

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0271.07 Jacob Baus x2173

SENATE BILL 23-290

SENATE SPONSORSHIP

Fenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING NATURAL MEDICINE.**

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;
- Promulgate rules necessary for the regulation of facilitators and the practice of facilitation; and

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.

- 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
14 RESULTS IN THE ERASURE OF IMPORTANT CULTURAL AND RELIGIOUS

1 CONTEXT;

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

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

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

27 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**

1 **with amendments**, 12-170-103 as follows:

2 **12-170-103. Applicability of common provisions.** ARTICLES 1
3 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
4 ARTICLE 170.

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

7 **12-170-104. Definitions.** AS USED IN THIS ARTICLE 170, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

24 (6) "FACILITATOR" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE
25 YEARS OF AGE OR OLDER; HAS THE NECESSARY QUALIFICATIONS,
26 TRAINING, EXPERIENCE, AND KNOWLEDGE, AS REQUIRED PURSUANT TO
27 THIS ARTICLE 170 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE

1 170, TO PERFORM AND SUPERVISE NATURAL MEDICINE SERVICES FOR A
2 PARTICIPANT; AND IS LICENSED BY THE DIRECTOR TO ENGAGE IN THE
3 PRACTICE OF FACILITATION.

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

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

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

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

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

23 (I) PSILOCYBIN; OR

24 (II) PSILOCYN.

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

27 (I) DIMETHYLTRYPTAMINE, IF RECOMMENDED BY THE BOARD AND

1 APPROVED BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE
2 LICENSING AUTHORITY FOR INCLUSION ON OR AFTER JUNE 1, 2026;

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

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

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

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

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

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

26 (14) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE
27 YEARS OF AGE OR OLDER AND WHO RECEIVES NATURAL MEDICINE

1 SERVICES PERFORMED BY AND UNDER THE SUPERVISION OF A FACILITATOR.

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

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

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

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

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

26 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
27 **with amendments,** 12-170-105 as follows:

1 **12-170-105. Director powers and duties - prohibition - rules.**

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

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

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

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

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

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

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

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

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

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

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

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

26 (II) REQUIREMENTS FOR THE LICENSING OF FACILITATORS,
27 PRACTICE OF FACILITATION, AND PROFESSIONAL CONDUCT OF

1 FACILITATORS, INCLUDING:

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

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

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

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

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

1 AND AT ANY TIME;

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

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

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

25 (I) PARAMETERS FOR A FACILITATOR'S PERMISSIBLE AND
26 PROHIBITED FINANCIAL INTERESTS IN A HEALING CENTER, LICENSE
27 PURSUANT TO THIS ARTICLE 170, OR LICENSE PURSUANT TO ARTICLE 50 OF

1 TITLE 44; EXCEPT THAT A FACILITATOR MAY NOT HAVE A FINANCIAL
2 INTEREST IN MORE THAN THREE NATURAL MEDICINE BUSINESS LICENSES
3 PURSUANT TO ARTICLE 50 OF TITLE 44.

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

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

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

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

26 (V) ANY OTHER MATTERS DETERMINED NECESSARY BY THE
27 DIRECTOR TO IMPLEMENT OR ADMINISTER THIS ARTICLE 170.

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

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

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

27 (e) TO CONDUCT INVESTIGATIONS AND HEARINGS, GATHER

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

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

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

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

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

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

5 (A) THREATENS PUBLIC HEALTH OR SAFETY; OR

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

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

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

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

27 (2) THE DIRECTOR SHALL CONSULT THE BOARD WHEN

1 CONSIDERING AND PROMULGATING RULES PURSUANT TO THIS ARTICLE 170.

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

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

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

17 **12-170-106. Board - creation - appointment - duties - report.**

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

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

25 (a) SEVEN MEMBERS WITH SIGNIFICANT EXPERTISE AND
26 EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: NATURAL
27 MEDICINE THERAPY, MEDICINE, AND RESEARCH; MYCOLOGY AND NATURAL

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

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

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

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

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

26 (c) EXCEPT FOR THE EXECUTIVE DIRECTOR OF THE STATE
27 LICENSING AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE,

1 MEMBERS OF THE BOARD MAY SERVE UP TO TWO CONSECUTIVE TERMS.
2 MEMBERS ARE SUBJECT TO REMOVAL FOR MISCONDUCT, INCOMPETENCE,
3 NEGLECT OF DUTY, OR UNPROFESSIONAL CONDUCT.

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

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

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

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

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

25 (II) LIMITED WAIVERS OF EDUCATION AND TRAINING
26 REQUIREMENTS BASED UPON THE APPLICANT'S PRIOR EXPERIENCE,
27 TRAINING, OR SKILLS, INCLUDING BUT NOT LIMITED TO NATURAL MEDICINE

1 OR NATURAL MEDICINE PRODUCT; AND

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

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

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

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

26 (g) ALL RULES TO BE PROMULGATED BY THE DIRECTOR PURSUANT
27 TO THIS ARTICLE 170, AND THE STATE LICENSING AUTHORITY PURSUANT

1 TO ARTICLE 50 OF TITLE 44; AND

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

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

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

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

26 (9) THE DIVISION SHALL PROVIDE REASONABLE REQUESTED
27 TECHNICAL, LOGISTICAL, AND OTHER SUPPORT TO THE BOARD TO ASSIST

1 THE BOARD WITH ITS DUTIES AND OBLIGATIONS.

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

4 **12-170-107. Federally recognized American tribes and**
5 **Indigenous community working group - creation - duties.** (1) THE
6 DIRECTOR SHALL ESTABLISH THE FEDERALLY RECOGNIZED AMERICAN
7 TRIBES AND INDIGENOUS COMMUNITY WORKING GROUP FOR THE PURPOSE
8 OF ENGAGING AND CREATING A DIALOGUE TO IDENTIFY ISSUES RELATED
9 TO THE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL MEDICINE
10 PRODUCT, AND NATURAL MEDICINE SERVICES FOR TRIBAL AND
11 INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS. THE
12 COMMUNITY WORKING GROUP SHALL STUDY THE FOLLOWING:

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

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

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

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

1 CRIMINALIZATION OF TRADITIONAL TRIBAL AND INDIGENOUS USES OF
2 NATURAL MEDICINE.

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

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

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

13 **12-170-108. License required - unauthorized practice -**
14 **mandatory disclosure of information - rule.** (1) AN INDIVIDUAL SHALL
15 NOT ENGAGE IN FACILITATION, OR REPRESENT TO THE PUBLIC OR IDENTIFY
16 THE INDIVIDUAL'S SELF AS A FACILITATOR, IN THIS STATE UNTIL THE
17 INDIVIDUAL HAS RECEIVED A LICENSE FROM THE DIRECTOR.

