDEPENDENT TESTING AND
8 CERTIFICATION PROGRAM FOR LICENSEES PURSUANT TO ARTICLE 50 OF
9 TITLE 44, WITHIN AN IMPLEMENTATION TIME FRAME ESTABLISHED BY THE
10 DEPARTMENT OF REVENUE, REQUIRING LICENSEES TO TEST NATURAL
11 MEDICINE AND NATURAL MEDICINE PRODUCT TO ENSURE, AT A MINIMUM,
12 THAT PRODUCTS TRANSFERRED FOR HUMAN CONSUMPTION BY NATURAL
13 PERSONS OR ENTITIES LICENSED PURSUANT TO ARTICLE 50 OF TITLE 44 DO
14 NOT CONTAIN CONTAMINANTS THAT ARE INJURIOUS TO HEALTH AND TO
15 ENSURE CORRECT LABELING;

16 (c) ESTABLISH PROCEDURES THAT ENSURE NATURAL MEDICINE
17 AND NATURAL MEDICINE PRODUCT ARE QUARANTINED AND NOTIFICATION
18 PROCEDURES IF TEST RESULTS INDICATE THE PRESENCE OF QUANTITIES OF
19 ANY SUBSTANCE DETERMINED TO BE INJURIOUS TO HEALTH;

20 (d) ENSURE THAT TESTING VERIFIES CONCENTRATION
21 REPRESENTATIONS AND HOMOGENEITY FOR CORRECT LABELING;

22 (e) ESTABLISH AN ACCEPTABLE VARIANCE FOR CONCENTRATION
23 REPRESENTATIONS AND PROCEDURES TO ADDRESS CONCENTRATION
24 MISREPRESENTATIONS; AND

25 (f) ESTABLISH THE PROTOCOLS AND FREQUENCY OF NATURAL
26 MEDICINE TESTING BY LICENSEES.

27 **SECTION 21.** In Colorado Revised Statutes, **add** article 50 to

1 title 44 as follows:

2

ARTICLE 50

3

Natural Medicine

4

PART 1

5

COLORADO NATURAL MEDICINE CODE

6

44-50-101. Short title. THE SHORT TITLE OF THIS ARTICLE 50 IS
7 THE "COLORADO NATURAL MEDICINE CODE".

8

44-50-102. Legislative declaration. (1) THE GENERAL ASSEMBLY
9 FINDS AND DECLARES THAT:

10

(a) THE PEOPLE OF COLORADO APPROVED STATUTORY MEASURES
11 THAT, IN PART, INTENDED TO ENSURE THAT PEOPLE IN COLORADO HAVE
12 ACCESS TO REGULATED NATURAL MEDICINE AND REGULATED NATURAL
13 MEDICINE PRODUCT;

14

(b) THE DEPARTMENT IS UNIQUELY SUITED TO REGULATE THE
15 CULTIVATION, MANUFACTURING, TESTING, STORING, DISTRIBUTION,
16 TRANSPORTATION, TRANSFERRING, AND DISPENSATION OF REGULATED
17 NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT
18 BECAUSE OF ITS EXPERIENCE AND EXISTING RESOURCES IN REGULATING
19 ALCOHOL, TOBACCO, AND MARIJUANA; AND

20

(c) IT IS NECESSARY TO ENTRUST THE REGULATION OF THE
21 CULTIVATION, MANUFACTURING, TESTING, STORING, DISTRIBUTION,
22 TRANSPORTATION, TRANSFERRING, AND DISPENSATION OF REGULATED
23 NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT TO
24 THE DEPARTMENT IN ORDER TO IMPLEMENT THE REGULATORY MEASURES
25 IN A MANNER THAT HONORS THE INTENT OF THE PEOPLE, PROMOTES PUBLIC
26 TRUST, SUPPORTS THE INTEGRITY AND SUSTAINABILITY OF THE
27 REGULATORY MEASURES, AND ENSURES REGULATORY EFFICIENCY.

1 (2) THE GENERAL ASSEMBLY DECLARES THAT THIS ARTICLE 50 IS
2 DEEMED AN EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE
3 PROTECTION OF THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH,
4 PEACE, AND MORALS OF THE PEOPLE OF THIS STATE.

5 (3) THE GENERAL ASSEMBLY DECLARES THAT IT IS UNLAWFUL
6 UNDER STATE LAW TO CULTIVATE, MANUFACTURE, TEST, STORE,
7 DISTRIBUTE, TRANSPORT, TRANSFER, AND DISPENSE NATURAL MEDICINE
8 OR NATURAL MEDICINE PRODUCT, EXCEPT IN COMPLIANCE WITH THE
9 TERMS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS IN THIS ARTICLE 50;
10 RULES PROMULGATED PURSUANT TO THIS ARTICLE 50; ARTICLE 170 OF
11 TITLE 12; RULES PROMULGATED PURSUANT TO ARTICLE 170 OF TITLE 12;
12 ARTICLE 1.5 OF TITLE 25; RULES PROMULGATED PURSUANT TO ARTICLE 1.5
13 OF TITLE 25; TITLE 16; AND TITLE 18.

14 **44-50-103. Definitions.** AS USED IN THIS ARTICLE 50, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ADMINISTRATION SESSION" MEANS A SESSION CONDUCTED AT
17 A HEALING CENTER, OR OTHER LOCATION IF PERMITTED BY THIS ARTICLE
18 50 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 50, DURING
19 WHICH A PARTICIPANT CONSUMES AND EXPERIENCES THE EFFECTS OF
20 NATURAL MEDICINE UNDER THE SUPERVISION OF A FACILITATOR.

21 (2) "BOARD" MEANS THE STATE NATURAL MEDICINE ADVISORY
22 BOARD CREATED IN SECTION 12-170-106.

23 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
24 PROFESSIONS AND OCCUPATIONS OR THE DIRECTOR'S DESIGNEE.

25 (4) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND
26 OCCUPATIONS CREATED IN THE DEPARTMENT PURSUANT TO SECTION
27 12-20-103.

1 (5) "FACILITATOR" MEANS A NATURAL PERSON WHO IS
2 TWENTY-ONE YEARS OF AGE OR OLDER, HAS THE NECESSARY
3 QUALIFICATIONS, TRAINING, EXPERIENCE, AND KNOWLEDGE TO PERFORM
4 AND SUPERVISE NATURAL MEDICINE SERVICES FOR A PARTICIPANT, AND IS
5 LICENSED BY THE DIRECTOR TO ENGAGE IN THE PRACTICE OF
6 FACILITATION.

7 (6) "HEALING CENTER" MEANS AN ENTITY LICENSED BY THE STATE
8 LICENSING AUTHORITY THAT PERMITS A FACILITATOR TO PROVIDE AND
9 SUPERVISE NATURAL MEDICINE SERVICES FOR A PARTICIPANT.

10 (7) "HEALTH-CARE FACILITY" MEANS AN ENTITY THAT IS
11 LICENSED, CERTIFIED, OR OTHERWISE PERMITTED BY LAW TO ADMINISTER
12 MEDICAL TREATMENT IN THIS STATE, INCLUDING A HOSPITAL, HOSPICE
13 FACILITY, COMMUNITY MENTAL HEALTH CENTER, FEDERALLY QUALIFIED
14 HEALTH CENTER, RURAL HEALTH CLINIC, ORGANIZATION PROVIDING A
15 PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, LONG-TERM CARE
16 FACILITY, CONTINUING CARE RETIREMENT COMMUNITY, OR OTHER TYPE OF
17 ENTITY WHERE HEALTH CARE IS PROVIDED.

18 (8) "INTEGRATION SESSION" MEANS A MEETING BETWEEN A
19 PARTICIPANT AND FACILITATOR THAT OCCURS AFTER THE COMPLETION OF
20 AN ADMINISTRATION SESSION.

21 (9) "LICENSE" MEANS TO GRANT A LICENSE, PERMIT, OR
22 REGISTRATION PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED
23 PURSUANT TO THIS ARTICLE 50.

24 (10) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN
25 APPLICATION FOR A LICENSE PURSUANT TO THIS ARTICLE 50 THAT THE
26 LICENSEE OWNS OR IS IN POSSESSION OF AND WITHIN WHICH THE LICENSEE
27 IS AUTHORIZED TO CULTIVATE, MANUFACTURE, TEST, STORE, DISTRIBUTE,

1 TRANSPORT, TRANSFER, OR DISPENSE NATURAL MEDICINE OR NATURAL
2 MEDICINE PRODUCT IN ACCORDANCE WITH THIS ARTICLE 50.

3 (11) "LICENSEE" MEANS A PERSON LICENSED, REGISTERED, OR
4 PERMITTED PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED
5 PURSUANT TO THIS ARTICLE 50.

6 (12) "LOCAL JURISDICTION" MEANS A COUNTY, MUNICIPALITY, OR
7 CITY AND COUNTY.

8 (13) (a) "NATURAL MEDICINE" MEANS THE FOLLOWING
9 SUBSTANCES:

10 (I) PSILOCYBIN; OR

11 (II) PSILOCYN.

12 (b) IN ADDITION TO THE SUBSTANCES LISTED IN SUBSECTION
13 (13)(a) OF THIS SECTION, "NATURAL MEDICINE" INCLUDES:

14 (I) DIMETHYLTRYPTAMINE, IF RECOMMENDED BY THE BOARD AND
15 APPROVED BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE
16 LICENSING AUTHORITY FOR INCLUSION ON OR AFTER JUNE 1, 2026;

17 (II) IBOGAIN, IF RECOMMENDED BY THE BOARD AND APPROVED
18 BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE LICENSING
19 AUTHORITY FOR INCLUSION; OR

20 (III) MESCALINE, IF RECOMMENDED BY THE BOARD AND APPROVED
21 BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE LICENSING
22 AUTHORITY FOR INCLUSION ON OR AFTER JUNE 1, 2026.

23 (c) "NATURAL MEDICINE" DOES NOT MEAN A SYNTHETIC OR
24 SYNTHETIC ANALOG OF THE SUBSTANCES LISTED IN SUBSECTIONS (13)(a)
25 AND (13)(b) OF THIS SECTION, INCLUDING A DERIVATIVE OF A NATURALLY
26 OCCURRING COMPOUND OF NATURAL MEDICINE THAT IS PRODUCED USING
27 CHEMICAL SYNTHESIS, CHEMICAL MODIFICATION, OR CHEMICAL

1 CONVERSION.

2 (d) NOTWITHSTANDING SUBSECTION (13)(b)(III) OF THIS SECTION,
3 "MESCALINE" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE
4 PLANT CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIRE,
5 WHETHER GROWING OR NOT; ITS SEEDS; ANY EXTRACT FROM ANY PART OF
6 THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR
7 PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

8 (14) "NATURAL MEDICINE BUSINESS" MEANS ANY OF THE
9 FOLLOWING ENTITIES LICENSED PURSUANT TO THIS ARTICLE 50: A
10 NATURAL MEDICINE HEALING CENTER, A NATURAL MEDICINE CULTIVATION
11 FACILITY, A NATURAL MEDICINE PRODUCTS MANUFACTURER, OR A
12 NATURAL MEDICINE TESTING FACILITY, OR ANOTHER LICENSED ENTITY
13 CREATED BY THE STATE LICENSING AUTHORITY.

14 (15) "NATURAL MEDICINE PRODUCT" MEANS A PRODUCT INFUSED
15 WITH NATURAL MEDICINE THAT IS INTENDED FOR CONSUMPTION.

16 (16) "NATURAL MEDICINE SERVICES" MEANS A PREPARATION
17 SESSION, ADMINISTRATION SESSION, AND INTEGRATION SESSION PROVIDED
18 PURSUANT TO ARTICLE 170 OF TITLE 12.

19 (17) "PARTICIPANT" MEANS A PERSON WHO IS TWENTY-ONE YEARS
20 OF AGE OR OLDER AND WHO RECEIVES NATURAL MEDICINE SERVICES
21 PERFORMED BY AND UNDER THE SUPERVISION OF A FACILITATOR.

22 (18) "PERSON" MEANS A NATURAL PERSON OR AN ENTITY.

23 (19) "PREPARATION SESSION" MEANS A MEETING BETWEEN A
24 PARTICIPANT AND FACILITATOR THAT OCCURS BEFORE THE START OF AN
25 ADMINISTRATION SESSION. "PREPARATION SESSION" DOES NOT MEAN AN
26 INITIAL CONSULTATION OR AN INQUIRY RESPONSE ABOUT NATURAL
27 MEDICINE SERVICES.

1 (20) "PRINCIPLE FILE" MEANS A FILE THAT IS ESTABLISHED BY THE
2 STATE LICENSING AUTHORITY AND CONTAINS LICENSING AND
3 BACKGROUND INFORMATION FOR AN APPLICANT SEEKING LICENSES
4 PURSUANT TO THIS ARTICLE 50.

5 (21) "REGULATED NATURAL MEDICINE" MEANS NATURAL
6 MEDICINE THAT IS CULTIVATED, MANUFACTURED, TESTED, STORED,
7 DISTRIBUTED, TRANSPORTED, TRANSFERRED, OR DISPENSED PURSUANT TO
8 THIS ARTICLE 50.

9 (22) "REGULATED NATURAL MEDICINE PRODUCT" MEANS NATURAL
10 MEDICINE PRODUCT THAT IS CULTIVATED, MANUFACTURED, TESTED,
11 STORED, DISTRIBUTED, TRANSPORTED, TRANSFERRED, OR DISPENSED
12 PURSUANT TO THIS ARTICLE 50.

13 (23) "REMUNERATION" MEANS ANYTHING OF VALUE, INCLUDING
14 MONEY, REAL PROPERTY, TANGIBLE AND INTANGIBLE PERSONAL
15 PROPERTY, CONTRACT RIGHT, CHOSE IN ACTION, SERVICE, AND ANY RIGHT
16 OF USE OR EMPLOYMENT OR PROMISE OR AGREEMENT CONNECTED
17 THEREWITH, BUSINESS PROMOTION, OR COMMERCIAL ACTIVITY.

18 (24) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY
19 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
20 LICENSING OF THE CULTIVATION, MANUFACTURING, TESTING, STORAGE,
21 DISTRIBUTION, TRANSPORTATION, TRANSFER, AND DISPENSATION OF
22 REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE
23 PRODUCT IN THIS STATE PURSUANT TO SECTION 44-50-201.

