

Be it Enacted by the People of the State of Colorado:

SECTION 1: In Colorado Revised Statutes, **add** Part 7 to Article 18 of Title 18 as follows:

PART 7

NATURAL MEDICINE HEALTH ACT of 2022

18-18-701. Short title. THE SHORT TITLE OF THIS PART 7 IS THE "NATURAL MEDICINE HEALTH ACT OF 2022."

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18-18-702. Legislative declaration. THE VOTERS OF THE STATE OF COLORADO FIND AND DECLARE THAT:

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(1) COLORADO’S CURRENT APPROACH TO MENTAL HEALTH HAS FAILED TO FULFILL ITS PROMISE. COLORADANS DESERVE MORE TOOLS TO ADDRESS MENTAL HEALTH ISSUES, INCLUDING APPROACHES, SUCH AS NATURAL MEDICINES, THAT ARE GROUNDED IN TREATMENT, RECOVERY, HEALTH, AND WELLNESS RATHER THAN CRIMINALIZATION, STIGMA, SUFFERING, AND PUNISHMENT.

(2) COLORADANS ARE EXPERIENCING PROBLEMATIC MENTAL HEALTH ISSUES, INCLUDING SUICIDALITY, ADDICTION, DEPRESSION, AND ANXIETY.

(3) AN EXTENSIVE AND GROWING BODY OF RESEARCH IS ADVANCING TO SUPPORT THE EFFICACY OF NATURAL MEDICINES COMBINED WITH PSYCHOTHERAPY AS TREATMENT FOR DEPRESSION, ANXIETY, SUBSTANCE USE DISORDERS, AND END-OF-LIFE DISTRESS.

(4) THE FEDERAL GOVERNMENT WILL TAKE YEARS TO ACT AND COLORADANS DESERVE THE RIGHT TO ACCESS NATURAL MEDICINES NOW.

(5) COLORADO CAN BETTER PROMOTE HEALTH AND HEALING BY REDUCING ITS FOCUS ON CRIMINAL PUNISHMENTS FOR PERSONS WHO SUFFER MENTAL HEALTH ISSUES AND BY ESTABLISHING REGULATED ACCESS TO NATURAL MEDICINES THROUGH A HUMANE, COST-EFFECTIVE, AND RESPONSIBLE APPROACH.

(6) OREGON VOTERS ENACTED MEASURE 109 IN OREGON IN NOVEMBER 2020 TO ESTABLISH A REGULATED SYSTEM OF DELIVERING A NATURAL MEDICINE, IN PART TO PROVIDE PEOPLE ACCESS TO PSILOCYBIN FOR THERAPEUTIC PURPOSES.

(7) THE CITY AND COUNTY OF DENVER VOTERS ENACTED ORDINANCE 301 IN MAY 2019 TO MAKE THE ADULT POSSESSION AND USE OF THE NATURAL MEDICINE PSILOCYBIN THE LOWEST LAW ENFORCEMENT PRIORITY IN THE CITY AND COUNTY OF DENVER AND TO PROHIBIT THE CITY AND COUNTY FROM SPENDING RESOURCES ON ENFORCING RELATED PENALTIES.

(8) CRIMINALIZING NATURAL MEDICINES HAS RESULTED IN UNSUPERVISED USE AND HAS CREATED AND PERPETUATED AN UNREGULATED UNDERGROUND MARKET.

(9) CRIMINALIZING NATURAL MEDICINES HAS DENIED PEOPLE FROM ACCESSING ACCURATE EDUCATION AND HARM REDUCTION INFORMATION RELATED TO THE USE OF NATURAL MEDICINES, AND LIMITED THE DEVELOPMENT OF APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, AND FIRE SERVICES.

(10) CRIMINALIZING NATURAL MEDICINES HAS PUNISHED PEOPLE FOR SEEKING ACCESS TO MEDICINES THAT A GROWING BODY OF RESEARCH SHOWS MAY HAVE EFFICACY AS TREATMENTS FOR SUICIDALITY, DEPRESSION, ANXIETY, AND SUBSTANCE USE DISORDERS.