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

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

26 (a) THE NAME, ADDRESS, AND PHONE NUMBER OF THE LICENSEE,
27 PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER;

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

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

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

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

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

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

26 **12-170-109. Grounds for discipline.** (1) THE DIRECTOR MAY
27 TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION

1 12-20-404 UPON PROOF THAT THE LICENSEE, PERMITTEE, REGISTRANT, OR
2 CERTIFICATE HOLDER:

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

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

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

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

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

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

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

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

27 (i) FAILS TO DISPLAY THE LICENSE AS PROVIDED IN SECTION

1 12-170-108 (2);

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

4 (k) IS GUILTY OF WILLFUL MISREPRESENTATION;

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

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

9 OR

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

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

14 **12-170-110. Disciplinary proceedings - administrative law**
15 **judges - judicial review.** (1) THE DIRECTOR MAY, THROUGH THE
16 DEPARTMENT, EMPLOY ADMINISTRATIVE LAW JUDGES TO CONDUCT
17 HEARINGS AS PROVIDED BY THIS SECTION OR ON ANY MATTER WITHIN THE
18 DIRECTOR'S JURISDICTION UPON SUCH CONDITIONS AND TERMS AS THE
19 DIRECTOR MAY DETERMINE.

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

1 WRITTEN COMPLAINT. SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24
2 GOVERN PROCEEDINGS BROUGHT PURSUANT TO THIS SECTION.

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

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

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

13 **12-170-111. Fees - cash fund - created.** (1) BASED UPON THE
14 APPROPRIATION MADE AND SUBJECT TO THE APPROVAL OF THE EXECUTIVE
15 DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, THE DIRECTOR
16 SHALL ESTABLISH AND ADJUST FEES THAT THE DIRECTOR IS AUTHORIZED
17 BY LAW TO COLLECT SO THAT THE REVENUE GENERATED FROM THE FEES
18 APPROXIMATES ITS DIRECT AND INDIRECT COSTS; EXCEPT THAT FEES MUST
19 NOT EXCEED THE AMOUNT NECESSARY TO ADMINISTER THIS ARTICLE 170.

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

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

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

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

5 **12-170-112. Local jurisdiction.** (1) A LOCAL JURISDICTION
6 SHALL NOT PROHIBIT A FACILITATOR FROM PROVIDING NATURAL MEDICINE
7 SERVICES WITHIN ITS BOUNDARIES IF THE INDIVIDUAL IS A LICENSED
8 FACILITATOR PURSUANT TO THIS ARTICLE 170.

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

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

14 **12-170-113. Protections.** (1) SUBJECT TO THE LIMITATIONS IN
15 THIS ARTICLE 170 AND ARTICLE 50 OF TITLE 44, BUT NOTWITHSTANDING
16 ANY OTHER PROVISION OF LAW:

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

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

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

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

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

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

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

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

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

16 **12-170-115. Preemption.** A LOCAL JURISDICTION SHALL NOT
17 ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION THAT
18 IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ARTICLE 170.

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

21 **12-170-116. Self-executing, severability, conflicting provisions.**
22 ALL PROVISIONS OF THIS ARTICLE 170 ARE SELF-EXECUTING EXCEPT AS
23 SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHEN OTHERWISE
24 INDICATED, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL
25 CHARTER, ORDINANCE, OR RESOLUTION PROVISIONS, AND OTHER STATE
26 AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ARTICLE 170 OR ITS
27 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE

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

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

7 **12-170-117. Repeal of article - review of functions.** THIS
8 ARTICLE 170 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032. BEFORE THE
9 REPEAL, THIS ARTICLE 170 IS SCHEDULED FOR REVIEW IN ACCORDANCE
10 WITH SECTION 24-34-104.

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

13 **12-20-407. Unauthorized practice of profession or occupation**
14 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
15 and shall be punished as provided in section 18-1.3-501 if the person:

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

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

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

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

26 **SECTION 18.** In Colorado Revised Statutes, 24-1-117, **amend**
27 (4)(a)(X) and (4)(a)(XI); and **add** (4)(a)(XII) as follows:

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

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

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

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

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

13 **24-34-104. General assembly review of regulatory agencies**
14 **and functions for repeal, continuation, or reestablishment - legislative**
15 **declaration - repeal.** (33) (a) The following agencies, functions, or both,
16 are scheduled for repeal on September 1, 2032:

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

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

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

23 **25-1.5-120. Natural medicine testing and standards - rules.**

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

1 MEDICINE AND NATURAL MEDICINE PRODUCT REGULATED BY THE
2 DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 50 OF TITLE 44.

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

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

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

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

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

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

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

26 **SECTION 21.** In Colorado Revised Statutes, **add** article 50 to
27 title 44 as follows:

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ARTICLE 50

Natural Medicine

PART 1

COLORADO NATURAL MEDICINE CODE

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

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

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

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

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

(2) THE GENERAL ASSEMBLY DECLARES THAT THIS ARTICLE 50 IS

1 DEEMED AN EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE
2 PROTECTION OF THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH,
3 PEACE, AND MORALS OF THE PEOPLE OF THIS STATE.