24 (25) "TRANSFER" MEANS TO GRANT, CONVEY, HAND OVER, ASSIGN,
25 SELL, EXCHANGE, DONATE, OR BARTER, IN ANY MANNER AND BY ANY
26 MEANS, WITH OR WITHOUT REMUNERATION.

27 **44-50-104. Applicability.** (1) ALL BUSINESSES, FOR THE PURPOSE

1 OF CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION,
2 TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED NATURAL
3 MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT, AS DEFINED IN
4 THIS ARTICLE 50, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THIS
5 ARTICLE 50 AND RULES PROMULGATED PURSUANT TO THIS ARTICLE 50.

6 (2) A PERSON APPLYING FOR LICENSURE PURSUANT TO THIS
7 ARTICLE 50 MUST COMPLETE FORMS AS PROVIDED BY THE STATE
8 LICENSING AUTHORITY AND MUST PAY THE APPLICATION FEE AND THE
9 LICENSING FEE, WHICH MUST BE CREDITED TO THE REGULATED NATURAL
10 MEDICINE DIVISION CASH FUND ESTABLISHED PURSUANT TO SECTION
11 44-50-601. THE STATE LICENSING AUTHORITY SHALL PRIORITIZE
12 REVIEWING APPLICATIONS FROM APPLICANTS WHO HAVE ESTABLISHED
13 RESIDENCY IN COLORADO.

14 (3) THIS ARTICLE 50 SETS FORTH THE EXCLUSIVE MEANS THAT
15 CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION,
16 TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED NATURAL
17 MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT MAY OCCUR IN
18 THIS STATE.

19 (4) (a) NOTHING IN THIS ARTICLE 50 IS INTENDED TO REQUIRE AN
20 EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION,
21 POSSESSION, CULTIVATION, MANUFACTURING, TESTING, STORAGE,
22 DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF OR
23 IMPAIRMENT FROM NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
24 IN THE WORKPLACE OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE
25 POLICIES RESTRICTING THE USE OF OR IMPAIRMENT FROM NATURAL
26 MEDICINE OR NATURAL MEDICINE PRODUCT BY EMPLOYEES IN THE
27 WORKPLACE.

1 (b) NOTHING IN THIS ARTICLE 50 PROHIBITS A PERSON, EMPLOYER,
2 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION, OR ANY OTHER
3 ENTITY THAT OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM
4 PROHIBITING OR OTHERWISE REGULATING THE CULTIVATION,
5 MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT,
6 TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL
7 MEDICINE PRODUCT ON OR IN THAT PROPERTY.

8 (5) (a) A LOCAL JURISDICTION MAY ENACT ORDINANCES OR
9 REGULATIONS GOVERNING THE TIME, PLACE, AND MANNER OF THE
10 OPERATION OF LICENSES ISSUED PURSUANT TO THIS ARTICLE 50 WITHIN ITS
11 BOUNDARIES.

12 (b) A LOCAL JURISDICTION MAY NOT PROHIBIT THE
13 ESTABLISHMENT OR OPERATION OF LICENSES PURSUANT TO THIS ARTICLE
14 50 WITHIN ITS BOUNDARIES.

15 (c) A LOCAL JURISDICTION MAY NOT PROHIBIT THE
16 TRANSPORTATION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
17 WITHIN ITS BOUNDARIES ON PUBLIC ROADS BY A PERSON LICENSED TO
18 EXERCISE SUCH PRIVILEGES PURSUANT TO THIS ARTICLE 50.

19 (d) A LOCAL JURISDICTION MAY NOT ADOPT ORDINANCES OR
20 REGULATIONS THAT ARE UNREASONABLE OR CONFLICT WITH THIS ARTICLE
21 50.

22 PART 2

23 STATE LICENSING AUTHORITY

24 **44-50-201. State licensing authority - creation.** (1) FOR THE
25 PURPOSE OF REGULATING AND LICENSING THE CULTIVATION,
26 MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT,
27 TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL

1 MEDICINE PRODUCT BY AND BETWEEN NATURAL MEDICINE LICENSEES IN
2 THIS STATE, THERE IS CREATED THE STATE LICENSING AUTHORITY, WHICH
3 IS THE EXECUTIVE DIRECTOR, OR THE DIRECTOR OF THE NATURAL
4 MEDICINE DIVISION IF DESIGNATED BY THE EXECUTIVE DIRECTOR.

5 (2) THE EXECUTIVE DIRECTOR IS THE CHIEF ADMINISTRATIVE
6 OFFICER OF THE STATE LICENSING AUTHORITY AND MAY EMPLOY,
7 PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION,
8 SUCH OFFICERS AND EMPLOYEES AS DETERMINED TO BE NECESSARY. THE
9 OFFICERS AND EMPLOYEES ARE A PART OF THE DEPARTMENT.

10 (3) THE EXECUTIVE DIRECTOR OF THE STATE LICENSING
11 AUTHORITY OR A STATE LICENSING AUTHORITY EMPLOYEE WITH
12 REGULATORY OVERSIGHT RESPONSIBILITIES FOR THE NATURAL MEDICINE
13 LICENSEES THAT ARE LICENSED BY THE STATE LICENSING AUTHORITY
14 SHALL NOT WORK FOR, REPRESENT, PROVIDE CONSULTING SERVICES TO, OR
15 OTHERWISE DERIVE PECUNIARY GAIN FROM A NATURAL MEDICINE
16 LICENSEE THAT IS LICENSED BY THE STATE LICENSING AUTHORITY OR ANY
17 OTHER BUSINESS ESTABLISHED FOR THE PRIMARY PURPOSE OF PROVIDING
18 SERVICES TO THE NATURAL MEDICINE INDUSTRY FOR A PERIOD OF SIX
19 MONTHS AFTER THE EMPLOYEE'S LAST DAY OF EMPLOYMENT WITH THE
20 STATE LICENSING AUTHORITY.

21 **44-50-202. Powers and duties of state licensing authority -**
22 **report.** (1) THE STATE LICENSING AUTHORITY SHALL:

23 (a) BEGINNING ON OR BEFORE DECEMBER 31, 2024, GRANT OR
24 REFUSE STATE LICENSES FOR THE CULTIVATION, MANUFACTURING,
25 TESTING, STORAGE, DISTRIBUTION, TRANSPORT, TRANSFER, AND
26 DISPENSATION OF REGULATED NATURAL MEDICINE OR REGULATED
27 NATURAL MEDICINE PRODUCT; SUSPEND, FINE, RESTRICT, OR REVOKE SUCH

1 LICENSES, WHETHER ACTIVE, EXPIRED, OR SURRENDERED, UPON A
2 VIOLATION OF THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO
3 THIS ARTICLE 50; AND IMPOSE ANY PENALTY AUTHORIZED BY THIS
4 ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50. THE
5 STATE LICENSING AUTHORITY MAY TAKE ANY ACTION WITH RESPECT TO A
6 REGISTRATION OR PERMIT PURSUANT TO THIS ARTICLE 50 AS IT MAY WITH
7 RESPECT TO A LICENSE ISSUED PURSUANT TO THIS ARTICLE 50, IN
8 ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO THIS
9 ARTICLE 50.

10 (b) PROMULGATE RULES FOR THE PROPER REGULATION AND
11 CONTROL OF THE CULTIVATION, MANUFACTURING, TESTING, STORAGE,
12 DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED
13 NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT AND
14 FOR THE ENFORCEMENT OF THIS ARTICLE 50 AND PROMULGATE AMENDED
15 RULES AND SUCH SPECIAL RULINGS AND FINDINGS AS NECESSARY;

16 (c) CONDUCT INVESTIGATIONS AND HEARINGS, GATHER EVIDENCE,
17 AND PURSUE DISCIPLINARY ACTIONS WITH RESPECT TO LICENSES WHEN
18 THE STATE LICENSING AUTHORITY HAS REASONABLE CAUSE TO BELIEVE
19 THAT A PERSON OR ENTITY IS VIOLATING THIS ARTICLE 50 OR A RULE
20 PROMULGATED PURSUANT TO THIS ARTICLE 50;

21 (d) (I) PETITION A DISTRICT COURT FOR AN INVESTIGATIVE
22 SUBPOENA APPLICABLE TO A PERSON WHO IS NOT LICENSED PURSUANT TO
23 THIS ARTICLE 50 TO OBTAIN DOCUMENTS OR INFORMATION NECESSARY TO
24 ENFORCE A PROVISION OF THIS ARTICLE 50 OR A RULE PROMULGATED
25 PURSUANT TO THIS ARTICLE 50 AFTER REASONABLE EFFORTS HAVE BEEN
26 MADE TO OBTAIN REQUESTED DOCUMENTS OR INFORMATION WITHOUT A
27 SUBPOENA;

1 (II) APPLY TO ANY COURT OF COMPETENT JURISDICTION TO
2 TEMPORARILY RESTRAIN OR PRELIMINARILY OR PERMANENTLY ENJOIN THE
3 ACT IN QUESTION OF A PERSON WHO IS NOT LICENSED PURSUANT TO THIS
4 ARTICLE 50 AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE 50 OR A
5 RULE PROMULGATED PURSUANT TO THIS ARTICLE 50 WHENEVER IT
6 APPEARS TO THE DIRECTOR UPON SUFFICIENT EVIDENCE SATISFACTORY TO
7 THE DIRECTOR THAT A PERSON HAS BEEN OR IS COMMITTING AN ACT
8 PROHIBITED BY THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO
9 THIS ARTICLE 50, AND THE ACT:

10 (A) THREATENS PUBLIC HEALTH OR SAFETY; OR

11 (B) CONSTITUTES AN UNLAWFUL ACT FOR WHICH THE PERSON
12 DOES NOT HOLD THE REQUIRED LICENSE PURSUANT TO THIS ARTICLE 50;

13 (e) HEAR AND DETERMINE AT A PUBLIC HEARING ANY CONTESTED
14 STATE LICENSE DENIAL AND ANY COMPLAINTS AGAINST A LICENSEE, AND
15 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF
16 PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS
17 NECESSARY TO THE DETERMINATION OF ANY HEARING SO HELD, ALL IN
18 ACCORDANCE WITH ARTICLE 4 OF TITLE 24. THE STATE LICENSING
19 AUTHORITY MAY, IN ITS DISCRETION, DELEGATE TO THE DEPARTMENT'S
20 HEARING OFFICERS THE AUTHORITY TO CONDUCT LICENSING,
21 DISCIPLINARY, AND RULE-MAKING HEARINGS PURSUANT TO SECTION
22 24-4-105. WHEN CONDUCTING THE HEARINGS, THE HEARING OFFICERS ARE
23 EMPLOYEES OF THE STATE LICENSING AUTHORITY UNDER THE DIRECTION
24 AND SUPERVISION OF THE EXECUTIVE DIRECTOR AND THE STATE LICENSING
25 AUTHORITY.

26 (f) DEVELOP FORMS, LICENSES, IDENTIFICATION CARDS, AND
27 APPLICATIONS AS NECESSARY OR CONVENIENT IN THE DISCRETION OF THE

1 STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS ARTICLE
2 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50;

3 (g) IN COORDINATION WITH THE DIVISION OF PROFESSIONS AND
4 OCCUPATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES
5 PURSUANT TO SECTION 12-170-105 (1)(j), ANNUALLY PUBLISH A PUBLICLY
6 AVAILABLE REPORT CONCERNING THE IMPLEMENTATION AND
7 ADMINISTRATION OF THIS ARTICLE 50 AND ARTICLE 170 OF TITLE 12. THE
8 REPORT MUST USE RELEVANT DATA, AS DETERMINED BY THE STATE
9 LICENSING AUTHORITY AND THE DIRECTOR, AND MUST NOT DISCLOSE THE
10 IDENTITY OF ANY PARTICIPANT OR INCLUDE ANY INFORMATION THAT
11 COULD DISCLOSE THE IDENTITY OF A PARTICIPANT.

12 (h) DEVELOP AND PROMOTE ACCURATE PUBLIC EDUCATION
13 CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE OR NATURAL
14 MEDICINE PRODUCT, INCLUDING PUBLIC SERVICE ANNOUNCEMENTS,
15 EDUCATIONAL MATERIALS, AND APPROPRIATE CRISIS RESPONSE
16 MATERIALS, AND DEVELOP AND PROMOTE TRAINING MATERIALS FOR FIRST
17 RESPONDERS AND MULTI-RESPONDERS, INCLUDING LAW ENFORCEMENT,
18 EMERGENCY MEDICAL PROVIDERS, SOCIAL SERVICES PROVIDERS, AND FIRE
19 FIGHTERS.

20 (2) NOTHING IN THIS ARTICLE 50 DELEGATES TO THE STATE
21 LICENSING AUTHORITY THE POWER TO FIX PRICES FOR REGULATED
22 NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT.

23 (3) NOTHING IN THIS ARTICLE 50 LIMITS A LAW ENFORCEMENT
24 AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO
25 A NATURAL MEDICINE LICENSEE. A LAW ENFORCEMENT AGENCY HAS THE
26 AUTHORITY TO RUN A COLORADO CRIME INFORMATION CENTER CRIMINAL
27 HISTORY RECORD CHECK OF A LICENSEE OR EMPLOYEE OF A LICENSEE

1 DURING AN INVESTIGATION OF UNLAWFUL ACTIVITY RELATED TO NATURAL
2 MEDICINE OR NATURAL MEDICINE PRODUCT.

3 (4) THE STATE LICENSING AUTHORITY SHALL COORDINATE WITH
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND
5 ENVIRONMENT CONCERNING THE ESTABLISHMENT OF STANDARDS FOR
6 LICENSING LABORATORIES PURSUANT TO THE REQUIREMENTS OUTLINED
7 IN SECTION 25-1.5-120 FOR REGULATED NATURAL MEDICINE AND
8 REGULATED NATURAL MEDICINE PRODUCT.

