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Colorado General Assembly

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MEMORANDUM

TO: Veronica Perez and Kevin Thomas Matthews
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: February 1, 2022
SUBJECT: Proposed initiative measure 2021-2022 #59, concerning Access to Natural Medicine

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Colorado Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with proposed initiative 2021-2022 #58. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiative 2021-2022 #58, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in that other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purposes

The major purposes of the proposed amendment to the **Colorado Revised Statutes** appear to be:

1. To require the department of regulatory agencies (department) to regulate the manufacture, cultivation, testing, storage, transfer, transport, delivery, sale, and purchase of natural medicines;
2. To require the department to adopt rules to establish the qualifications, education, and training requirements for facilitators who wish to provide natural medicine services;
3. To require the department to adopt rules to establish the requirements for the licensure of healing centers and facilitators;
4. To create the natural medicine advisory board within the department to advise the department as to the implementation of the regulated natural medicine access program;
5. To create the regulated natural medicine access program fund;
6. To prohibit a county, municipality, or city and county from prohibiting:
 - a. The establishment or operation of healing centers;
 - b. A licensed health-care facility or individual from providing natural medicine services; or
 - c. The transportation of natural medicine.
7. To allow a county, municipality, or city and county to enact laws imposing lesser criminal or civil penalties than provided in the proposed initiative;
8. To provide criminal immunity, civil immunity, and protection from action against a professional licensee for the use of natural medicine or the provision of natural medicine services; and
9. To allow the personal use of natural medicine.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?

Technical Comments

The technical comments in the memo for proposed initiative 2021-2022 #58 apply to proposed initiative 2021-2011 #59. You will have the opportunity to ask questions about these comments at the review and comment meeting.