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

13 **44-50-103. Definitions.** AS USED IN THIS ARTICLE 50, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

27 (5) "FACILITATOR" MEANS A NATURAL PERSON WHO IS

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

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

9 (7) "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, HOSPICE
12 FACILITY, COMMUNITY MENTAL HEALTH CENTER, FEDERALLY QUALIFIED
13 HEALTH CENTER, RURAL HEALTH CLINIC, ORGANIZATION PROVIDING A
14 PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, LONG-TERM CARE
15 FACILITY, CONTINUING CARE RETIREMENT COMMUNITY, OR OTHER TYPE OF
16 ENTITY WHERE HEALTH CARE IS PROVIDED.

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

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

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

1 MEDICINE PRODUCT IN ACCORDANCE WITH THIS ARTICLE 50.

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

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

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

9 (I) PSILOCYBIN; OR

10 (II) PSILOCYN.

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

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

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

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

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

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

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

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

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

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

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

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

27 (20) "PRINCIPLE FILE" MEANS A FILE THAT IS ESTABLISHED BY THE

1 STATE LICENSING AUTHORITY AND CONTAINS LICENSING AND
2 BACKGROUND INFORMATION FOR AN APPLICANT SEEKING LICENSES
3 PURSUANT TO THIS ARTICLE 50.

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

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

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

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

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

26 **44-50-104. Applicability.** (1) ALL BUSINESSES, FOR THE PURPOSE
27 OF CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION,

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

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

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

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

27 (b) NOTHING IN THIS ARTICLE 50 PROHIBITS A PERSON, EMPLOYER,

1 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION, OR ANY OTHER
2 ENTITY THAT OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM
3 PROHIBITING OR OTHERWISE REGULATING THE CULTIVATION,
4 MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT,
5 TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL
6 MEDICINE PRODUCT ON OR IN THAT PROPERTY.

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

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

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

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

21 PART 2

22 STATE LICENSING AUTHORITY

23 **44-50-201. State licensing authority - creation.** (1) FOR THE
24 PURPOSE OF REGULATING AND LICENSING THE CULTIVATION,
25 MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT,
26 TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL
27 MEDICINE PRODUCT BY AND BETWEEN NATURAL MEDICINE LICENSEES IN

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

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

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

20 **44-50-202. Powers and duties of state licensing authority -**
21 **report.** (1) THE STATE LICENSING AUTHORITY SHALL:

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

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

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

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

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

27 (II) APPLY TO ANY COURT OF COMPETENT JURISDICTION TO

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

9 (A) THREATENS PUBLIC HEALTH OR SAFETY; OR

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

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

25 (f) DEVELOP FORMS, LICENSES, IDENTIFICATION CARDS, AND
26 APPLICATIONS AS NECESSARY OR CONVENIENT IN THE DISCRETION OF THE
27 STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS ARTICLE

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

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

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

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

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

1 MEDICINE OR NATURAL MEDICINE PRODUCT.

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

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

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

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

27 **44-50-203. State licensing authority - rules - legislative**

1 **declaration. (1) Mandatory rule-making.** RULES PROMULGATED
2 PURSUANT TO SECTION 44-50-202 (1)(b) MUST INCLUDE THE FOLLOWING
3 SUBJECTS:

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

7 (b) OVERSIGHT REQUIREMENTS FOR LICENSEES;

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

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

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

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

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

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

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

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

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

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

25 (II) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
26 PURSUANT TO THIS SUBSECTION (1)(f) IN COORDINATION WITH THE
27 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ENSURE

1 CONSISTENCY BETWEEN RULES.

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

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

9 (I) SECURITY REQUIREMENTS;

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

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

15 (IV) RECORD-KEEPING REQUIREMENTS; AND

16 (V) TRANSPORTATION MANIFEST REQUIREMENTS;

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

27 (j) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED

1 AVAILABILITY OF THE RECORDS FOR INSPECTION BY THE STATE LICENSING
2 AUTHORITY;

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

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

9 (m) 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 STATE LICENSING
19 AUTHORITY.

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

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

27 (a) ESTABLISHMENT OF LICENSES, AND THE PRIVILEGES AND

1 RESTRICTIONS PURSUANT TO SUCH LICENSES, DETERMINED NECESSARY BY
2 THE STATE LICENSING AUTHORITY TO IMPLEMENT OR ADMINISTER THIS
3 ARTICLE 50;

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

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

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

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

16 (I) WARNING LABELS;

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

18 AND

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

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

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

1 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
2 ARTICLE 50.

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

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

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

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

27 **44-50-204. Confidentiality.** (1) THE STATE LICENSING

1 AUTHORITY SHALL MAINTAIN THE CONFIDENTIALITY OF:

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

26 (b) INVESTIGATIVE RECORDS AND DOCUMENTS RELATED TO
27 ONGOING INVESTIGATIONS. THOSE RECORDS AND DOCUMENTS MAY BE

1 USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50 OR RULES
2 PROMULGATED BY THIS ARTICLE 50, OR FOR ANY OTHER STATE OR LOCAL
3 LAW ENFORCEMENT PURPOSE.

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

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

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

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

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

16 (d) ENFORCEMENT FORMS AND COMPLIANCE CHECKLISTS.

17 PART 3

18 LICENSE TYPES

19 **44-50-301. Classes of licenses.** (1) FOR THE PURPOSE OF
20 REGULATING THE CULTIVATION, MANUFACTURING, TESTING, STORAGE,
21 DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED
22 NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT, THE
23 STATE LICENSING AUTHORITY IN ITS DISCRETION, UPON APPLICATION IN
24 THE PRESCRIBED FORM, MAY ISSUE AND GRANT TO THE APPLICANT A
25 LICENSE FROM ANY OF THE CLASSES LISTED IN SUBSECTION (2) OF THIS
26 SECTION, SUBJECT TO THE PROVISIONS AND RESTRICTIONS PROVIDED BY
27 THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50.