9 (5) THE STATE LICENSING AUTHORITY SHALL, WHEN FINANCIALLY
10 FEASIBLE, ESTABLISH PROCEDURES, POLICIES, AND PROGRAMS TO ENSURE
11 THIS ARTICLE 50 AND RULES PROMULGATED PURSUANT TO THIS ARTICLE
12 50 ARE EQUITABLE AND INCLUSIVE, PROMOTE THE LICENSING,
13 REGISTRATION, AND PERMITTING OF, AND PROVISION OF NATURAL
14 MEDICINE AND NATURAL MEDICINE PRODUCT TO, PERSONS FROM
15 COMMUNITIES THAT HAVE BEEN DISPROPORTIONATELY HARMED BY HIGH
16 RATES OF ARREST FOR CONTROLLED SUBSTANCES, PERSONS WHO FACE
17 BARRIERS TO HEALTH-CARE ACCESS, PERSONS WHO HAVE TRADITIONAL,
18 TRIBAL, OR INDIGENOUS HISTORY WITH NATURAL MEDICINE OR NATURAL
19 MEDICINE PRODUCT, OR TO PERSONS WHO ARE VETERANS. THE STATE
20 LICENSING AUTHORITY MAY CONSULT THE BOARD WHEN CONSIDERING
21 PROCEDURES, POLICIES, AND PROGRAMS PURSUANT TO THIS SUBSECTION
22 (5).

23 (6) THE STATE LICENSING AUTHORITY HAS AUTHORITY TO COLLECT
24 AVAILABLE AND RELEVANT DATA NECESSARY TO PERFORM FUNCTIONS
25 AND DUTIES NECESSARY TO ADMINISTER THIS ARTICLE 50.

26 (7) THE STATE LICENSING AUTHORITY SHALL PERFORM OTHER
27 FUNCTIONS AND DUTIES NECESSARY TO ADMINISTER THIS ARTICLE 50.

1 **44-50-203. State licensing authority - rules - legislative**
2 **declaration. (1) Mandatory rule-making.** RULES PROMULGATED

3 PURSUANT TO SECTION 44-50-202 (1)(b) MUST INCLUDE THE FOLLOWING
4 SUBJECTS:

5 (a) PROCEDURES AND REQUIREMENTS CONSISTENT WITH THIS
6 ARTICLE 50 FOR THE ISSUANCE, DENIAL, RENEWAL, REINSTATEMENT,
7 MODIFICATION, SUSPENSION, AND REVOCATION OF LICENSES;

8 (b) OVERSIGHT REQUIREMENTS FOR LICENSEES;

9 (c) A SCHEDULE OF APPLICATION, LICENSING, AND RENEWAL FEES
10 FOR LICENSES;

11 (d) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR
12 LICENSURE PURSUANT TO THIS ARTICLE 50, INCLUDING CONTINUING
13 ELIGIBILITY EXPECTATIONS, INCLUDING TIMELY PAYING TAXES OWED TO
14 THE DEPARTMENT OF REVENUE, TIMELY FILING TAX RETURNS, AND TIMELY
15 CURING ANY TAX DEFICIENCIES, AND AUTHORIZATION FOR THE
16 DEPARTMENT OF REVENUE TO HAVE ACCESS TO LICENSING INFORMATION
17 TO ENSURE TAX PAYMENT FOR THE EFFECTIVE ADMINISTRATION OF THIS
18 ARTICLE 50;

19 (e) PERMISSIBLE AND PROHIBITED FINANCIAL INTERESTS IN A
20 LICENSE ISSUED PURSUANT TO THIS ARTICLE 50 OR A LICENSE ISSUED
21 PURSUANT TO ARTICLE 170 OF TITLE 12; EXCEPT THAT A PERSON MAY NOT
22 HAVE A FINANCIAL INTEREST IN MORE THAN FIVE NATURAL MEDICINE
23 BUSINESS LICENSES;

24 (f) (I) ESTABLISHMENT OF A NATURAL MEDICINE INDEPENDENT
25 TESTING AND CERTIFICATION PROGRAM FOR LICENSEES WITHIN AN
26 IMPLEMENTATION TIME FRAME ESTABLISHED BY THE DIVISION, REQUIRING
27 LICENSEES TO TEST REGULATED NATURAL MEDICINE AND REGULATED

1 NATURAL MEDICINE PRODUCT TO ENSURE, AT A MINIMUM, THAT
2 REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE
3 PRODUCT TRANSFERRED FOR HUMAN CONSUMPTION BY PERSONS LICENSED
4 PURSUANT TO THIS ARTICLE 50 DO NOT CONTAIN CONTAMINANTS THAT
5 ARE INJURIOUS TO HEALTH AND TO ENSURE CORRECT LABELING, AS WELL
6 AS:

7 (A) CERTIFICATION REQUIREMENTS FOR LABORATORIES THAT TEST
8 REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE
9 PRODUCT, AND REQUIREMENTS THAT THE TEST RESULTS PRODUCED BY A
10 LABORATORY MUST NOT BE USED UNLESS THE LABORATORY IS CERTIFIED;

11 (B) TESTING PROCEDURES AND FREQUENCY OF REGULATED
12 NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT BY
13 LICENSEES;

14 (C) WHETHER TO ALLOW FOR ANY NATURAL PERSON TO REQUEST
15 AND UTILIZE TESTING SERVICES OF NATURAL MEDICINE AND NATURAL
16 MEDICINE PRODUCT IF THE NATURAL PERSON IS TWENTY-ONE YEARS OF
17 AGE OR OLDER;

18 (D) DEFINITIONS, PERMISSIONS, AND PROHIBITIONS CONCERNING
19 CONFLICTS OF INTEREST RELATED TO, AND ECONOMIC INTERESTS FOR,
20 PERSONS WHO OWN OR ARE ASSOCIATED WITH A NATURAL MEDICINE
21 TESTING LICENSE AND OTHER LICENSES; AND

22 (E) PROCEDURES AND REQUIREMENTS NECESSARY TO FACILITATE
23 THE COORDINATION OF DUTIES WITH RESPECT TO THE NATURAL MEDICINE
24 TESTING AND CERTIFICATION PROGRAM WITH THE DEPARTMENT OF PUBLIC
25 HEALTH AND ENVIRONMENT.

26 (II) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
27 PURSUANT TO THIS SUBSECTION (1)(f) IN COORDINATION WITH THE

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ENSURE
2 CONSISTENCY BETWEEN RULES.

3 (g) THE REGULATION OF A LICENSED PREMISES, INCLUDING RULES
4 THAT ALLOW A NATURAL MEDICINE HEALING CENTER LICENSEE'S LICENSED
5 PREMISES TO BE CO-LOCATED WITH ANOTHER NATURAL MEDICINE HEALING
6 CENTER LICENSEE'S LICENSED PREMISES OR A HEALTH-CARE FACILITY;

7 (h) REQUIREMENTS FOR THE TRANSPORTATION OF REGULATED
8 NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT,
9 INCLUDING:

10 (I) SECURITY REQUIREMENTS;

11 (II) TRANSPORTATION VEHICLE REQUIREMENTS, INCLUDING
12 REQUIREMENTS FOR SURVEILLANCE;

13 (III) LIMITS ON THE AMOUNT OF REGULATED NATURAL MEDICINE
14 AND REGULATED NATURAL MEDICINE PRODUCT THAT MAY BE CARRIED IN
15 A TRANSPORTATION VEHICLE;

16 (IV) RECORD-KEEPING REQUIREMENTS; AND

17 (V) TRANSPORTATION MANIFEST REQUIREMENTS;

18 (i) LIMITS ON THE AMOUNT OF REGULATED NATURAL MEDICINE
19 AND REGULATED NATURAL MEDICINE PRODUCT THAT IS ALLOWED FOR
20 PRODUCTION BY A NATURAL MEDICINE CULTIVATION FACILITY LICENSE OR
21 NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE BASED ON A
22 METRIC OR SET OF METRICS. WHEN CONSIDERING ANY LIMITATIONS, THE
23 STATE LICENSING AUTHORITY SHALL CONSIDER THE TOTAL CURRENT AND
24 ANTICIPATED DEMAND FOR REGULATED NATURAL MEDICINE AND
25 REGULATED NATURAL MEDICINE PRODUCT IN COLORADO AND ATTEMPT TO
26 MINIMIZE THE MARKET FOR UNLAWFUL NATURAL MEDICINE AND NATURAL
27 MEDICINE PRODUCT.

1 (j) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED
2 AVAILABILITY OF THE RECORDS FOR INSPECTION BY THE STATE LICENSING
3 AUTHORITY;

4 (k) REQUIREMENTS TO PREVENT THE TRANSFER OR DIVERSION OF
5 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT TO PERSONS UNDER
6 TWENTY-ONE YEARS OF AGE;

7 (l) PERMITTED AND PROHIBITED TRANSFERS OF REGULATED
8 NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT
9 BETWEEN LICENSEES;

10 (m) STANDARDS FOR ADVERTISING AND MARKETING A LICENSEE'S
11 SERVICES, INCLUDING: AVOIDING THE MISAPPROPRIATION AND
12 EXPLOITATION OF THE FEDERALLY RECOGNIZED AMERICAN TRIBES AND
13 INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS; AVOIDING
14 THE EXCESSIVE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL
15 MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES; PROHIBITING
16 ADVERTISING AND MARKETING OF NATURAL MEDICINE, NATURAL
17 MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES DIRECTED TO
18 INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE; AND OTHER
19 PARAMETERS DETERMINED NECESSARY BY THE STATE LICENSING
20 AUTHORITY.

21 (n) THE STANDARDS FOR QUALIFICATION AS A LICENSEE,
22 INCLUDING ENVIRONMENTAL, SOCIAL, AND GOVERNANCE CRITERIA
23 DIRECTED TO THE FINDINGS AND DECLARATIONS SET FORTH IN SECTION
24 12-170-102.

25 (2) **Permissive rule-making.** RULES PROMULGATED PURSUANT TO
26 SECTION 44-50-202 (1)(b) MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
27 THE FOLLOWING SUBJECTS:

1 (a) ESTABLISHMENT OF LICENSES, AND THE PRIVILEGES AND
2 RESTRICTIONS PURSUANT TO SUCH LICENSES, DETERMINED NECESSARY BY
3 THE STATE LICENSING AUTHORITY TO IMPLEMENT OR ADMINISTER THIS
4 ARTICLE 50;

5 (b) ESTABLISHMENT OF A PRINCIPLE FILE PROCESS AND
6 REQUIREMENTS FOR AN APPLICANT SEEKING TO EXERCISE THE PRIVILEGES
7 OF A LICENSE TYPE IN MULTIPLE LOCATIONS OR SEEKING TO EXERCISE THE
8 PRIVILEGES OF MULTIPLE LICENSE TYPES;

9 (c) REQUIREMENTS FOR ISSUANCE OF CO-LOCATION PERMITS TO A
10 LICENSEE AUTHORIZING CO-LOCATION WITH ANOTHER LICENSED PREMISES;

11 (d) REQUIREMENTS AND RESTRICTIONS ON DIFFERENT TYPES OF
12 REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE
13 PRODUCT;

14 (e) PACKAGING AND LABELING REQUIREMENTS FOR REGULATED
15 NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT,
16 INCLUDING:

17 (I) WARNING LABELS;

18 (II) INDIVIDUAL SERVING AND PER-PACKAGE SERVING AMOUNTS;

19 AND

20 (III) CONCENTRATION OF THE REGULATED NATURAL MEDICINE OR
21 REGULATED NATURAL MEDICINE PRODUCT;

22 (f) SECURITY REQUIREMENTS FOR LICENSED PREMISES, INCLUDING
23 LIGHTING, PHYSICAL SECURITY, VIDEO, AND ALARM REQUIREMENTS, AND
24 OTHER MINIMUM PROCEDURES FOR INTERNAL CONTROL AS DEEMED
25 NECESSARY BY THE STATE LICENSING AUTHORITY TO PROPERLY
26 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE 50,
27 INCLUDING REPORTING REQUIREMENTS FOR CHANGES, ALTERATIONS,

1 MODIFICATIONS TO THE PREMISES, OR ACTIVITIES OR INCIDENTS ON THE
2 PREMISES;
3 (g) HEALTH AND SAFETY REGULATIONS AND STANDARDS;
4 (h) SANITARY REQUIREMENTS;
5 (i) WASTE, DISPOSAL, AND DESTRUCTION REQUIREMENTS OF
6 REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE
7 PRODUCT, INCLUDING RECORD-KEEPING REQUIREMENTS;
8 (j) STORAGE AND TRANSPORTATION OF REGULATED NATURAL
9 MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT;
10 (k) REQUIREMENTS OF LICENSEES TO TRACK AND MANAGE
11 INVENTORY;
12 (l) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF ANY
13 PROVISION OF THIS ARTICLE 50, ARTICLE 18 OF TITLE 18, OR ANY RULE
14 PROMULGATED PURSUANT TO THIS ARTICLE 50, INCLUDING PROCEDURES
15 AND GROUNDS FOR DENYING, SUSPENDING, FINING, MODIFYING,
16 RESTRICTING, OR REVOKING A STATE LICENSE ISSUED PURSUANT TO THIS
17 ARTICLE 50 OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE 50;
18 (m) ESTABLISHING A SCHEDULE OF PENALTIES FOR ALLEGED
19 VIOLATIONS OF STATUTES AND RULES;
20 (n) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF
21 THE STATE LICENSING AUTHORITY;
22 (o) GUIDANCE FOR LAW ENFORCEMENT OFFICERS;
23 (p) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS, SEARCHES,
24 SEIZURES, FORFEITURES, EMBARGO, QUARANTINE, RECALLS, AND SUCH
25 ADDITIONAL ACTIVITIES AS MAY BECOME NECESSARY;
26 (q) PROHIBITION OF MISREPRESENTATION AND UNFAIR PRACTICES;
27 AND

1 (r) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
2 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
3 ARTICLE 50.

4 (3) THE STATE LICENSING AUTHORITY SHALL CONSULT THE BOARD
5 WHEN CONSIDERING AND PROMULGATING RULES PURSUANT TO THIS
6 SECTION.

7 (4) (a) THE STATE LICENSING AUTHORITY MAY, BY RULE,
8 ESTABLISH PROCEDURES FOR THE CONDITIONAL ISSUANCE OF AN
9 EMPLOYEE LICENSE IDENTIFICATION CARD AT THE TIME OF APPLICATION.