(11) THE PURPOSE OF THIS NATURAL MEDICINE HEALTH ACT OF 2022 IS TO ESTABLISH A NEW, COMPASSIONATE, AND EFFECTIVE APPROACH TO NATURAL MEDICINES BY: (a) ADOPTING A PUBLIC HEALTH AND HARM REDUCTION APPROACH TO NATURAL MEDICINES BY REMOVING CRIMINAL PENALTIES FOR PERSONAL USE FOR ADULTS AGE TWENTY-ONE (~~21~~) AND OLDER; (b) DEVELOPING AND PROMOTING PUBLIC EDUCATION RELATED TO THE USE OF NATURAL MEDICINES AND APPROPRIATE TRAINING FOR FIRST RESPONDERS; AND (c) ESTABLISHING REGULATED ACCESS BY ADULTS AGE TWENTY-ONE (~~21~~) AND OLDER TO NATURAL MEDICINES THAT SHOW PROMISE IN INCREASING WELL-BEING AND LIFE SATISFACTION AND IMPROVING MENTAL HEALTH.

(12) THE PROVISIONS OF THIS ACT SHALL BE INTERPRETED CONSISTENTLY WITH THE FINDINGS AND PURPOSES STATED IN THIS SECTION AND SHALL NOT BE LIMITED BY ANY POLICY SET FORTH IN COLORADO LAW THAT COULD CONFLICT WITH OR BE INTERPRETED TO CONFLICT WITH THE PURPOSES AND POLICY OBJECTIVES STATED IN THIS SECTION.

(13) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS ACT THROUGHOUT THE STATE AND THAT, THEREFORE, THE MATTERS ADDRESSED BY THIS ACT ARE, EXCEPT AS SPECIFIED HEREIN, MATTERS OF STATEWIDE CONCERN.

18-18-702703. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTRATION SESSION" MEANS A SESSION HELD AT A HEALING CENTER OR ANOTHER LOCATION AS PERMITTED BY REGULATION ADOPTED BY THE DEPARTMENT AT WHICH A PARTICIPANT PURCHASES, CONSUMES, AND EXPERIENCES THE EFFECTS OF A NATURAL MEDICINE UNDER THE SUPERVISION OF A FACILITATOR.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY AGENCIES.

(3) "FACILITATOR" MEANS A PERSON LICENSED BY THE DEPARTMENT WHO:

(a) IS AT LEAST TWENTY-ONE (~~21~~) YEARS OF AGE.

(b) HAS AGREED TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(c) HAS MET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

A FACILITATOR MAY BE PAID COMPENSATION FOR NATURAL MEDICINE SERVICES AND MAY PROVIDE NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AT A TIME IN GROUP ~~ADMINISTRATIVE-ADMINISTRATION~~ SESSIONS.

(4) "HEALING CENTER" MEANS AN ENTITY LICENSED BY THE DEPARTMENT THAT IS ORGANIZED AND OPERATED AS A PERMITTED ORGANIZATION:

(a) THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS, DISPENSES NATURAL MEDICINE AND RELATED SUPPLIES; ~~OR PROVIDES NATURAL MEDICINE FOR NATURAL MEDICINE SERVICES AT LOCATIONS PERMITTED BY THE DEPARTMENT; OR ENGAGES IN TWO OR MORE OF THESE ACTIVITIES;~~

(b) WHERE ADMINISTRATION SESSIONS ARE HELD; ~~OR~~

(c) WHERE NATURAL MEDICINE SERVICES ARE PROVIDED BY A FACILITATOR.

A HEALING CENTER MAY RECEIVE PAYMENT FOR SERVICES PROVIDED.

(5) "INTEGRATION SESSION" MEANS A MEETING BETWEEN A PARTICIPANT AND FACILITATOR THAT OCCURS AFTER THE PARTICIPANT HAS COMPLETED AN ADMINISTRATION SESSION.

(6) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

~~(7) "NATURAL MEDICINE" MEANS THE FOLLOWING SUBSTANCES IN ANY FORM THAT WOULD CAUSE SUCH PLANT OR FUNGUS TO BE DESCRIBED IN THE UNIFORM CONTROLLED SUBSTANCES ACT OF 2013, ARTICLE 18 OF TITLE 18: IBOGAINE; DIMETHYLTRYPTAMINE; Mescaline (EXCLUDING LOPHOPHORA WILLIAMSII ("PEYOTE")); PSILOCYBIN; OR PSILOCYN.~~

~~(8) "NATURAL MEDICINE SERVICES" MEANS SERVICES PROVIDED BY A FACILITATOR OR OTHER AUTHORIZED PERSON TO A PARTICIPANT BEFORE, DURING, AND AFTER THE PARTICIPANT'S CONSUMPTION OF NATURAL MEDICINE, INCLUDING, AT A MINIMUM AT:~~

~~(a) A PREPARATION SESSION;~~

~~(b) AN ADMINISTRATION SESSION; AND~~

~~(c) AN INTEGRATION SESSION.~~

(79) "PARTICIPANT" MEANS A PERSON TWENTY-ONE (21) YEARS OF AGE OR OLDER WHO PURCHASES NATURAL MEDICINE FROM A HEALING CENTER AND OBTAINS NATURAL MEDICINE SERVICES FROM A FACILITATOR.