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

- 3 (I) NATURAL MEDICINE HEALING CENTER LICENSE;
- 4 (II) NATURAL MEDICINE CULTIVATION FACILITY LICENSE;
- 5 (III) NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE;
- 6 (IV) NATURAL MEDICINE TESTING FACILITY LICENSE; AND
- 7 (V) ANY NATURAL MEDICINE BUSINESS LICENSE DETERMINED
8 NECESSARY BY THE STATE LICENSING AUTHORITY.

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

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

26 (4) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO
27 THIS ARTICLE 50 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED

1 PURSUANT TO ARTICLE 3, 4, 5, OR 10 OF THIS TITLE 44.

2 **44-50-302. Restrictions for applications for new licenses.**

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

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

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

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

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

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

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

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

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

1 PART 4

2 NATURAL MEDICINE LICENSE TYPES

3 **44-50-401. Natural medicine healing center license - rules.**

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

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

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

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

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

26 (b) THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES
27 TO ESTABLISH CERTAIN EXEMPTIONS TO THE NATURAL MEDICINE OR

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

5 **44-50-402. Natural medicine cultivation facility license.** (1) A
6 NATURAL MEDICINE CULTIVATION FACILITY LICENSE MAY BE ISSUED ONLY
7 TO A PERSON WHO CULTIVATES REGULATED NATURAL MEDICINE FOR
8 TRANSFER AND DISTRIBUTION TO NATURAL MEDICINE HEALING CENTER
9 LICENSEES, NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEES, OR
10 OTHER NATURAL MEDICINE CULTIVATION FACILITY LICENSEES.

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

16 **44-50-403. Natural medicine product manufacturer license.**
17 (1) (a) A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE MAY BE
18 ISSUED TO A PERSON WHO MANUFACTURES REGULATED NATURAL
19 MEDICINE PRODUCT PURSUANT TO THE TERMS AND CONDITIONS OF THIS
20 ARTICLE 50 AND RULES PROMULGATED PURSUANT TO THIS ARTICLE 50.

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

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

26 (I) ADD ANY REGULATED NATURAL MEDICINE TO A FOOD PRODUCT
27 IF THE MANUFACTURER OF THE FOOD PRODUCT HOLDS A TRADEMARK TO

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

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

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

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

19 **44-50-404. Natural medicine testing facility license - rules.**

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

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

26 (2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
27 RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING

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

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

15 PART 5

16 UNLAWFUL ACTS

17 **44-50-501. Unlawful acts.** (1) EXCEPT AS OTHERWISE PROVIDED
18 IN THIS ARTICLE 50, IT IS UNLAWFUL FOR A LICENSEE TO:

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

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

25 PART 6

26 FEES

27 **44-50-601. Regulated natural medicine cash fund - created -**

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, THE

1 STATE LICENSING AUTHORITY SHALL ESTABLISH A BASIC FEE THAT SHALL
2 BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON THE STATE
3 LICENSING AUTHORITY, PLUS A FEE FOR MEALS AND A FEE FOR MILEAGE AT
4 THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES IN SECTION
5 24-9-104 FOR EACH MILE ACTUALLY AND NECESSARILY TRAVELED IN
6 GOING TO AND RETURNING FROM THE PLACE NAMED IN THE SUBPOENA. IF
7 THE PERSON NAMED IN THE SUBPOENA IS REQUIRED TO ATTEND THE PLACE
8 NAMED IN THE SUBPOENA FOR MORE THAN ONE DAY, THERE SHALL BE
9 PAID, IN ADVANCE, A SUM TO BE ESTABLISHED BY THE STATE LICENSING
10 AUTHORITY FOR EACH DAY OF ATTENDANCE TO COVER THE EXPENSES OF
11 THE PERSON NAMED IN THE SUBPOENA.

12 (5) THE SUBPOENA FEE ESTABLISHED PURSUANT TO SUBSECTION
13 (4) OF THIS SECTION DOES NOT APPLY TO ANY FEDERAL, STATE, OR LOCAL
14 GOVERNMENTAL AGENCY.

15 **44-50-602. Fees - allocation.** (1) EXCEPT AS OTHERWISE
16 PROVIDED, ALL FEES AND FINES PROVIDED FOR BY THIS ARTICLE 50 SHALL
17 BE PAID TO THE STATE LICENSING AUTHORITY, WHICH SHALL TRANSMIT
18 THE FEES TO THE STATE TREASURER. THE STATE TREASURER SHALL CREDIT
19 THE FEES TO THE REGULATED NATURAL MEDICINE DIVISION CASH FUND
20 CREATED IN SECTION 44-50-601.

21 (2) THE EXPENDITURES OF THE STATE LICENSING AUTHORITY ARE
22 PAID OUT OF APPROPRIATIONS FROM THE REGULATED NATURAL MEDICINE
23 DIVISION CASH FUND CREATED IN SECTION 44-50-601.

24 PART 7

25 DISCIPLINARY ACTIONS

26 **44-50-701. Suspension - revocation - fines.** (1) IN ADDITION TO
27 ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE 50 OR RULES

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

15 (2) THE STATE LICENSING AUTHORITY SHALL PROVIDE NOTICE OF
16 SUSPENSION, REVOCATION, FINE, OR OTHER SANCTION, AS WELL AS THE
17 REQUIRED NOTICE OF THE HEARING PURSUANT TO SUBSECTION (1) OF THIS
18 SECTION, BY MAILING THE SAME IN WRITING TO THE LICENSEE AT THE
19 ADDRESS CONTAINED IN THE LICENSE AND, IF DIFFERENT, AT THE LAST
20 ADDRESS FURNISHED TO THE AUTHORITY BY THE LICENSEE. EXCEPT IN THE
21 CASE OF A SUMMARY SUSPENSION, A SUSPENSION MAY NOT EXCEED SIX
22 MONTHS. IF A LICENSE IS SUSPENDED OR REVOKED, A PART OF THE FEES
23 PAID FOR THE LICENSE ARE NOT RETURNED TO THE LICENSEE. ANY
24 LICENSE, REGISTRATION, OR PERMIT MAY BE SUMMARILY SUSPENDED BY
25 THE STATE LICENSING AUTHORITY WITHOUT NOTICE PENDING ANY
26 PROSECUTION, INVESTIGATION, OR PUBLIC HEARING PURSUANT TO THE
27 TERMS OF SECTION 24-4-104(4). NOTHING IN THIS SECTION PREVENTS THE