10 (b) (I) THE STATE LICENSING AUTHORITY SHALL BASE ITS
11 ISSUANCE OF AN EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO
12 THIS SUBSECTION (4) ON THE RESULTS OF AN INITIAL INVESTIGATION THAT
13 DEMONSTRATES THE APPLICANT IS QUALIFIED TO HOLD A LICENSE. THE
14 EMPLOYEE LICENSE APPLICATION FOR WHICH AN EMPLOYEE LICENSE
15 IDENTIFICATION CARD WAS ISSUED PURSUANT TO THIS SUBSECTION (4)
16 REMAINS SUBJECT TO DENIAL PENDING THE COMPLETE RESULTS OF THE
17 APPLICANT'S INITIAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD
18 CHECK.

19 (II) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
20 CHECK THAT DEMONSTRATE THAT AN APPLICANT POSSESSING AN
21 EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION
22 (4) IS NOT QUALIFIED TO HOLD A LICENSE ISSUED PURSUANT TO THIS
23 ARTICLE 50 ARE GROUNDS FOR DENIAL OF THE EMPLOYEE LICENSE
24 APPLICATION. IF THE EMPLOYEE LICENSE APPLICATION IS DENIED, THE
25 APPLICANT SHALL RETURN THE EMPLOYEE LICENSE IDENTIFICATION CARD
26 TO THE STATE LICENSING AUTHORITY WITHIN A TIME PERIOD THAT THE
27 STATE LICENSING AUTHORITY ESTABLISHES BY RULE.

1 **44-50-204. Confidentiality.** (1) THE STATE LICENSING
2 AUTHORITY SHALL MAINTAIN THE CONFIDENTIALITY OF:

3 (a) REPORTS OR OTHER INFORMATION OBTAINED FROM A LICENSEE
4 OR A LICENSE APPLICANT CONTAINING ANY INDIVIDUALIZED DATA,
5 INFORMATION, OR RECORDS RELATED TO THE APPLICANT; LICENSEE;
6 LICENSEE'S OPERATION, INCLUDING SALES INFORMATION, LEASES,
7 BUSINESS ORGANIZATION RECORDS, FINANCIAL RECORDS, TAX RETURNS,
8 CREDIT REPORTS, CULTIVATION INFORMATION, TESTING RESULTS, AND
9 SECURITY INFORMATION AND PLANS; ANY PARTICIPANT INFORMATION; OR
10 ANY OTHER RECORDS THAT ARE EXEMPT FROM PUBLIC INSPECTION
11 PURSUANT TO STATE LAW. SUCH REPORTS OR OTHER INFORMATION MAY
12 BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50 OR A RULE
13 PROMULGATED PURSUANT TO THIS ARTICLE 50 FOR INVESTIGATION OR
14 ENFORCEMENT OF ANY INTERNATIONAL, FEDERAL, STATE, OR LOCAL
15 SECURITIES LAW OR REGULATION, OR FOR ANY OTHER STATE OR LOCAL
16 LAW ENFORCEMENT PURPOSE. ANY INFORMATION RELEASED RELATED TO
17 A PARTICIPANT MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS
18 ARTICLE 50, AS A PART OF AN ACTIVE INVESTIGATION, AS A PART OF A
19 PROCEEDING AUTHORIZED BY THIS ARTICLE 50, OR FOR ANY STATE OR
20 LOCAL LAW ENFORCEMENT PURPOSE INVOLVING EVIDENCE OF SALES
21 TRANSACTIONS IN VIOLATION OF THIS ARTICLE 50 OR EVIDENCE OF
22 CRIMINAL ACTIVITY. THE INFORMATION OR RECORDS RELATED TO A
23 PARTICIPANT CONSTITUTE MEDICAL DATA AS DESCRIBED BY SECTION
24 24-72-204 (3)(a)(I), AND THE INFORMATION OR RECORDS MAY ONLY BE
25 DISCLOSED TO THOSE PERSONS DIRECTLY INVOLVED WITH AN ACTIVE
26 INVESTIGATION OR PROCEEDING.

27 (b) INVESTIGATIVE RECORDS AND DOCUMENTS RELATED TO

1 ONGOING INVESTIGATIONS. THOSE RECORDS AND DOCUMENTS MAY BE
2 USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50 OR RULES
3 PROMULGATED BY THIS ARTICLE 50, OR FOR ANY OTHER STATE OR LOCAL
4 LAW ENFORCEMENT PURPOSE.

5 (c) COMPUTER SYSTEMS MAINTAINED BY THE STATE LICENSING
6 AUTHORITY AND THE VENDORS WITH WHICH THE STATE LICENSING
7 AUTHORITY HAS CONTRACTED.

8 (2) THE STATE LICENSING AUTHORITY SHALL MAKE AVAILABLE
9 FOR PUBLIC INSPECTION:

10 (a) DOCUMENTS RELATED TO FINAL AGENCY ACTIONS AND
11 ORDERS;

12 (b) RECORDS RELATED TO TESTING ON AN AGGREGATED AND
13 DE-IDENTIFIED BASIS;

14 (c) DEMOGRAPHIC INFORMATION RELATED TO APPLICANTS AND
15 LICENSEES AVAILABLE ON AN AGGREGATED AND DE-IDENTIFIED BASIS;
16 AND

17 (d) ENFORCEMENT FORMS AND COMPLIANCE CHECKLISTS.

18 PART 3

19 LICENSE TYPES

20 **44-50-301. Classes of licenses.** (1) FOR THE PURPOSE OF
21 REGULATING THE CULTIVATION, MANUFACTURING, TESTING, STORAGE,
22 DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED
23 NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT, THE
24 STATE LICENSING AUTHORITY IN ITS DISCRETION, UPON APPLICATION IN
25 THE PRESCRIBED FORM, MAY ISSUE AND GRANT TO THE APPLICANT A
26 LICENSE FROM ANY OF THE CLASSES LISTED IN SUBSECTION (2) OF THIS
27 SECTION, SUBJECT TO THE PROVISIONS AND RESTRICTIONS PROVIDED BY

1 THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50.

2 (2) (a) THE FOLLOWING ARE NATURAL MEDICINE BUSINESS
3 LICENSES:

4 (I) NATURAL MEDICINE HEALING CENTER LICENSE;

5 (II) NATURAL MEDICINE CULTIVATION FACILITY LICENSE;

6 (III) NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE;

7 (IV) NATURAL MEDICINE TESTING FACILITY LICENSE; AND

8 (V) ANY NATURAL MEDICINE BUSINESS LICENSE DETERMINED
9 NECESSARY BY THE STATE LICENSING AUTHORITY.

10 (b) THE FOLLOWING ARE NATURAL MEDICINE LICENSES OR
11 REGISTRATIONS: OCCUPATIONAL LICENSES AND REGISTRATIONS FOR
12 OWNERS, MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND
13 OTHER SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO
14 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE
15 STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY MAY
16 TAKE ANY ACTION WITH RESPECT TO A REGISTRATION OR PERMIT
17 PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO
18 THIS ARTICLE 50 AS IT MAY, WITH RESPECT TO A LICENSE ISSUED
19 PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO
20 THIS ARTICLE 50 IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED
21 PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO
22 THIS ARTICLE 50.

23 (3) A STATE CHARTERED BANK OR A CREDIT UNION MAY LOAN
24 MONEY TO ANY PERSON LICENSED PURSUANT TO THIS ARTICLE 50 OR
25 RULES PROMULGATED PURSUANT TO THIS ARTICLE 50 FOR THE OPERATION
26 OF A LICENSED NATURAL MEDICINE BUSINESS.

27 (4) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO

1 THIS ARTICLE 50 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED
2 PURSUANT TO ARTICLE 3, 4, 5, OR 10 OF THIS TITLE 44.

3 **44-50-302. Restrictions for applications for new licenses.**

4 (1) THE STATE LICENSING AUTHORITY SHALL NOT RECEIVE OR ACT UPON
5 AN APPLICATION FOR THE ISSUANCE OF A NATURAL MEDICINE BUSINESS
6 LICENSE PURSUANT TO THIS ARTICLE 50:

7 (a) IF THE APPLICATION FOR A LICENSE CONCERNS A PARTICULAR
8 LOCATION THAT IS THE SAME AS OR WITHIN ONE THOUSAND FEET OF A
9 LOCATION FOR WHICH, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING
10 THE DATE OF THE APPLICATION, THE STATE LICENSING AUTHORITY DENIED
11 AN APPLICATION FOR THE SAME CLASS OF LICENSE DUE TO THE NATURE OF
12 THE USE OR OTHER CONCERN RELATED TO THE LOCATION;

13 (b) UNTIL IT IS ESTABLISHED THAT THE APPLICANT IS, OR WILL BE,
14 ENTITLED TO POSSESSION OF THE PREMISES FOR WHICH APPLICATION IS
15 MADE UNDER A LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT
16 FOR POSSESSION OF THE PREMISES OR BY VIRTUE OF OWNERSHIP OF THE
17 PREMISES;

18 (c) FOR A LOCATION IN AN AREA WHERE THE CULTIVATION,
19 MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSFER, AND
20 DISPENSATION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT AS
21 CONTEMPLATED IS NOT PERMITTED UNDER THE APPLICABLE ZONING LAWS
22 OF THE LOCAL JURISDICTION;

23 (d) (I) IF THE BUILDING WHERE NATURAL MEDICINE SERVICES ARE
24 PROVIDED IS WITHIN ONE THOUSAND FEET OF A CHILD CARE CENTER;
25 PRESCHOOL; ELEMENTARY, MIDDLE, JUNIOR, OR HIGH SCHOOL; OR A
26 RESIDENTIAL CHILD CARE FACILITY. THE PROVISIONS OF THIS SECTION DO
27 NOT AFFECT THE RENEWAL OR REISSUANCE OF A LICENSE ONCE GRANTED

1 OR APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND
2 OWNED BY A MUNICIPALITY, NOR DO THE PROVISIONS OF THIS SECTION
3 APPLY TO AN EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE
4 OR APPLY TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE
5 THE SCHOOL OR FACILITY WAS CONSTRUCTED. THE GOVERNING BODY OF
6 A MUNICIPALITY, BY ORDINANCE; AND THE GOVERNING BODY OF A
7 COUNTY, BY RESOLUTION, MAY VARY THE DISTANCE RESTRICTIONS
8 IMPOSED BY THIS SUBSECTION (1)(d)(I) FOR A LICENSE OR MAY ELIMINATE
9 ONE OR MORE TYPES OF SCHOOLS OR FACILITIES FROM THE APPLICATION
10 OF A DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS
11 SUBSECTION (1)(d)(I).

12 (II) THE DISTANCES REFERRED TO IN THIS SUBSECTION (1)(d) MUST
13 BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY
14 LINE OF THE LAND USED FOR A SCHOOL OR FACILITY TO THE NEAREST
15 PORTION OF THE BUILDING IN WHICH NATURAL MEDICINE SERVICES ARE
16 PROVIDED, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

17 (III) THE STATE LICENSING AUTHORITY SHALL CONSIDER THE
18 EVIDENCE AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE
19 BUILDING IN WHICH THE NATURAL MEDICINE BUSINESS IS LOCATED IS
20 WITHIN ANY DISTANCE RESTRICTIONS ESTABLISHED BY OR PURSUANT TO
21 THIS SUBSECTION (1)(d).

22 (2) THE STATE LICENSING AUTHORITY SHALL NOT APPROVE AN
23 APPLICATION FOR THE ISSUANCE OF A NATURAL MEDICINE BUSINESS
24 LICENSE PURSUANT TO THIS ARTICLE 50 UNTIL THE STATE LICENSING
25 AUTHORITY ESTABLISHES THAT THE APPLICANT IS, OR WILL BE, ENTITLED
26 TO POSSESSION OF THE PREMISES FOR WHICH APPLICATION IS MADE UNDER
27 A LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT FOR POSSESSION

1 OF THE PREMISES OR BY VIRTUE OF OWNERSHIP OF THE PREMISES.

2 PART 4

3 NATURAL MEDICINE LICENSE TYPES

4 **44-50-401. Natural medicine healing center license - rules.**

5 (1) A NATURAL MEDICINE HEALING CENTER LICENSE MAY BE ISSUED ONLY
6 TO A PERSON THAT EMPLOYS OR CONTRACTS WITH A FACILITATOR WHO
7 PROVIDES NATURAL MEDICINE SERVICES PURSUANT TO THE TERMS AND
8 CONDITIONS OF ARTICLE 170 OF TITLE 12.

9 (2) A NATURAL MEDICINE HEALING CENTER LICENSEE MAY
10 TRANSFER REGULATED NATURAL MEDICINE OR REGULATED NATURAL
11 MEDICINE PRODUCT TO ANOTHER NATURAL MEDICINE HEALING CENTER
12 LICENSEE PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING
13 AUTHORITY.

14 (3) PRIOR TO INITIATING NATURAL MEDICINE SERVICES, THE
15 FACILITATOR OF THE NATURAL MEDICINE HEALING CENTER LICENSEE
16 SHALL VERIFY THAT THE PARTICIPANT IS TWENTY-ONE YEARS OF AGE OR
17 OLDER.

18 (4) A NATURAL MEDICINE HEALING CENTER LICENSEE SHALL
19 COMPLY WITH ALL PROVISIONS OF ARTICLE 34 OF TITLE 24, AS THE
20 PROVISIONS RELATE TO PERSONS WITH DISABILITIES.

21 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS
22 SECTION, A NATURAL MEDICINE HEALING CENTER LICENSEE SHALL NOT
23 TRANSFER, INDIVIDUALLY OR IN ANY COMBINATION, MORE THAN AN
24 AMOUNT PROMULGATED BY RULE OF NATURAL MEDICINE AND NATURAL
25 MEDICINE PRODUCT TO A PARTICIPANT IN A SINGLE ADMINISTRATION
26 SESSION.

27 (b) THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES

1 TO ESTABLISH CERTAIN EXEMPTIONS TO THE NATURAL MEDICINE OR
2 NATURAL MEDICINE PRODUCT LIMITATION AND MAY ESTABLISH
3 RECORD-KEEPING REQUIREMENTS FOR NATURAL MEDICINE HEALING
4 CENTER LICENSEES PURSUANT TO ANY EXEMPTION TO THE
5 ADMINISTRATION LIMITATION.