(810) "PERMITTED ORGANIZATION" MEANS A CORPORATION, LIMITED LIABILITY COMPANY, LIMITED PARTNERSHIP, OR OTHER LEGAL ENTITY THAT IS REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE OR WITH A COMPARABLE OFFICE IN ANOTHER JURISDICTION.

~~(9) "NATURAL MEDICINE" MEANS THE FOLLOWING SUBSTANCES IN ANY FORM WHICH WOULD CAUSE SUCH PLANT OR FUNGUS TO BE DESCRIBED IN THE COLORADO UNIFORM CONTROLLED SUBSTANCES ACT LOCATED IN ARTICLE 18 OF THE COLORADO CRIMINAL CODE: IBOGAINE; DIMETHYLTRYPTAMINE; Mescaline (EXCLUDING LOPHOPHORA WILLIAMSH ("PEYOTE")); PSILOCYBIN; OR PSILOCYN.~~

~~(10) "NATURAL MEDICINE SERVICES" MEANS SERVICES PROVIDED BY A FACILITATOR TO A PARTICIPANT BEFORE, DURING, AND AFTER THE PARTICIPANT'S CONSUMPTION OF NATURAL MEDICINE, INCLUDING, AT MINIMUM:~~

~~(a) A PREPARATION SESSION;~~

~~(b) AN ADMINISTRATION SESSION; AND~~

~~(c) AN INTEGRATION SESSION.~~

(11) "PREPARATION SESSION" MEANS A MEETING BETWEEN A PARTICIPANT AND A FACILITATOR THAT OCCURS BEFORE THE PARTICIPANT PARTICIPATES IN THE ADMINISTRATION SESSION.

18-18-703704. Regulated access program. (1) THE REGULATED ACCESS PROGRAM IS ESTABLISHED AND THE DEPARTMENT SHALL REGULATE THE MANUFACTURE, CULTIVATION, TESTING, STORAGE, TRANSFER, TRANSPORT, DELIVERY, SALE, AND PURCHASE OF NATURAL MEDICINES BY AND BETWEEN HEALING CENTERS AND OTHER PERMITTED ENTITIES AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PERSONS TWENTY-ONE ~~(21)~~-YEARS OF AGE AND OLDER.

(2) NOT LATER THAN JANUARY 1, 2024, THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS TO ESTABLISH THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES, AND TO APPROVE ANY REQUIRED TRAINING PROGRAMS.

(3) NOT LATER THAN SEPTEMBER 30, 2024, THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE REGULATED ACCESS PROGRAM AND SHALL BEGIN ACCEPTING APPLICATIONS FOR LICENSURE BY THAT DATE WITH DECISIONS MADE ON ALL LICENSING APPLICATIONS WITHIN 60 DAYS OF RECEIVING THE APPLICATION.

(4) IN CARRYING OUT ITS DUTIES UNDER THIS PART, THE DEPARTMENT MAY CONSULT WITH OTHER STATE AGENCIES OR ANY OTHER INDIVIDUAL OR ENTITY THE DEPARTMENT FINDS NECESSARY.

(5) THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT SHALL INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO, RULES AND REGULATIONS TO:

(a) ESTABLISH THE REQUIREMENTS GOVERNING THE SAFE PROVISION OF NATURAL MEDICINE SERVICES TO PARTICIPANTS THAT INCLUDE:

(I) HOLDING AND VERIFYING COMPLETION OF A PREPARATION SESSION, AN ADMINISTRATION SESSION, AND AN INTEGRATION SESSION.