1 SUMMARY SUSPENSION OF A LICENSE PURSUANT TO SECTION 24-4-104(4).

2 PART 8

3 JUDICIAL REVIEW

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

7 PART 9

8 PROTECTIONS, CONSTRUCTION,
9 PREEMPTION, AND SEVERABILITY

10 **44-50-901. Protections.** (1) SUBJECT TO THE LIMITATIONS IN THIS
11 ARTICLE 50 AND ARTICLE 170 OF TITLE 12, BUT NOTWITHSTANDING ANY
12 OTHER PROVISION OF LAW:

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

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

26 (c) A LICENSEE, REGISTRANT, OR PERMITTEE PURSUANT TO THIS
27 ARTICLE 50 IS NOT SUBJECT TO DISCIPLINE OR LOSS OF A PROFESSIONAL

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

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

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

22 **44-50-902. Liberal construction.** THIS ARTICLE 50 MUST BE
23 LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

24 **44-50-903. Preemption.** A LOCAL JURISDICTION SHALL NOT
25 ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION THAT
26 ARE OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ARTICLE 50.

27 **44-50-904. Severability.** IF ANY PROVISION OF THIS ARTICLE 50 IS

1 FOUND BY A COURT OF COMPETENT JURISDICTION TO BE
2 UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ARTICLE 50 ARE
3 VALID, UNLESS IT APPEARS TO THE COURT THAT THE VALID PROVISIONS OF
4 THE STATUTE ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH,
5 AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE
6 PRESUMED THAT THE GENERAL ASSEMBLY WOULD HAVE ENACTED THE
7 VALID PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE COURT
8 DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE
9 INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE
10 WITH THE LEGISLATIVE INTENT.

11 PART 10

12 SUNSET REVIEW - ARTICLE REPEAL

13 **44-50-1001. Sunset review - repeal of article.** (1) THIS ARTICLE
14 50 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2032.

15 (2) PRIOR TO THE REPEAL OF THIS ARTICLE 50, THE DEPARTMENT
16 OF REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW AS
17 DESCRIBED IN SECTION 24-34-104 (5).

18 **SECTION 22.** In Colorado Revised Statutes, 16-13-303, **amend**
19 (9) as follows:

20 **16-13-303. Class 1 public nuisance.** (9) ~~A person acting in~~
21 ~~compliance with the "Natural Medicine Health Act of 2022", article 170~~
22 ~~of title 12 does not violate this section~~ IT IS NOT A VIOLATION OF THIS
23 SECTION IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434,
24 ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

25 **SECTION 23.** In Colorado Revised Statutes, 16-13-304, **amend**
26 (2) as follows:

27 **16-13-304. Class 2 public nuisance.** (2) ~~A person acting in~~

1 ~~compliance with the "Natural Medicine Health Act of 2022", article 170~~
2 ~~of title 12 does not violate this section~~ IT IS NOT A VIOLATION OF THIS
3 SECTION IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434,
4 ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

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

7 **18-18-403.5. Unlawful possession of a controlled substance -**
8 **notice to revisor of statutes - repeal.** (1) Except as authorized by part
9 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section
10 18-1-711, section 18-18-428 (1)(b), part 2 or 3 of this article 18, ~~or the~~
11 ~~"Natural Medicine Health Act of 2022", article 170 of title 12~~ SECTION
12 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, it is
13 unlawful for a person knowingly to possess a controlled substance.

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

16 **18-18-404. Unlawful use of a controlled substance.**
17 (1)(a) Except as is otherwise provided for offenses concerning marijuana
18 and marijuana concentrate in sections 18-18-406 and 18-18-406.5, ~~or by~~
19 ~~the "Natural Medicine Health Act of 2022", article 170 of title 12~~ OR FOR
20 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IN SECTION
21 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, any
22 person who uses any controlled substance, except when it is dispensed by
23 or under the direction of a person licensed or authorized by law to
24 prescribe, administer, or dispense the controlled substance for bona fide
25 medical needs, commits a level 2 drug misdemeanor.

26 **SECTION 26.** In Colorado Revised Statutes, 18-18-405, **amend**
27 (1)(a) as follows:

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

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

15 **18-18-410. Declaration of class 1 public nuisance.** Except as
16 ~~permitted by the "Natural Medicine Health Act of 2022", article 170 of~~
17 ~~title 12~~ AUTHORIZED BY SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR
18 ARTICLE 50 OF TITLE 44, any store, shop, warehouse, dwelling house,
19 building, vehicle, boat, or aircraft or any place whatsoever ~~which~~ THAT
20 is frequented by controlled substance addicts for the unlawful use of
21 controlled substances or which is used for the unlawful storage,
22 manufacture, sale, or distribution of controlled substances is declared to
23 be a class 1 public nuisance and subject to the provisions of section
24 16-13-303. ~~C.R.S.~~ Any real or personal property ~~which~~ THAT is seized or
25 confiscated as a result of an action to abate a public nuisance shall be
26 disposed of pursuant to part 7 of article 13 of title 16. ~~C.R.S.~~

27 **SECTION 28.** In Colorado Revised Statutes, 18-18-411, **repeal**

1 (5); and **add** (3.5) as follows:

2 **18-18-411. Keeping, maintaining, controlling, renting, or**
3 **making available property for unlawful distribution or manufacture**
4 **of controlled substances.** (3.5) IT IS NOT A VIOLATION OF THIS SECTION
5 IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434, ARTICLE
6 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