6 **44-50-402. Natural medicine cultivation facility license.** (1) A
7 NATURAL MEDICINE CULTIVATION FACILITY LICENSE MAY BE ISSUED ONLY
8 TO A PERSON WHO CULTIVATES REGULATED NATURAL MEDICINE FOR
9 TRANSFER AND DISTRIBUTION TO NATURAL MEDICINE HEALING CENTER
10 LICENSEES, NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEES, OR
11 OTHER NATURAL MEDICINE CULTIVATION FACILITY LICENSEES.

12 (2) NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT MUST
13 NOT BE CONSUMED ON THE NATURAL MEDICINE CULTIVATION FACILITY
14 LICENSEE'S LICENSED PREMISES, UNLESS THE LICENSED PREMISES IS
15 CO-LOCATED WITH A NATURAL MEDICINE HEALING CENTER LICENSEE'S
16 LICENSED PREMISES.

17 **44-50-403. Natural medicine product manufacturer license.**
18 (1) (a) A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE MAY BE
19 ISSUED TO A PERSON WHO MANUFACTURES REGULATED NATURAL
20 MEDICINE PRODUCT PURSUANT TO THE TERMS AND CONDITIONS OF THIS
21 ARTICLE 50 AND RULES PROMULGATED PURSUANT TO THIS ARTICLE 50.

22 (b) A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEE
23 MAY CULTIVATE ITS OWN REGULATED NATURAL MEDICINE PURSUANT TO
24 A NATURAL MEDICINE CULTIVATION FACILITY LICENSEE.

25 (c) A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEE
26 SHALL NOT:

27 (I) ADD ANY REGULATED NATURAL MEDICINE TO A FOOD PRODUCT

1 IF THE MANUFACTURER OF THE FOOD PRODUCT HOLDS A TRADEMARK TO
2 THE FOOD PRODUCT'S NAME; EXCEPT THAT A NATURAL MEDICINE PRODUCT
3 MANUFACTURER LICENSEE MAY USE A TRADEMARKED FOOD PRODUCT IF
4 THE MANUFACTURER USES THE PRODUCT AS A COMPONENT OR AS PART OF
5 A RECIPE AND IF THE NATURAL MEDICINE PRODUCT MANUFACTURER
6 LICENSEE DOES NOT STATE OR ADVERTISE TO THE CONSUMER THAT THE
7 FINAL NATURAL MEDICINE PRODUCT CONTAINS A TRADEMARKED FOOD
8 PRODUCT;

9 (II) INTENTIONALLY OR KNOWINGLY LABEL OR PACKAGE NATURAL
10 MEDICINE OR NATURAL MEDICINE PRODUCT IN A MANNER THAT WOULD
11 CAUSE A REASONABLE CONSUMER CONFUSION AS TO WHETHER THE
12 NATURAL MEDICINE PRODUCT WAS A TRADEMARKED FOOD PRODUCT; OR

13 (III) LABEL OR PACKAGE A PRODUCT IN A MANNER THAT VIOLATES
14 ANY FEDERAL TRADEMARK LAW OR REGULATION.

15 (2) NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT MUST
16 NOT BE CONSUMED ON A NATURAL MEDICINE PRODUCT MANUFACTURER
17 LICENSEE'S LICENSED PREMISES, UNLESS THE LICENSED PREMISES IS
18 CO-LOCATED WITH A NATURAL MEDICINE HEALING CENTER LICENSEE'S
19 LICENSED PREMISES.

20 **44-50-404. Natural medicine testing facility license - rules.**

21 (1) (a) A NATURAL MEDICINE TESTING FACILITY LICENSE MAY BE ISSUED
22 TO A PERSON WHO PERFORMS TESTING AND RESEARCH ON NATURAL
23 MEDICINE AND NATURAL MEDICINE PRODUCT.

24 (b) THE TESTING OF NATURAL MEDICINE AND NATURAL MEDICINE
25 PRODUCT, AND THE ASSOCIATED STANDARDS, IS A MATTER OF STATEWIDE
26 CONCERN.

27 (2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES

1 RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING
2 BUT NOT LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS,
3 EQUIPMENT CERTIFICATION AND CALIBRATION, IDENTIFICATION OF
4 CHEMICALS AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH
5 METHODS, AND WHETHER TO ALLOW A NATURAL PERSON TO REQUEST AND
6 UTILIZE TESTING SERVICES OF NATURAL MEDICINE AND NATURAL
7 MEDICINE PRODUCT IF THE NATURAL PERSON IS TWENTY-ONE YEARS OF
8 AGE OR OLDER.

9 (3) A PERSON WHO HAS AN INTEREST IN A NATURAL MEDICINE
10 TESTING FACILITY LICENSE SHALL NOT HAVE ANY INTEREST IN A LICENSED
11 NATURAL MEDICINE HEALING CENTER, A LICENSED NATURAL MEDICINE
12 CULTIVATION FACILITY, A LICENSED NATURAL MEDICINE PRODUCT
13 MANUFACTURER, OR A NATURAL MEDICINE LICENSE ISSUED BY THE STATE
14 LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 50 OR RULES
15 PROMULGATED PURSUANT TO THIS ARTICLE 50.

16 PART 5

17 UNLAWFUL ACTS

18 **44-50-501. Unlawful acts.** (1) EXCEPT AS OTHERWISE PROVIDED
19 IN THIS ARTICLE 50, IT IS UNLAWFUL FOR A LICENSEE TO:

20 (a) KNOWINGLY TRANSFER NATURAL MEDICINE OR A NATURAL
21 MEDICINE PRODUCT TO A PERSON UNDER TWENTY-ONE YEARS OF AGE; OR

22 (b) KNOWINGLY ADULTERATE OR ALTER, OR ATTEMPT TO
23 ADULTERATE OR ALTER, ANY SAMPLE OF REGULATED NATURAL MEDICINE
24 OR A NATURAL MEDICINE PRODUCT FOR THE PURPOSE OF CIRCUMVENTING
25 TESTING REQUIREMENTS.

26 PART 6

27 FEES

1 **44-50-601. Regulated natural medicine cash fund - created -**

2 **rules.** (1) (a) ALL MONEY COLLECTED BY THE STATE LICENSING
3 AUTHORITY PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED
4 PURSUANT TO THIS ARTICLE 50 MUST BE TRANSMITTED TO THE STATE
5 TREASURER, WHO SHALL CREDIT THE SAME TO THE REGULATED NATURAL
6 MEDICINE DIVISION CASH FUND, WHICH IS HEREBY CREATED. THE
7 REGULATED NATURAL MEDICINE DIVISION CASH FUND, REFERRED TO IN
8 THIS SECTION AS THE "FUND", CONSISTS OF:

9 (I) THE MONEY COLLECTED BY THE STATE LICENSING AUTHORITY;
10 AND

11 (II) ANY ADDITIONAL GENERAL FUND MONEY APPROPRIATED TO
12 THE FUND THAT IS NECESSARY FOR THE OPERATION OF THE STATE
13 LICENSING AUTHORITY.

14 (b) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
15 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND
16 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE 50.

17 (c) ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSES
18 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
19 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
20 INVESTMENT AND DEPOSIT OF MONEY IN THE FUND SHALL BE CREDITED TO
21 THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
22 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND
23 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
24 ANOTHER FUND.

25 (2) THE EXECUTIVE DIRECTOR BY RULE OR AS OTHERWISE
26 PROVIDED BY LAW MAY REDUCE THE AMOUNT OF ONE OR MORE OF THE
27 FEES IF NECESSARY PURSUANT TO SECTION 24-75-402 (3) TO REDUCE THE

1 UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF
2 ONE OR MORE OF THE FEES IS CREDITED. AFTER THE UNCOMMITTED
3 RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE EXECUTIVE
4 DIRECTOR BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE
5 THE AMOUNT OF ONE OR MORE OF THE FEES AS PROVIDED IN SECTION
6 24-75-402 (4).

7 (3) (a) THE STATE LICENSING AUTHORITY SHALL ESTABLISH FEES
8 FOR PROCESSING THE APPLICATIONS OR LICENSES PURSUANT TO SECTION
9 44-50-301.

10 (b) THE AMOUNTS OF SUCH FEES, WHEN ADDED TO THE OTHER FEES
11 TRANSFERRED TO THE FUND PURSUANT TO THIS SECTION, MUST REFLECT
12 THE ACTUAL DIRECT AND INDIRECT COSTS OF THE STATE LICENSING
13 AUTHORITY IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE
14 50 SO THAT THE FEES AVOID EXCEEDING THE STATUTORY LIMIT ON
15 UNCOMMITTED RESERVES IN ADMINISTRATIVE AGENCY CASH FUNDS AS SET
16 FORTH IN SECTION 24-75-402 (3).

17 (c) THE STATE LICENSING AUTHORITY MAY CHARGE APPLICANTS
18 LICENSED PURSUANT TO THIS ARTICLE 50 A FEE FOR THE COST OF EACH
19 FINGERPRINT ANALYSIS AND BACKGROUND INVESTIGATION UNDERTAKEN
20 TO QUALIFY NEW OFFICERS, DIRECTORS, MANAGERS, OR EMPLOYEES.

21 (d) AT LEAST ANNUALLY, THE STATE LICENSING AUTHORITY SHALL
22 REVIEW THE AMOUNTS OF THE FEES AND, IF NECESSARY, ADJUST THE
23 AMOUNTS TO REFLECT THE DIRECT AND INDIRECT COSTS OF THE STATE
24 LICENSING AUTHORITY.

25 (e) THE FEES ESTABLISHED AND COLLECTED PURSUANT TO THIS
26 SECTION MUST NOT EXCEED THE AMOUNT NECESSARY TO ADMINISTER THIS
27 ARTICLE 50.

1 ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE 50 OR RULES
2 PROMULGATED PURSUANT TO THIS ARTICLE 50, THE STATE LICENSING
3 AUTHORITY HAS THE POWER, ON ITS OWN MOTION OR ON COMPLAINT,
4 AFTER INVESTIGATION AND OPPORTUNITY FOR A PUBLIC HEARING AT
5 WHICH THE LICENSEE MUST BE AFFORDED AN OPPORTUNITY TO BE HEARD,
6 TO FINE A LICENSEE OR TO SUSPEND OR REVOKE A LICENSE ISSUED BY THE
7 AUTHORITY FOR A VIOLATION BY THE LICENSEE OR BY ANY OF THE AGENTS
8 OR EMPLOYEES OF THE LICENSEE OF THE PROVISIONS OF THIS ARTICLE 50,
9 OR ANY OF THE RULES PROMULGATED PURSUANT TO THIS ARTICLE 50, OR
10 OF ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THE LICENSE
11 ISSUED BY THE STATE LICENSING AUTHORITY. THE STATE LICENSING
12 AUTHORITY HAS THE POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS
13 TO REQUIRE THE PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS,
14 BOOKS, AND RECORDS NECESSARY TO THE DETERMINATION OF A HEARING
15 THAT THE STATE LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT.

16 (2) THE STATE LICENSING AUTHORITY SHALL PROVIDE NOTICE OF
17 SUSPENSION, REVOCATION, FINE, OR OTHER SANCTION, AS WELL AS THE
18 REQUIRED NOTICE OF THE HEARING PURSUANT TO SUBSECTION (1) OF THIS
19 SECTION, BY MAILING THE SAME IN WRITING TO THE LICENSEE AT THE
20 ADDRESS CONTAINED IN THE LICENSE AND, IF DIFFERENT, AT THE LAST
21 ADDRESS FURNISHED TO THE AUTHORITY BY THE LICENSEE. EXCEPT IN THE
22 CASE OF A SUMMARY SUSPENSION, A SUSPENSION MAY NOT EXCEED SIX
23 MONTHS. IF A LICENSE IS SUSPENDED OR REVOKED, A PART OF THE FEES
24 PAID FOR THE LICENSE ARE NOT RETURNED TO THE LICENSEE. ANY
25 LICENSE, REGISTRATION, OR PERMIT MAY BE SUMMARILY SUSPENDED BY
26 THE STATE LICENSING AUTHORITY WITHOUT NOTICE PENDING ANY
27 PROSECUTION, INVESTIGATION, OR PUBLIC HEARING PURSUANT TO THE

1 TERMS OF SECTION 24-4-104 (4). NOTHING IN THIS SECTION PREVENTS THE
2 SUMMARY SUSPENSION OF A LICENSE PURSUANT TO SECTION 24-4-104 (4).

3 PART 8
4 JUDICIAL REVIEW

5 **44-50-801. Judicial review.** DECISIONS BY THE STATE LICENSING
6 AUTHORITY ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION
7 24-4-106.

8 PART 9
9 PROTECTIONS, CONSTRUCTION,
10 PREEMPTION, AND SEVERABILITY

11 **44-50-901. Protections.** (1) SUBJECT TO THE LIMITATIONS IN THIS
12 ARTICLE 50 AND ARTICLE 170 OF TITLE 12, BUT NOTWITHSTANDING ANY
13 OTHER PROVISION OF LAW:

14 (a) ACTIONS AND CONDUCT PERMITTED PURSUANT TO A LICENSE,
15 REGISTRATION, OR PERMIT ISSUED BY THE STATE LICENSING AUTHORITY
16 PURSUANT TO THIS ARTICLE 50, OR BY THOSE WHO ALLOW PROPERTY TO
17 BE USED PURSUANT TO A LICENSE ISSUED PURSUANT TO THIS ARTICLE 50,
18 ARE LAWFUL AND ARE NOT AN OFFENSE UNDER STATE LAW OR THE LAWS
19 OF ANY LOCAL JURISDICTION WITHIN THE STATE; ARE NOT SUBJECT TO A
20 CIVIL FINE, PENALTY, OR SANCTION; ARE NOT A BASIS FOR DETENTION,
21 SEARCH, OR ARREST; ARE NOT A BASIS TO DENY ANY RIGHT OR PRIVILEGE;
22 AND ARE NOT A BASIS TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR
23 THE LAWS OF ANY LOCAL JURISDICTION WITHIN THIS STATE;

24 (b) A CONTRACT IS NOT UNENFORCEABLE ON THE BASIS THAT
25 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS ALLOWED
26 PURSUANT TO THIS ARTICLE 50, IS PROHIBITED BY FEDERAL LAW;

27 (c) A LICENSEE, REGISTRANT, OR PERMITTEE PURSUANT TO THIS

1 ARTICLE 50 IS NOT SUBJECT TO DISCIPLINE OR LOSS OF A PROFESSIONAL
2 LICENSE OR CERTIFICATION FOR PROVIDING ADVICE OR SERVICES ARISING
3 OUT OF OR RELATED TO NATURAL MEDICINE OR NATURAL MEDICINE
4 PRODUCT, APPLICATIONS FOR LICENSES ON THE BASIS THAT NATURAL
5 MEDICINE OR NATURAL MEDICINE PRODUCT IS PROHIBITED BY FEDERAL
6 LAW, OR FOR PERSONAL USE OF NATURAL MEDICINE OR NATURAL
7 MEDICINE PRODUCT AS ALLOWED PURSUANT TO THIS ARTICLE 50. THIS
8 SUBSECTION (1)(c) DOES NOT PERMIT A LICENSEE, REGISTRANT, OR
9 PERMITTEE TO ENGAGE IN MALPRACTICE.