(II) HEALTH AND SAFETY WARNINGS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(III) EDUCATIONAL MATERIALS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(IV) THE FORM THAT EACH ~~HEALING CENTER~~, FACILITATOR, ~~AND PARTICIPANT~~, AND AUTHORIZED REPRESENTATIVE OF A HEALING CENTER MUST SIGN BEFORE PROVIDING OR RECEIVING NATURAL MEDICINE SERVICES VERIFYING THAT THE PARTICIPANT WAS PROVIDED ACCURATE AND COMPLETE HEALTH INFORMATION AND INFORMED OF IDENTIFIED RISK FACTORS AND CONTRAINDICATIONS.

(V) PROPER SUPERVISION DURING THE ~~ADMINISTRATIVE ADMINISTRATION~~ SESSION AND SAFE TRANSPORTATION FOR THE PARTICIPANT WHEN THE SESSION IS COMPLETE.

(VI) PROVISIONS FOR GROUP ~~ADMINISTRATIVE ADMINISTRATION~~ SESSIONS WHERE ONE OR MORE FACILITATORS PROVIDE NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AS PART OF THE SAME ADMINISTRATION SESSION.

(VII) PROVISIONS TO ALLOW A FACILITATOR OR A HEALING CENTER TO REFUSE TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(VIII) THE REQUIREMENTS AND STANDARDS FOR INDEPENDENT TESTING OF NATURAL MEDICINE FOR CONCENTRATION AND CONTAMINANTS, TO THE EXTENT AVAILABLE TECHNOLOGY REASONABLY PERMITS.

(IX) THE LICENSURE OF ENTITIES PERMITTED TO ENGAGE IN THE TESTING OF NATURAL MEDICINE FOR USE IN NATURAL MEDICINE SERVICES OR OTHERWISE.

(X) THE STANDARDS FOR ADVERTISING AND MARKETING NATURAL MEDICINE AND NATURAL MEDICINE SERVICES.

(XI) A PROCESS FOR THE DEPARTMENT TO INCREASE THE ALLOWABLE AMOUNT OF NATURAL MEDICINE UNDER SECTION 18-18-708 IF CONSISTENT WITH THE PURPOSES OF THIS ACT.

(b) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND PRACTICE OF FACILITATORS THAT INCLUDE:

(I) THE FORM AND CONTENT OF LICENSE AND RENEWAL APPLICATIONS FOR FACILITATORS SUBMITTED UNDER THIS PART.

(II) THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES. THE REQUIREMENTS SHALL:

(A) BE TIERED SO AS TO REQUIRE VARYING LEVELS OF EDUCATION AND TRAINING DEPENDING ON THE PARTICIPANTS THE FACILITATOR WILL BE WORKING WITH AND THE SERVICES THE FACILITATOR WILL BE PROVIDING.

(B) INCLUDE EDUCATION AND TRAINING ON CLIENT SAFETY; CONTRAINDICATIONS; MENTAL HEALTH; SOCIAL AND CULTURAL CONSIDERATIONS; PREPARATION; SET AND SETTING; INTEGRATION; AND ETHICS.

(C) ALLOW FOR LIMITED WAIVERS OF EDUCATION AND TRAINING REQUIREMENTS BASED ON AN APPLICANT'S PRIOR EXPERIENCE, TRAINING, OR SKILL, INCLUDING, BUT NOT NECESSARILY LIMITED TO, WITH NATURAL MEDICINES.

(D) NOT IMPOSE UNREASONABLE FINANCIAL OR LOGISTICAL BARRIERS.

(E) NOT REQUIRE A PROFESSIONAL LICENSE OR PROFESSIONAL DEGREE OTHER THAN A FACILITATOR LICENSE GRANTED PURSUANT TO THIS SECTION.

(III) OVERSIGHT AND SUPERVISION REQUIREMENTS FOR FACILITATORS, INCLUDING PROFESSIONAL RESPONSIBILITY STANDARDS AND CONTINUING EDUCATION REQUIREMENTS.

(IV) A COMPLAINT, REVIEW, AND DISCIPLINARY PROCESS FOR FACILITATORS WHO ENGAGE IN MISCONDUCT.

(V) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR FACILITATORS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(VI) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF FACILITATORS WHO VIOLATE THE PROVISIONS OF THIS PART OR THE RULES ADOPTED BY THE DEPARTMENT.

(c) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND OPERATION OF HEALING CENTERS THAT INCLUDE:

(I) QUALIFICATIONS FOR LICENSURE AND RENEWAL.

(II) OVERSIGHT REQUIREMENTS FOR HEALING CENTERS.