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

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

11 **18-18-412.7. Sale or distribution of materials to manufacture**
12 **controlled substances.** (1.5) IT IS NOT A VIOLATION OF THIS SECTION IF
13 A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434, ARTICLE
14 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

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

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

19 **18-18-430.5. Drug paraphernalia - exemption.** (1) A person is
20 exempt from sections 18-18-425 to 18-18-430 if the person is:

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

27 **SECTION 31.** In Colorado Revised Statutes, **add** 18-18-434 as

1 follows:

2 **18-18-434. Offenses relating to natural medicine and natural**

3 **medicine product - definitions.** (1) A PERSON WHO IS UNDER

4 TWENTY-ONE YEARS OF AGE WHO KNOWINGLY POSSESSES OR CONSUMES

5 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG

6 PETTY OFFENSE AND, UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF

7 NOT MORE THAN ONE HUNDRED DOLLARS OR NOT MORE THAN FOUR HOURS

8 OF SUBSTANCE USE EDUCATION OR COUNSELING; EXCEPT THAT A SECOND

9 OR SUBSEQUENT CONVICTION FOR A VIOLATION OF THIS SUBSECTION (1) IS

10 SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, NOT MORE

11 THAN FOUR HOURS OF SUBSTANCE USE EDUCATION OR COUNSELING, AND

12 NOT MORE THAN TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

13 (2) A PERSON WHO OPENLY AND PUBLICLY DISPLAYS OR CONSUMES

14 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG

15 PETTY OFFENSE AND, UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF

16 NOT MORE THAN ONE HUNDRED DOLLARS AND NOT MORE THAN

17 TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

18 (3) (a) A PERSON WHO CULTIVATES NATURAL MEDICINE THAT

19 CUMULATIVELY EXCEEDS AN AREA OF MORE THAN TWELVE FEET WIDE BY

20 TWELVE FEET LONG IN ONE OR MORE CULTIVATION AREAS ON THE PRIVATE

21 PROPERTY, OR ALLOWS SUCH CULTIVATION ON PRIVATE PROPERTY THAT

22 THE PERSON OWNS, OCCUPIES, OR CONTROLS, AND DOES NOT CULTIVATE

23 NATURAL MEDICINE IN AN ENCLOSED AND LOCKED SPACE ON THE PRIVATE

24 PROPERTY, 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) IT IS NOT A VIOLATION OF THIS SUBSECTION (3)(a) IF THE

1 PERSON WHO IS CULTIVATING NATURAL MEDICINE IS TWENTY-ONE YEARS
2 OF AGE OR OLDER, IF THE CULTIVATION AREA IS LOCATED IN A DWELLING
3 ON THE PRIVATE PROPERTY, AND:

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

6 (II) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT
7 THE DWELLING, THE EXTERNAL LOCKS ON THE DWELLING CONSTITUTE AN
8 ENCLOSED AND LOCKED SPACE, BUT IF A PERSON UNDER TWENTY-ONE
9 YEARS OF AGE ENTERS THE DWELLING, THE PERSON CULTIVATING THE
10 NATURAL MEDICINE SHALL ENSURE THAT ACCESS TO THE CULTIVATION
11 AREA IS REASONABLY RESTRICTED FOR THE DURATION OF THE PERSON
12 UNDER TWENTY-ONE YEARS OF AGE'S PRESENCE IN THE PRIVATE
13 PROPERTY.

14 (c) IT IS NOT A VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION
15 IF A COUNTY, MUNICIPALITY, OR CITY AND COUNTY LAW EXPRESSLY
16 PERMITS THE CULTIVATION OF NATURAL MEDICINE THAT CUMULATIVELY
17 EXCEEDS AN AREA OF MORE THAN TWELVE FEET WIDE BY TWELVE FEET
18 LONG IN ONE OR MORE CULTIVATION AREAS ON THE PRIVATE PROPERTY
19 AND THE PERSON CULTIVATES THE NATURAL MEDICINE IN AN ENCLOSED
20 AND LOCKED SPACE WITHIN THE LIMIT SET BY THE COUNTY, MUNICIPALITY,
21 OR CITY AND COUNTY WHERE THE NATURAL MEDICINE IS LOCATED.

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

26 (b) IT IS UNLAWFUL FOR A PERSON WHO IS NOT LICENSED
27 PURSUANT TO ARTICLE 50 OF TITLE 44 WHO OWNS, MANAGES, OPERATES,

1 OR OTHERWISE CONTROLS THE USE OF A PROPERTY TO KNOWINGLY ALLOW
2 NATURAL MEDICINE PRODUCT TO BE MANUFACTURED ON THE PREMISES
3 USING AN INHERENTLY HAZARDOUS SUBSTANCE.

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

6 (5)(a) UNLESS EXPRESSLY LIMITED BY THIS SECTION, ARTICLE 170
7 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, A PERSON WHO FOR THE PURPOSE
8 OF PERSONAL USE AND WITHOUT REMUNERATION, POSSESSES, CONSUMES,
9 SHARES, CULTIVATES, OR MANUFACTURES NATURAL MEDICINE OR
10 NATURAL MEDICINE PRODUCT, DOES NOT VIOLATE STATE LAW, OR
11 COUNTY, MUNICIPALITY, OR CITY AND COUNTY ORDINANCE, RULE, OR
12 RESOLUTION.

13 (b) NOTHING IN THIS SECTION PERMITS A PERSON TO:

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

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

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

27 (IV) DISPENSE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISPENSE

1 OR DISTRIBUTE, NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT AS
2 A PART OF A BUSINESS PROMOTION OR COMMERCIAL ACTIVITY, EXCEPT AS
3 PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44; OR

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

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

13 (d) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
14 CONTRARY, A PEACE OFFICER MAY ARREST A PERSON, OR A DISTRICT
15 ATTORNEY MAY CHARGE OR PROSECUTE A PERSON FOR A CRIMINAL
16 OFFENSE PURSUANT TO SECTION 18-18-405 THAT IS NOT EXPRESSLY
17 LAWFUL PURSUANT TO THIS SECTION OR ARTICLE 170 OF TITLE 12 AND
18 ARTICLE 50 OF TITLE 44.