10 (d) MENTAL HEALTH CARE, SUBSTANCE USE DISORDER
11 INTERVENTION, OR BEHAVIORAL HEALTH SERVICES OTHERWISE COVERED
12 UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF
13 TITLE 25.5, MUST NOT BE DENIED ON THE BASIS THAT THEY ARE COVERED
14 IN CONJUNCTION WITH NATURAL MEDICINE SERVICES, OR THAT NATURAL
15 MEDICINE OR NATURAL MEDICINE PRODUCT IS PROHIBITED BY FEDERAL
16 LAW. INSURANCE OR AN INSURANCE PROVIDER IS NOT REQUIRED TO COVER
17 THE COST OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT.

18 (e) NOTHING IN THIS SECTION MAY BE CONSTRUED OR
19 INTERPRETED TO PREVENT THE DIRECTOR FROM ENFORCING ITS RULES
20 AGAINST A LICENSEE OR TO LIMIT A STATE OR LOCAL LAW ENFORCEMENT
21 AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO
22 A LICENSEE.

23 **44-50-902. Liberal construction.** THIS ARTICLE 50 MUST BE
24 LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

25 **44-50-903. Preemption.** A LOCAL JURISDICTION SHALL NOT
26 ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION THAT
27 ARE OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ARTICLE 50.

1 **16-13-304. Class 2 public nuisance.** (2) ~~A person acting in~~
2 ~~compliance with the "Natural Medicine Health Act of 2022", article 170~~
3 ~~of title 12 does not violate this section~~ IT IS NOT A VIOLATION OF THIS
4 SECTION IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434,
5 ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

6 **SECTION 24.** In Colorado Revised Statutes, 18-18-403.5,
7 **amend** (1) as follows:

8 **18-18-403.5. Unlawful possession of a controlled substance -**
9 **notice to revisor of statutes - repeal.** (1) Except as authorized by part
10 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section
11 18-1-711, section 18-18-428 (1)(b), part 2 or 3 of this article 18, ~~or the~~
12 ~~"Natural Medicine Health Act of 2022", article 170 of title 12~~ SECTION
13 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, it is
14 unlawful for a person knowingly to possess a controlled substance.

15 **SECTION 25.** In Colorado Revised Statutes, 18-18-404, **amend**
16 (1)(a) as follows:

17 **18-18-404. Unlawful use of a controlled substance.**
18 (1)(a) Except as is otherwise provided for offenses concerning marijuana
19 and marijuana concentrate in sections 18-18-406 and 18-18-406.5, ~~or by~~
20 ~~the "Natural Medicine Health Act of 2022", article 170 of title 12~~ OR FOR
21 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IN SECTION
22 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, any
23 person who uses any controlled substance, except when it is dispensed by
24 or under the direction of a person licensed or authorized by law to
25 prescribe, administer, or dispense the controlled substance for bona fide
26 medical needs, commits a level 2 drug misdemeanor.

27 **SECTION 26.** In Colorado Revised Statutes, 18-18-405, **amend**

1 (1)(a) as follows:

2 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
3 **or sale.** (1) (a) Except as authorized by part 1 of article 280 of title 12,
4 part 2 of article 80 of title 27, part 2 or 3 of this article 18, ~~or by the~~
5 ~~"Natural Medicine Health Act of 2022", article 170 of title 12~~ SECTION
6 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, it is
7 unlawful for any person knowingly to manufacture, dispense, sell, or
8 distribute, or to possess with intent to manufacture, dispense, sell, or
9 distribute, a controlled substance; or induce, attempt to induce, or
10 conspire with one or more other persons, to manufacture, dispense, sell,
11 distribute, or possess with intent to manufacture, dispense, sell, or
12 distribute, a controlled substance; or possess one or more chemicals or
13 supplies or equipment with intent to manufacture a controlled substance.

14 **SECTION 27.** In Colorado Revised Statutes, **amend** 18-18-410
15 as follows:

16 **18-18-410. Declaration of class 1 public nuisance.** Except as
17 ~~permitted by the "Natural Medicine Health Act of 2022", article 170 of~~
18 ~~title 12~~ AUTHORIZED BY SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR
19 ARTICLE 50 OF TITLE 44, any store, shop, warehouse, dwelling house,
20 building, vehicle, boat, or aircraft or any place whatsoever ~~which~~ THAT
21 is frequented by controlled substance addicts for the unlawful use of
22 controlled substances or which is used for the unlawful storage,
23 manufacture, sale, or distribution of controlled substances is declared to
24 be a class 1 public nuisance and subject to the provisions of section
25 16-13-303. ~~C.R.S.~~ Any real or personal property ~~which~~ THAT is seized or
26 confiscated as a result of an action to abate a public nuisance shall be
27 disposed of pursuant to part 7 of article 13 of title 16. ~~C.R.S.~~

1 **SECTION 28.** In Colorado Revised Statutes, 18-18-411, **repeal**
2 (5); and **add** (3.5) as follows:

3 **18-18-411. Keeping, maintaining, controlling, renting, or**
4 **making available property for unlawful distribution or manufacture**
5 **of controlled substances.** (3.5) IT IS NOT A VIOLATION OF THIS SECTION
6 IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434, ARTICLE
7 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

8 ~~(5) A person acting in compliance with the "Natural Medicine~~
9 ~~Health Act of 2022", article 170 of title 12 does not violate this section.~~

10 **SECTION 29.** In Colorado Revised Statutes, 18-18-412.7, **repeal**
11 (3); and **add** (1.5) as follows:

12 **18-18-412.7. Sale or distribution of materials to manufacture**
13 **controlled substances.** (1.5) IT IS NOT A VIOLATION OF THIS SECTION IF
14 A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434, ARTICLE
15 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

16 ~~(3) A person acting in compliance with the "Natural Medicine~~
17 ~~Health Act of 2022", article 170 of title 12 does not violate this section.~~

18 **SECTION 30.** In Colorado Revised Statutes, 18-18-430.5,
19 **amend** (1)(c) as follows:

20 **18-18-430.5. Drug paraphernalia - exemption.** (1) A person is
21 exempt from sections 18-18-425 to 18-18-430 if the person is:

22 (c) Using equipment, products, or materials in compliance with
23 ~~the "Natural Medicine Health Act of 2022", article 170 of title 12~~
24 SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.
25 The manufacture, possession, and distribution of such equipment,
26 products, or materials ~~shall be~~ IS authorized within the meaning of 21
27 U.S.C. 863 sec. (f).

1 **SECTION 31.** In Colorado Revised Statutes, **add** 18-18-434 as
2 follows:

3 **18-18-434. Offenses relating to natural medicine and natural**
4 **medicine product - definitions.** (1) A PERSON WHO IS UNDER
5 TWENTY-ONE YEARS OF AGE WHO KNOWINGLY POSSESSES OR CONSUMES
6 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG
7 PETTY OFFENSE AND, UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF
8 NOT MORE THAN ONE HUNDRED DOLLARS OR NOT MORE THAN FOUR HOURS
9 OF SUBSTANCE USE EDUCATION OR COUNSELING; EXCEPT THAT A SECOND
10 OR SUBSEQUENT CONVICTION FOR A VIOLATION OF THIS SUBSECTION (1) IS
11 SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, NOT MORE
12 THAN FOUR HOURS OF SUBSTANCE USE EDUCATION OR COUNSELING, AND
13 NOT MORE THAN TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

14 (2) A PERSON WHO OPENLY AND PUBLICLY DISPLAYS OR CONSUMES
15 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG
16 PETTY OFFENSE AND, UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF
17 NOT MORE THAN ONE HUNDRED DOLLARS AND NOT MORE THAN
18 TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

19 (3) (a) A PERSON WHO KNOWINGLY CULTIVATES NATURAL
20 MEDICINE THAT CUMULATIVELY EXCEEDS AN AREA OF MORE THAN
21 TWELVE FEET WIDE BY TWELVE FEET LONG IN ONE OR MORE CULTIVATION
22 AREAS ON THE PRIVATE PROPERTY, OR KNOWINGLY ALLOWS SUCH
23 CULTIVATION ON PRIVATE PROPERTY THAT THE PERSON OWNS, OCCUPIES,
24 OR CONTROLS, COMMITS A DRUG PETTY OFFENSE, AND UPON CONVICTION
25 THEREOF, IS SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND
26 DOLLARS.

27 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS

1 SECTION, A PERSON WHO KNOWINGLY CULTIVATES NATURAL MEDICINE ON
2 THE PRIVATE PROPERTY, OR KNOWINGLY ALLOWS SUCH CULTIVATION ON
3 THE PRIVATE PROPERTY THAT THE PERSON OWNS, OCCUPIES, OR
4 CONTROLS, COMMITS A DRUG PETTY OFFENSE, AND UPON CONVICTION
5 THEREOF, IS SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND
6 DOLLARS.

7 (II) IT IS NOT A VIOLATION OF THIS SUBSECTION (3)(b) IF THE
8 PERSON WHO IS CULTIVATING NATURAL MEDICINE IS TWENTY-ONE YEARS
9 OF AGE OR OLDER, IF THE CULTIVATION AREA IS LOCATED IN A DWELLING
10 ON THE PRIVATE PROPERTY, AND:

11 (A) IF A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE
12 DWELLING, THE CULTIVATION AREA ITSELF IS ENCLOSED AND LOCKED; OR

13 (B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT
14 THE DWELLING, THE EXTERNAL LOCKS ON THE DWELLING CONSTITUTE AN
15 ENCLOSED AND LOCKED SPACE, BUT IF A PERSON UNDER TWENTY-ONE
16 YEARS OF AGE ENTERS THE DWELLING, THE PERSON CULTIVATING THE
17 NATURAL MEDICINE SHALL ENSURE THAT ACCESS TO THE CULTIVATION
18 AREA IS REASONABLY RESTRICTED FOR THE DURATION OF THE PERSON
19 UNDER TWENTY-ONE YEARS OF AGE'S PRESENCE IN THE PRIVATE
20 PROPERTY.

21 (c) IT IS NOT A VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION
22 IF A COUNTY, MUNICIPALITY, OR CITY AND COUNTY LAW EXPRESSLY
23 PERMITS THE CULTIVATION OF NATURAL MEDICINE THAT CUMULATIVELY
24 EXCEEDS AN AREA OF MORE THAN TWELVE FEET WIDE BY TWELVE FEET
25 LONG IN ONE OR MORE CULTIVATION AREAS ON THE PRIVATE PROPERTY
26 AND THE PERSON CULTIVATES THE NATURAL MEDICINE IN AN ENCLOSED
27 AND LOCKED SPACE WITHIN THE LIMIT SET BY THE COUNTY, MUNICIPALITY,

1 OR CITY AND COUNTY WHERE THE NATURAL MEDICINE IS LOCATED.

2 (4) (a) IT IS UNLAWFUL FOR A PERSON WHO IS NOT LICENSED
3 PURSUANT TO ARTICLE 50 OF TITLE 44 TO KNOWINGLY MANUFACTURE
4 NATURAL MEDICINE PRODUCT USING AN INHERENTLY HAZARDOUS
5 SUBSTANCE.

6 (b) IT IS UNLAWFUL FOR A PERSON WHO IS NOT LICENSED
7 PURSUANT TO ARTICLE 50 OF TITLE 44 WHO OWNS, MANAGES, OPERATES,
8 OR OTHERWISE CONTROLS THE USE OF A PROPERTY TO KNOWINGLY ALLOW
9 NATURAL MEDICINE PRODUCT TO BE MANUFACTURED ON THE PREMISES
10 USING AN INHERENTLY HAZARDOUS SUBSTANCE.

11 (c) A PERSON WHO VIOLATES THIS SUBSECTION (4) COMMITS A
12 LEVEL 2 DRUG FELONY.

13 (5)(a) UNLESS EXPRESSLY LIMITED BY THIS SECTION, ARTICLE 170
14 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, A PERSON WHO FOR THE PURPOSE
15 OF PERSONAL USE AND WITHOUT REMUNERATION, POSSESSES, CONSUMES,
16 SHARES, CULTIVATES, OR MANUFACTURES NATURAL MEDICINE OR
17 NATURAL MEDICINE PRODUCT, DOES NOT VIOLATE STATE LAW, OR
18 COUNTY, MUNICIPALITY, OR CITY AND COUNTY ORDINANCE, RULE, OR
19 RESOLUTION.