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

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

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

26 (c) SEIZE OR FORFEIT ASSETS.

27 (7) (a) EXCEPT AS PROVIDED IN SUBSECTION (7)(b) OF THIS

1 SECTION, AN ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION,
2 INDIVIDUALLY OR IN COMBINATION WITH ANOTHER ACTION THAT IS
3 LAWFUL PURSUANT TO THIS SECTION, MUST NOT SOLELY BE USED AS A
4 FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION
5 DETERMINATION OF ANY CRIMINAL OFFENSE.

6 (b) AN ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION MAY
7 BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION
8 DETERMINATION OF ANY CRIMINAL OFFENSE IF THE ORIGINAL STOP OR
9 SEARCH WAS LAWFUL AND OTHER FACTORS ARE PRESENT TO SUPPORT A
10 PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION OF ANY
11 CRIMINAL OFFENSE.

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

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

21 (10) NOTHING IN THIS SECTION PROHIBITS A PERSON OR ANY
22 ENTITY WHO OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM
23 PROHIBITING OR OTHERWISE REGULATING THE CULTIVATION OR
24 MANUFACTURE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
25 ON OR IN THAT PROPERTY.

26 (11) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
27 OFFENSES PROVIDED FOR IN THIS SECTION DO NOT APPLY TO A PERSON

1 POSSESSING, DISPLAYING, CULTIVATING, PURCHASING, OR SELLING A
2 LIVING PLANT FOR ORNAMENTAL PURPOSES ONLY THAT WAS COMMONLY
3 ANDLAWFULLY SOLD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. FOR
4 PURPOSES OF THIS SECTION, A "LIVING PLANT" DOES NOT INCLUDE
5 MUSHROOMS OR OTHER FUNGAL MATTER.

6 (12) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

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

13 (b) (I) "NATURAL MEDICINE" MEANS THE FOLLOWING
14 SUBSTANCES:

- 15 (A) DIMETHYLTRYPTAMINE;
- 16 (B) Mescaline;
- 17 (C) IBOGAINE;
- 18 (D) PSILOCYBIN; OR
- 19 (E) PSILOCYN.

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

25 (III) NOTWITHSTANDING SUBSECTION (12)(b)(I) OF THIS SECTION,
26 "Mescaline" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE
27 PLANT CLASSIFIED BOTANICALLY AS LOPHOPHORA WILLIAMSII LEMAIRE,

1 WHETHER GROWING OR NOT; ITS SEEDS; ANY EXTRACT FROM ANY PART OF
2 THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR
3 PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

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

6 (d) "PERSONAL USE" MEANS THE CONSUMPTION OR USE OF
7 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT; OR THE AMOUNT OF
8 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT A PERSON MAY
9 LAWFULLY POSSESS, CULTIVATE, OR MANUFACTURE THAT IS NECESSARY
10 TO SHARE WITH ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR
11 OLDER WITHIN THE CONTEXT OF COUNSELING, SPIRITUAL GUIDANCE,
12 BENEFICIAL COMMUNITY-BASED USE AND HEALING, SUPPORTED USE, OR
13 RELATED SERVICES. "PERSONAL USE" DOES NOT MEAN THE SALE OF
14 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR
15 REMUNERATION; THE POSSESSION, CULTIVATION, OR MANUFACTURE OF
16 NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT WITH INTENT TO
17 SELL THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR
18 REMUNERATION; OR THE POSSESSION, CULTIVATION, MANUFACTURE, OR
19 DISTRIBUTION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT
20 FOR BUSINESS OR COMMERCIAL PURPOSES, EXCEPT AS PROVIDED BY
21 ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44.

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

26 (f) "REMUNERATION" MEANS ANYTHING OF VALUE, INCLUDING
27 MONEY, REAL PROPERTY, TANGIBLE AND INTANGIBLE PERSONAL

1 PROPERTY, CONTRACT RIGHT, CHOSE IN ACTION, SERVICE, ANY RIGHT OF
2 USE OR EMPLOYMENT OR PROMISE OR AGREEMENT CONNECTED
3 THEREWITH, BUSINESS PROMOTION, OR COMMERCIAL ACTIVITY.

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

6 **10-16-158. Prohibition on discrimination for coverage based**
7 **solely on natural medicine consumption - definitions.** (1) A CARRIER
8 THAT OFFERS, ISSUES, OR RENEWS A HEALTH BENEFIT PLAN SHALL NOT,
9 SOLELY ON THE BASIS OF A PERSON'S CONSUMPTION OF NATURAL MEDICINE
10 OR NATURAL MEDICINE PRODUCT:

11 (a) DECLINE OR LIMIT COVERAGE OF A PERSON; OR

12 (b) PENALIZE A COVERED PERSON OR REDUCE OR LIMIT COVERAGE
13 FOR A PERSON.

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

19 (a) DENY COVERAGE TO A COVERED PERSON FOR AN ORGAN
20 TRANSPLANT OR RELATED TREATMENT OR SERVICES;

21 (b) DECLINE OR LIMIT COVERAGE OF A COVERED PERSON SOLELY
22 FOR THE PURPOSE OF AVOIDING THE REQUIREMENTS OF THIS SECTION; OR

23 (c) PENALIZE A COVERED PERSON OR REDUCE OR LIMIT COVERAGE
24 FOR A COVERED PERSON FOR HEALTH-CARE SERVICES RELATED TO ORGAN
25 TRANSPLANTATION, AS DETERMINED IN CONSULTATION WITH THE
26 ATTENDING PHYSICIAN AND THE COVERED PERSON OR THE COVERED
27 PERSON'S REPRESENTATIVE.

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

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

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

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

11 (A) DIMETHYLTRYPTAMINE;

12 (B) MESCALINE;

13 (C) IBOGAINE;

14 (D) PSILOCYBIN; OR

15 (E) PSILOCYN.

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

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

23 **SECTION 33.** In Colorado Revised Statutes, 19-3-103, **add** (4)
24 as follows:

25 **19-3-103. Child not neglected - when.** (4) (a) A PERSON WHO
26 PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO
27 SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44

1 DOES NOT, BY ITSELF, CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT
2 OR LEGAL GUARDIAN FOR PURPOSES OF THIS ARTICLE 3.

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

11 **SECTION 34.** In Colorado Revised Statutes, 24-72-706, **amend**
12 (1)(h); and **add** (1)(f.5) as follows:

13 **24-72-706. Sealing of criminal conviction and criminal justice**
14 **records - processing fee. (1) Sealing of conviction records.**
15 (f.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS PART 7 TO THE
16 CONTRARY, IF A MOTION IS FILED FOR THE SEALING OF A CIVIL INFRACTION,
17 A PETTY OFFENSE, A PETTY DRUG OFFENSE, A DRUG MISDEMEANOR, OR A
18 DRUG FELONY FOR AN OFFENSE THAT WAS UNLAWFUL AT THE TIME OF
19 CONVICTION, BUT IS AN ACT THAT IS NOT UNLAWFUL PURSUANT TO
20 SECTION 18-18-434, THE COURT SHALL ORDER THE RECORDS SEALED
21 AFTER THE MOTION IS FILED AND THE CRIMINAL HISTORY FILED WITH THE
22 COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT BEEN
23 CONVICTED OF AN OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF
24 ALL PROCEEDINGS AGAINST THE DEFENDANT OR SINCE THE DATE OF THE
25 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

26 (II) IF A MOTION IS FILED FOR THE SEALING OF AN OFFENSE
27 DESCRIBED IN THIS SUBSECTION (1)(f.5), THE DEFENDANT SHALL PROVIDE

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

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

23 (I) The defendant is indigent; or

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

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

1 **SECTION 35.** In Colorado Revised Statutes, **add** 24-76.5-104 as
2 follows:

3 **24-76.5-104. Natural medicine consumption consideration**
4 **prohibited - exception.** CONSIDERATION OF WHETHER A PERSON
5 PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO
6 SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44
7 IS NOT A REQUIREMENT FOR ELIGIBILITY FOR A PUBLIC ASSISTANCE
8 PROGRAM, UNLESS CONSIDERATION IS REQUIRED PURSUANT TO FEDERAL
9 LAW.

10 **SECTION 36.** In Colorado Revised Statutes, **add** 25-56-104.5 as
11 follows:

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

16 (2) A COVERED ENTITY SHALL NOT, SOLELY ON THE BASIS OF A
17 PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE
18 PRODUCT:

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

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

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

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

3 (e) PLACE A QUALIFIED RECIPIENT ON AN ORGAN TRANSPLANT
4 WAITING LIST AT A LOWER PRIORITY POSITION THAN THE POSITION AT
5 WHICH THE PERSON WOULD HAVE BEEN PLACED IF THE PERSON DID NOT
6 CONSUME NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT.

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

16 (4) A COVERED ENTITY SHALL:

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

25 (b) TAKE REASONABLE AND NECESSARY STEPS TO ENSURE THAT A
26 PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE
27 PRODUCT IS NOT THE REASON THE PERSON IS DENIED MEDICAL SERVICES

1 OR OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION, INCLUDING
2 DIAGNOSTIC SERVICES, SURGERY, POST-OPERATIVE TREATMENT, OR
3 COUNSELING, DUE TO THE ABSENCE OF AUXILIARY AIDS OR SERVICES,
4 UNLESS THE COVERED ENTITY DEMONSTRATES THAT TAKING SUCH STEPS
5 WOULD FUNDAMENTALLY ALTER THE NATURE OF THE MEDICAL SERVICES
6 OR OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION OR WOULD
7 RESULT IN AN UNDUE BURDEN FOR THE COVERED ENTITY.

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

11 **SECTION 37.** In Colorado Revised Statutes, 35-36-102, **amend**
12 (14)(b) as follows:

13 **35-36-102. Rules - definitions.** As used in this article 36, unless
14 the context otherwise requires:

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

18 **SECTION 38.** In Colorado Revised Statutes, 39-22-104, **add**
19 (4)(r.5) as follows:

20 **39-22-104. Income tax imposed on individuals, estates, and**
21 **trusts - single rate - report - legislative declaration - definitions -**
22 **repeal.** (4) There shall be subtracted from federal taxable income:

23 (r.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
24 JANUARY 1, 2024, IF A TAXPAYER IS LICENSED PURSUANT TO THE
25 "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44, AN
26 AMOUNT EQUAL TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED
27 AS A FEDERAL INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION

1 280E OF THE INTERNAL REVENUE CODE BECAUSE NATURAL MEDICINE IS A
2 CONTROLLED SUBSTANCE UNDER FEDERAL LAW;

3 **SECTION 39.** In Colorado Revised Statutes, 39-22-304, **add**
4 (3)(m.5) as follows:

5 **39-22-304. Net income of corporation - legislative declaration**
6 **- definitions - repeal.** (3) There shall be subtracted from federal taxable
7 income:

8 (m.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
9 JANUARY 1, 2024, IF A TAXPAYER IS LICENSED PURSUANT TO THE
10 "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44, AN
11 AMOUNT EQUAL TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED
12 AS A FEDERAL INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION
13 280E OF THE INTERNAL REVENUE CODE BECAUSE NATURAL MEDICINE IS A
14 CONTROLLED SUBSTANCE UNDER FEDERAL LAW;

15 **SECTION 40. Effective date.** This act takes effect July 1, 2023.

16 **SECTION 41. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.