20 (b) UNLESS EXPRESSLY LIMITED BY THIS SECTION, A PERSON WHO
21 PERFORMS TESTING ON NATURAL MEDICINE OR NATURAL MEDICINE
22 PRODUCT, AND POSSESSES NATURAL MEDICINE OR NATURAL MEDICINE
23 PRODUCT IN CONJUNCTION THEREWITH, FOR ANOTHER PERSON WHO IS
24 TWENTY-ONE YEARS OF AGE OR OLDER WHO SUBMITS FOR TESTING
25 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT INTENDED FOR
26 PERSONAL USE, DOES NOT VIOLATE STATE LAW, OR COUNTY,
27 MUNICIPALITY, OR CITY AND COUNTY ORDINANCE, RULE, OR RESOLUTION,

1 ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, IF:

2 (I) THE PERSON PERFORMING THE TESTING PROVIDES WRITTEN
3 NOTICE TO THE PERSON SUBMITTING FOR TESTING NATURAL MEDICINE OR
4 NATURAL MEDICINE PRODUCT INTENDED FOR PERSONAL USE, THAT THE
5 PERSON IS NOT LICENSED BY THE STATE TO CONDUCT TESTING; AND

6 (II) THE PERSON WHO SUBMITS FOR TESTING NATURAL MEDICINE
7 OR NATURAL MEDICINE PRODUCT PROVIDES A SIGNED STATEMENT THAT
8 THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IS INTENDED
9 FOR PERSONAL USE ONLY.

10 (c) NOTHING IN THIS SECTION PERMITS A PERSON TO:

11 (I) DISPENSE, SELL, DISTRIBUTE, OR POSSESS WITH INTENT TO
12 DISPENSE, SELL, OR DISTRIBUTE, NATURAL MEDICINE OR NATURAL
13 MEDICINE PRODUCT TO A PERSON UNDER TWENTY-ONE YEARS OF AGE;

14 (II) DISPENSE, SELL, DISTRIBUTE, OR POSSESS WITH INTENT TO
15 DISPENSE, SELL, OR DISTRIBUTE, NATURAL MEDICINE OR NATURAL
16 MEDICINE PRODUCT FOR REMUNERATION, EXCEPT AS PROVIDED BY
17 ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44;

18 (III) MANUFACTURE, CULTIVATE, POSSESS, CONSUME, USE,
19 DISPENSE, OR DISTRIBUTE NATURAL MEDICINE OR NATURAL MEDICINE
20 PRODUCT, OR POSSESS WITH INTENT TO MANUFACTURE, CULTIVATE,
21 POSSESS, CONSUME, USE, DISPENSE, OR DISTRIBUTE NATURAL MEDICINE OR
22 NATURAL MEDICINE PRODUCT FOR A PURPOSE OTHER THAN PERSONAL USE
23 OR AS PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44;

24 (IV) DISPENSE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISPENSE
25 OR DISTRIBUTE, NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT AS
26 A PART OF A BUSINESS PROMOTION OR COMMERCIAL ACTIVITY, EXCEPT AS
27 PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44; OR

1 (V) DISPENSE, SELL, OR DISTRIBUTE, OR POSSESS WITH INTENT TO
2 DISPENSE, SELL, OR DISTRIBUTE, IBOGAININE OR NATURAL MEDICINE
3 PRODUCT THAT CONTAINS IBOGAININE TO ANOTHER PERSON, EXCEPT AS
4 PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44.

5 (d) A PEACE OFFICER SHALL NOT ARREST A PERSON, AND A
6 DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE A PERSON FOR A
7 CRIMINAL OFFENSE INVOLVING NATURAL MEDICINE OR NATURAL MEDICINE
8 PRODUCT PURSUANT TO THIS PART 4, EXCEPT AS EXPRESSLY PROVIDED IN
9 THIS SECTION.

10 (e) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
11 CONTRARY, A PEACE OFFICER MAY ARREST A PERSON, OR A DISTRICT
12 ATTORNEY MAY CHARGE OR PROSECUTE A PERSON FOR A CRIMINAL
13 OFFENSE THAT IS NOT EXPRESSLY LAWFUL PURSUANT TO THIS SECTION
14 OR ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44.

15 (6) NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN ACTION
16 THAT IS LAWFUL PURSUANT TO THIS SECTION, ARTICLE 170 OF TITLE 12, OR
17 ARTICLE 50 OF TITLE 44, INDIVIDUALLY OR IN COMBINATION WITH
18 ANOTHER ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION, MUST NOT
19 BE THE SOLE REASON TO:

20 (a) SUBJECT A PERSON TO A CIVIL FINE, PENALTY, OR SANCTION;

21 (b) DENY A PERSON A RIGHT OR PRIVILEGE; OR

22 (c) SEIZE OR FORFEIT ASSETS.

23 (7) (a) EXCEPT AS PROVIDED IN SUBSECTION (7)(b) OF THIS
24 SECTION, AN ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION,
25 INDIVIDUALLY OR IN COMBINATION WITH ANOTHER ACTION THAT IS
26 LAWFUL PURSUANT TO THIS SECTION, MUST NOT SOLELY BE USED AS A
27 FACTOR IN A PROBABLE CAUSE DETERMINATION OF ANY CRIMINAL

1 OFFENSE.

2 (b) AN ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION MAY
3 BE USED AS A FACTOR IN A PROBABLE CAUSE DETERMINATION OF ANY
4 CRIMINAL OFFENSE IF THE ORIGINAL STOP OR SEARCH WAS LAWFUL AND
5 OTHER FACTORS ARE PRESENT TO SUPPORT A PROBABLE CAUSE
6 DETERMINATION OF ANY CRIMINAL OFFENSE.

7 (8) THE FACT THAT A PERSON IS ENTITLED TO CONSUME NATURAL
8 MEDICINE OR NATURAL MEDICINE PRODUCT UNDER THE LAWS OF THIS
9 STATE DOES NOT CONSTITUTE A DEFENSE AGAINST ANY CHARGE FOR
10 VIOLATION OF AN OFFENSE RELATED TO THE OPERATION OF A VEHICLE,
11 AIRCRAFT, BOAT, MACHINERY, OR OTHER DEVICE.

12 (9) A COUNTY, MUNICIPALITY, OR CITY AND COUNTY SHALL NOT
13 ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION
14 IMPOSING ANY GREATER CRIMINAL OR CIVIL PENALTY THAN PROVIDED BY
15 THIS SECTION OR THAT IS OTHERWISE IN CONFLICT WITH THIS SECTION.

16 (10) NOTHING IN THIS SECTION PROHIBITS A PERSON OR ANY
17 ENTITY WHO OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM
18 PROHIBITING OR OTHERWISE REGULATING THE CULTIVATION OR
19 MANUFACTURE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
20 ON OR IN THAT PROPERTY.

21 (11) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
22 OFFENSES PROVIDED FOR IN THIS SECTION DO NOT APPLY TO A PERSON
23 POSSESSING, DISPLAYING, CULTIVATING, PURCHASING, OR SELLING A
24 LIVING PLANT FOR ORNAMENTAL PURPOSES ONLY THAT WAS COMMONLY
25 AND LAWFULLY SOLD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. FOR
26 PURPOSES OF THIS SECTION, A "LIVING PLANT" DOES NOT INCLUDE
27 MUSHROOMS OR OTHER FUNGAL MATTER.

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

3 (a) "INHERENTLY HAZARDOUS SUBSTANCE" MEANS ANY LIQUID
4 CHEMICAL, COMPRESSED GAS, OR COMMERCIAL PRODUCT THAT HAS A
5 FLASH POINT AT OR LOWER THAN THIRTY-EIGHT DEGREES CELSIUS OR ONE
6 HUNDRED DEGREES FAHRENHEIT, INCLUDING BUTANE, PROPANE, AND
7 DIETHYL ETHER, AND EXCLUDING ALL FORMS OF ALCOHOL AND ETHANOL.

8 (b) (I) "NATURAL MEDICINE" MEANS THE FOLLOWING
9 SUBSTANCES:

10 (A) DIMETHYLTRYPTAMINE;

11 (B) Mescaline;

12 (C) IBOGAINE;

13 (D) PSILOCYBIN; OR

14 (E) PSILOCYN.

15 (II) "NATURAL MEDICINE" DOES NOT MEAN A SYNTHETIC OR
16 SYNTHETIC ANALOG OF THE SUBSTANCES LISTED IN THIS SUBSECTION
17 (12)(b), INCLUDING A DERIVATIVE OF A NATURALLY OCCURRING
18 COMPOUND OF NATURAL MEDICINE THAT IS PRODUCED USING CHEMICAL
19 SYNTHESIS, CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION.

20 (III) NOTWITHSTANDING SUBSECTION (12)(b)(I) OF THIS SECTION,
21 "Mescaline" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE
22 PLANT CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIRE,
23 WHETHER GROWING OR NOT; ITS SEEDS; ANY EXTRACT FROM ANY PART OF
24 THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR
25 PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

26 (c) "NATURAL MEDICINE PRODUCT" MEANS A PRODUCT INFUSED
27 WITH NATURAL MEDICINE THAT IS INTENDED FOR CONSUMPTION.

1 (d) "PERSONAL USE" MEANS THE CONSUMPTION OR USE OF
2 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT; OR THE AMOUNT OF
3 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT A PERSON MAY
4 LAWFULLY POSSESS, CULTIVATE, OR MANUFACTURE THAT IS NECESSARY
5 TO SHARE WITH ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR
6 OLDER WITHIN THE CONTEXT OF COUNSELING, SPIRITUAL GUIDANCE,
7 BENEFICIAL COMMUNITY-BASED USE AND HEALING, SUPPORTED USE, OR
8 RELATED SERVICES. "PERSONAL USE" DOES NOT MEAN THE SALE OF
9 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR
10 REMUNERATION; THE POSSESSION, CULTIVATION, OR MANUFACTURE OF
11 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT WITH INTENT TO
12 SELL THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR
13 REMUNERATION; OR THE POSSESSION, CULTIVATION, MANUFACTURE, OR
14 DISTRIBUTION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
15 FOR BUSINESS OR COMMERCIAL PURPOSES, EXCEPT AS PROVIDED BY
16 ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44. NOTHING IN THIS
17 SECTION PRECLUDES REMUNERATION FOR BONA FIDE HARM REDUCTION
18 SERVICES OR BONA FIDE SUPPORT SERVICES USED CONCURRENTLY WITH
19 THE SHARING OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT,
20 PROVIDED THAT THERE IS NO ADVERTISEMENT RELATED TO THE SHARING
21 OF NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, OR THE SERVICES
22 PROVIDED.

23 (e) "PRIVATE PROPERTY" MEANS A DWELLING, ITS CURTILAGE, AND
24 A STRUCTURE WITHIN THE CURTILAGE THAT IS BEING USED BY A NATURAL
25 PERSON OR NATURAL PERSONS FOR HABITATION AND THAT IS NOT OPEN TO
26 THE PUBLIC.

27 (f) "REMUNERATION" MEANS ANYTHING OF VALUE, INCLUDING

1 MONEY, REAL PROPERTY, TANGIBLE AND INTANGIBLE PERSONAL
2 PROPERTY, CONTRACT RIGHT, CHOSE IN ACTION, SERVICE, ANY RIGHT OF
3 USE OR EMPLOYMENT OR PROMISE OR AGREEMENT CONNECTED
4 THEREWITH, BUSINESS PROMOTION, OR COMMERCIAL ACTIVITY.

5 **SECTION 32.** In Colorado Revised Statutes, **add** 10-16-158 as
6 follows:

7 **10-16-158. Prohibition on discrimination for coverage based**
8 **solely on natural medicine consumption - definitions.** (1) A CARRIER
9 THAT OFFERS, ISSUES, OR RENEWS A HEALTH BENEFIT PLAN SHALL NOT,
10 SOLELY ON THE BASIS OF A PERSON'S CONSUMPTION OF NATURAL MEDICINE
11 OR NATURAL MEDICINE PRODUCT:

- 12 (a) DECLINE OR LIMIT COVERAGE OF A PERSON; OR
- 13 (b) PENALIZE A COVERED PERSON OR REDUCE OR LIMIT COVERAGE
14 FOR A PERSON.

15 (2) A CARRIER THAT OFFERS, ISSUES, OR RENEWS A HEALTH
16 BENEFIT PLAN THAT PROVIDES COVERAGE FOR ANATOMICAL GIFTS, ORGAN
17 TRANSPLANTS, OR RELATED TREATMENTS OR SERVICES SHALL NOT,
18 SOLELY ON THE BASIS OF A COVERED PERSON'S CONSUMPTION OF NATURAL
19 MEDICINE OR NATURAL MEDICINE PRODUCT:

- 20 (a) DENY COVERAGE TO A COVERED PERSON FOR AN ORGAN
21 TRANSPLANT OR RELATED TREATMENT OR SERVICES;
- 22 (b) DECLINE OR LIMIT COVERAGE OF A COVERED PERSON SOLELY
23 FOR THE PURPOSE OF AVOIDING THE REQUIREMENTS OF THIS SECTION; OR
- 24 (c) PENALIZE A COVERED PERSON OR REDUCE OR LIMIT COVERAGE
25 FOR A COVERED PERSON FOR HEALTH-CARE SERVICES RELATED TO ORGAN
26 TRANSPLANTATION, AS DETERMINED IN CONSULTATION WITH THE
27 ATTENDING PHYSICIAN AND THE COVERED PERSON OR THE COVERED

1 PERSON'S REPRESENTATIVE.

2 (3) THIS SECTION DOES NOT REQUIRE A HEALTH BENEFIT PLAN TO
3 PROVIDE COVERAGE FOR THE DONATION OF AN ANATOMICAL GIFT, AN
4 ORGAN TRANSPLANT, OR RELATED TREATMENT OR SERVICES.

5 (4) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "ANATOMICAL GIFT" MEANS THE DONATION OF PART OF A
8 HUMAN BODY FOR THE PURPOSE OF TRANSPLANTATION TO ANOTHER
9 PERSON.

10 (b) (I) "NATURAL MEDICINE" MEANS THE FOLLOWING
11 SUBSTANCES:

12 (A) DIMETHYLTRYPTAMINE;

13 (B) MESCALINE;

14 (C) IBOGAINE;

15 (D) PSILOCYBIN; OR

16 (E) PSILOCYN.

17 (II) "NATURAL MEDICINE" DOES NOT MEAN A SYNTHETIC OR
18 SYNTHETIC ANALOG OF THE SUBSTANCES LISTED IN THIS SUBSECTION
19 (4)(b), INCLUDING A DERIVATIVE OF A NATURALLY OCCURRING COMPOUND
20 OF NATURAL MEDICINE THAT IS PRODUCED USING CHEMICAL SYNTHESIS,
21 CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION.

22 (c) "NATURAL MEDICINE PRODUCT" MEANS A PRODUCT INFUSED
23 WITH NATURAL MEDICINE THAT IS INTENDED FOR CONSUMPTION.

24 **SECTION 33. In Colorado Revised Statutes, 19-2.5-103, amend**
25 **(1)(a)(I) and (5) as follows:**

26 **19-2.5-103. Jurisdiction. (1) Except as otherwise provided by**
27 **law, the juvenile court has exclusive original jurisdiction in proceedings:**

1 (a) Concerning any juvenile ten years of age or older who has
2 violated:

3 (I) Any federal or state law, except nonfelony state traffic, game
4 and fish, and parks and recreation laws or rules; the offense specified in
5 section 18-13-122, concerning the illegal possession or consumption of
6 ethyl alcohol or marijuana by an underage person or illegal possession of
7 marijuana paraphernalia by an underage person; the offenses specified in
8 section 18-18-406 (5)(b)(I) and (5)(b)(II), concerning marijuana and
9 marijuana concentrate; THE OFFENSES SPECIFIED IN SECTION 18-18-434
10 CONCERNING NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT; and
11 the civil infraction in section 18-7-109 (3), concerning exchange of a
12 private image by a juvenile;

13 (5) Notwithstanding any other provision of this section to the
14 contrary, the juvenile court and the county court have concurrent
15 jurisdiction over a juvenile who is under eighteen years of age and who
16 is charged with a violation of section 18-13-122, 18-18-406 (5)(b)(I) and
17 (5)(b)(II), 18-18-428, 18-18-429, 18-18-430, ~~18-18-434~~, or 42-4-1301;
18 except that, if the juvenile court accepts jurisdiction over such a juvenile,
19 the county court jurisdiction terminates.

20 **SECTION 34.** In Colorado Revised Statutes, 19-3-103, **add** (4)
21 as follows:

22 **19-3-103. Child not neglected - when.** (4) (a) A PERSON WHO
23 PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO
24 SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44
25 DOES NOT, BY ITSELF, CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT
26 OR LEGAL GUARDIAN FOR PURPOSES OF THIS ARTICLE 3.

27 (b) THE COURT SHALL NOT RESTRICT OR PROHIBIT FAMILY TIME, OR

1 DETERMINE THAT FAMILY TIME IS NOT IN THE CHILD'S BEST INTERESTS,
2 BASED SOLELY ON THE FACT THAT A PERSON PERFORMS OR HAS
3 PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO SECTION
4 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, UNLESS
5 THE COURT FINDS THAT FAMILY TIME WOULD ENDANGER THE CHILD'S
6 PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL
7 DEVELOPMENT.

8 **SECTION 35.** In Colorado Revised Statutes, 24-72-706, **amend**
9 (1)(h); and **add** (1)(f.5) as follows:

10 **24-72-706. Sealing of criminal conviction and criminal justice**
11 **records - processing fee. (1) Sealing of conviction records.**

12 (f.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS PART 7 TO THE
13 CONTRARY, IF A MOTION IS FILED FOR THE SEALING OF A CIVIL INFRACTION,
14 A PETTY OFFENSE, A PETTY DRUG OFFENSE, A DRUG MISDEMEANOR, OR A
15 DRUG FELONY FOR AN OFFENSE THAT WAS UNLAWFUL AT THE TIME OF
16 CONVICTION, BUT IS AN ACT THAT IS NOT UNLAWFUL PURSUANT TO
17 SECTION 18-18-434, THE COURT SHALL ORDER THE RECORDS SEALED
18 AFTER THE MOTION IS FILED AND THE CRIMINAL HISTORY FILED WITH THE
19 COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT BEEN
20 CONVICTED OF AN OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF
21 ALL PROCEEDINGS AGAINST THE DEFENDANT OR SINCE THE DATE OF THE
22 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

23 (II) IF A MOTION IS FILED FOR THE SEALING OF AN OFFENSE
24 DESCRIBED IN THIS SUBSECTION (1)(f.5), THE DEFENDANT SHALL PROVIDE
25 NOTICE OF THE MOTION TO THE DISTRICT ATTORNEY. THE DISTRICT
26 ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE MOTION AFTER
27 CONSIDERING THE FACTORS LISTED IN SUBSECTION (1)(g) OF THIS SECTION.

1 IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY GRANT
2 THE MOTION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE
3 DISTRICT ATTORNEY OBJECTS TO THE MOTION, THE COURT SHALL SET THE
4 MATTER FOR HEARING. THE COURT MAY ONLY SEAL THE RECORDS IF THE
5 CRIMINAL HISTORY FILED WITH THE MOTION AS REQUIRED BY SUBSECTION
6 (1)(c) OF THIS SECTION DOCUMENTS TO THE COURT THAT THE DEFENDANT
7 HAS NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF
8 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
9 DEFENDANT OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM
10 SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE
11 MOTION AFTER CONSIDERING THE POSITION OF THE DISTRICT ATTORNEY
12 AND THE FACTORS LISTED IN SUBSECTION (1)(g) OF THIS SECTION.

13 (h) A defendant who files a motion to seal criminal justice records
14 pursuant to this section shall pay a processing fee of sixty-five dollars to
15 cover the actual costs related to the sealing of the criminal justice records.
16 The defendant shall pay to the Colorado bureau of investigation any costs
17 related to the sealing of the defendant's criminal justice records in the
18 custody of the bureau. The court shall waive the processing fee upon a
19 determination that:

20 (I) The defendant is indigent; or

21 (II) The defendant's records should have been automatically
22 sealed pursuant to section 13-3-117, 24-72-704, or 24-72-705; OR

23 (III) THE DEFENDANT FILED A MOTION TO SEAL PURSUANT TO
24 SUBSECTION (1)(f.5) OF THIS SECTION.

25 **SECTION 36.** In Colorado Revised Statutes, **add** 24-76.5-104 as
26 follows:

27 **24-76.5-104. Natural medicine consumption consideration**

1 **prohibited - exception.** CONSIDERATION OF WHETHER A PERSON
2 PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO
3 SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44
4 IS NOT A REQUIREMENT FOR ELIGIBILITY FOR A PUBLIC ASSISTANCE
5 PROGRAM, UNLESS CONSIDERATION IS REQUIRED PURSUANT TO FEDERAL
6 LAW.

7 **SECTION 37.** In Colorado Revised Statutes, **add** 25-56-104.5 as
8 follows:

9 **25-56-104.5. Prohibition on discrimination for organ**
10 **transplants based solely on natural medicine consumption -**
11 **applicability.** (1) THIS ARTICLE 56 APPLIES TO ALL STAGES OF THE ORGAN
12 TRANSPLANT PROCESS.

13 (2) A COVERED ENTITY SHALL NOT, SOLELY ON THE BASIS OF A
14 PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE
15 PRODUCT:

16 (a) CONSIDER THE INDIVIDUAL INELIGIBLE TO RECEIVE AN
17 ANATOMICAL GIFT OR ORGAN TRANSPLANT;

18 (b) DENY MEDICAL SERVICES OR OTHER SERVICES RELATED TO
19 ORGAN TRANSPLANTATION, INCLUDING DIAGNOSTIC SERVICES,
20 EVALUATION, SURGERY, COUNSELING, AND POST-OPERATIVE TREATMENT
21 AND SERVICES;

22 (c) REFUSE TO REFER THE INDIVIDUAL TO A TRANSPLANT CENTER
23 OR OTHER RELATED SPECIALIST FOR THE PURPOSE OF BEING EVALUATED
24 FOR OR RECEIVING AN ORGAN TRANSPLANT;

25 (d) REFUSE TO PLACE A QUALIFIED RECIPIENT ON AN ORGAN
26 TRANSPLANT WAITING LIST; OR

27 (e) PLACE A QUALIFIED RECIPIENT ON AN ORGAN TRANSPLANT

1 WAITING LIST AT A LOWER PRIORITY POSITION THAN THE POSITION AT
2 WHICH THE PERSON WOULD HAVE BEEN PLACED IF THE PERSON DID NOT
3 CONSUME NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT.

4 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A
5 COVERED ENTITY MAY TAKE A PERSON'S CONSUMPTION OF NATURAL
6 MEDICINE OR NATURAL MEDICINE PRODUCT INTO ACCOUNT WHEN MAKING
7 TREATMENT OR COVERAGE RECOMMENDATIONS OR DECISIONS, SOLELY TO
8 THE EXTENT THAT THE NATURAL MEDICINE OR NATURAL MEDICINE
9 PRODUCT CONSUMPTION HAS BEEN FOUND BY A PHYSICIAN OR SURGEON,
10 FOLLOWING AN INDIVIDUALIZED EVALUATION OF THE PERSON, TO BE
11 MEDICALLY SIGNIFICANT TO THE PROVISION OF THE ANATOMICAL GIFT OR
12 ORGAN TRANSPLANT.

13 (4) A COVERED ENTITY SHALL:

14 (a) MAKE REASONABLE MODIFICATIONS TO ITS POLICIES,
15 PRACTICES, AND PROCEDURES TO ALLOW A PERSON WHO CONSUMES
16 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT ACCESS TO
17 TRANSPLANTATION-RELATED SERVICES, INCLUDING DIAGNOSTIC SERVICES,
18 SURGERY, COVERAGE, POST-OPERATIVE TREATMENT, AND COUNSELING,
19 UNLESS THE COVERED ENTITY DEMONSTRATES THAT MAKING SUCH
20 MODIFICATIONS WOULD FUNDAMENTALLY ALTER THE NATURE OF THE
21 SERVICES PROVIDED; AND

22 (b) TAKE REASONABLE AND NECESSARY STEPS TO ENSURE THAT A
23 PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE
24 PRODUCT IS NOT THE REASON THE PERSON IS DENIED MEDICAL SERVICES
25 OR OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION, INCLUDING
26 DIAGNOSTIC SERVICES, SURGERY, POST-OPERATIVE TREATMENT, OR
27 COUNSELING, DUE TO THE ABSENCE OF AUXILIARY AIDS OR SERVICES,

1 UNLESS THE COVERED ENTITY DEMONSTRATES THAT TAKING SUCH STEPS
2 WOULD FUNDAMENTALLY ALTER THE NATURE OF THE MEDICAL SERVICES
3 OR OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION OR WOULD
4 RESULT IN AN UNDUE BURDEN FOR THE COVERED ENTITY.

5 (5) NOTHING IN THIS ARTICLE 56 REQUIRES A COVERED ENTITY TO
6 MAKE A REFERRAL OR RECOMMENDATION FOR OR PERFORM A MEDICALLY
7 INAPPROPRIATE ORGAN TRANSPLANT.

8 **SECTION 38.** In Colorado Revised Statutes, 35-36-102, **amend**
9 (14)(b) as follows:

10 **35-36-102. Rules - definitions.** As used in this article 36, unless
11 the context otherwise requires:

12 (14) (b) "Farm products" does not include poultry and poultry
13 products, timber products, nursery stock, commodities, ~~or~~ marijuana, OR
14 NATURAL MEDICINE AS DEFINED IN SECTION 12-170-104 (11).

15 **SECTION 39.** In Colorado Revised Statutes, 39-22-104, **add**
16 (4)(r.5) as follows:

17 **39-22-104. Income tax imposed on individuals, estates, and**
18 **trusts - single rate - report - legislative declaration - definitions -**
19 **repeal.** (4) There shall be subtracted from federal taxable income:

20 (r.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
21 JANUARY 1, 2024, IF A TAXPAYER IS LICENSED PURSUANT TO THE
22 "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44, AN
23 AMOUNT EQUAL TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED
24 AS A FEDERAL INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION
25 280E OF THE INTERNAL REVENUE CODE BECAUSE NATURAL MEDICINE IS A
26 CONTROLLED SUBSTANCE UNDER FEDERAL LAW;

27 **SECTION 40.** In Colorado Revised Statutes, 39-22-304, **add**

1 (3)(m.5) as follows:

2 **39-22-304. Net income of corporation - legislative declaration**
3 **- definitions - repeal.** (3) There shall be subtracted from federal taxable
4 income:

5 (m.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
6 JANUARY 1, 2024, IF A TAXPAYER IS LICENSED PURSUANT TO THE
7 "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44, AN
8 AMOUNT EQUAL TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED
9 AS A FEDERAL INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION
10 280E OF THE INTERNAL REVENUE CODE BECAUSE NATURAL MEDICINE IS A
11 CONTROLLED SUBSTANCE UNDER FEDERAL LAW;

12 SECTION 41. Appropriation. (1) For the 2023-24 state fiscal
13 year, \$733,658 General Fund is appropriated to the department of
14 revenue. To implement this act, the department may use this appropriation
15 as follows:

16 (a) \$536,826 for marijuana enforcement, which amount is based
17 on an assumption that the department will require an additional 4.7 FTE;

18 (b) \$6,500 for tax administration IT system (GenTax) support; and

19 (c) \$190,332 for the purchase of legal services.

20 (2) For the 2023-24 state fiscal year, \$190,332 is appropriated to
21 the department of law. This appropriation is from reappropriated funds
22 received from the department of revenue under subsection (1)(c) of this
23 section and is based on an assumption that the department of law will
24 require an additional 1.0 FTE. To implement this act, the department of
25 law may use this appropriation to provide legal services for the
26 department of revenue.

27 (3) For the 2023-24 state fiscal year, \$101,150 is appropriated to

1 the department of law. This appropriation is from the legal services cash
2 fund created in section 24-31-108 (4), C.R.S., from revenue received
3 from the department of regulatory agencies that is continuously
4 appropriated to the department of regulatory agencies from the regulated
5 natural medicine access program fund created in section 12-170-106 (1),
6 C.R.S. The appropriation to the department of law is based on an
7 assumption that the department of law will require an additional 0.5 FTE.
8 To implement this act, the department of law may use this appropriation
9 to provide legal services for the department of regulatory agencies.

10 (4) For the 2023-24 state fiscal year, \$838,402 General Fund is
11 appropriated to the department of public health and environment for use
12 by the division of disease control and public health response. This
13 appropriation is based on an assumption that division will require an
14 additional 4.1 FTE. To implement this act, the division may use this
15 appropriation for the natural medicine program related to laboratory
16 services.

17 **SECTION 42. Effective date.** This act takes effect July 1, 2023,
18 and applies to offenses committed on or after July 1, 2023.

19 **SECTION 43. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.