(III) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR HEALING CENTERS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(IV) SECURITY REQUIREMENTS FOR HEALING CENTERS, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH LICENSED HEALING CENTER LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.

(V) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF HEALING CENTERS THAT VIOLATE THE PROVISIONS OF THIS PART OR THE RULES ADOPTED BY THE DEPARTMENT.

(VI) PERMISSIBLE FINANCIAL RELATIONSHIPS BETWEEN LICENSED HEALING CENTERS, FACILITATORS, AND NON-LICENSED ENTITIES.

(VII) PROCEDURES AND POLICIES TO ENSURE STATEWIDE ACCESS TO HEALING CENTERS AND NATURAL MEDICINE SERVICES.

(VIII) RULES THAT ALLOW FOR HEALING CENTERS TO SHARE THE SAME PREMISES WITH OTHER HEALING CENTERS OR TO SHARE THE SAME PREMISES WITH OTHER LOCATIONS LICENSED TO PROVIDE HEALTH RELATED SERVICES.

(IX) RULES THAT ALLOW FOR LOCATIONS NOT OWNED BY A HEALING CENTER WHERE NATURAL MEDICINE SERVICES MAY BE PROVIDED BY LICENSED FACILITATORS, INCLUDING, BUT NOT NECESSARILY LIMITED TO, OTHER LOCATIONS LICENSED TO PROVIDE HEALTH RELATED SERVICES AND PRIVATE RESIDENCES AS PERMITTED BY THE DEPARTMENT.

(d) ESTABLISH PROCEDURES AND POLICIES TO PROMOTE THE LICENSING OF AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PERSONS FROM COMMUNITIES THAT HAVE BEEN DISPROPORTIONATELY HARMED BY HIGH RATES OF ARREST; ~~WHO-THAT~~ FACE BARRIERS TO ACCESS TO HEALTH CARE; THAT HAVE A TRADITIONAL OR INDIGENOUS HISTORY WITH NATURAL MEDICINES; OR TO PERSONS WHO ARE VETERANS THAT INCLUDE, BUT ARE NOT LIMITED TO:

(I) REDUCED FEES FOR LICENSURE AND FACILITATOR TRAINING.

(II) REDUCED COST OF NATURAL MEDICINE SERVICES, INCLUDING SLIDING SCALE FEES FOR LOW INCOME INDIVIDUALS.

(III) INCENTIVIZING GEOGRAPHIC AND CULTURAL DIVERSITY IN LICENSING AND THE PROVISION AND AVAILABILITY OF NATURAL MEDICINE SERVICES.

(e) ESTABLISH APPLICATION, LICENSING, AND RENEWAL FEES FOR HEALING CENTER AND FACILITATOR LICENSES. THE FEES SHALL BE:

(I) SUFFICIENT, BUT SHALL NOT EXCEED THE AMOUNT NECESSARY, TO COVER THE COST OF ADMINISTERING THE REGULATED ACCESS PROGRAM.

(II) FOR LICENSING AND RENEWAL FEES, SCALED BASED ON EITHER THE VOLUME OF BUSINESS OF THE LICENSEE OR THE GROSS ANNUAL REVENUE OF THE LICENSEE.

(f) DEVELOP AND PROMOTE ACCURATE PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, INCLUDING BUT NOT LIMITED TO PUBLIC SERVICE ANNOUNCEMENTS, EDUCATIONAL CURRICULA, AND APPROPRIATE CRISIS RESPONSE, AND APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, AND FIRE SERVICES.

(g) STUDY AND DELIVER RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE REGULATION OF DOSAGE FOR OFF-SITE USE OF NATURAL MEDICINES.

(h) COLLECT AND ANNUALLY PUBLISH DATA ON THE IMPLEMENTATION AND OUTCOMES OF THE REGULATED ACCESS PROGRAM IN ACCORDANCE WITH GOOD DATA AND PRIVACY PRACTICES AND THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT INDIVIDUAL LICENSEES OR PARTICIPANTS.

(i) ADOPT, AMEND, AND REPEAL RULES AS NECESSARY TO CARRY OUT THE INTENTS AND PURPOSES OF THIS ACT AND TO PROTECT THE PUBLIC HEALTH AND SAFETY.

(6) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO CREATE AND ISSUE ANY ADDITIONAL TYPES OF LICENSES AND REGISTRATIONS IT DEEMS NECESSARY TO CARRY OUT THE INTENTS AND PURPOSES OF THE REGULATED ACCESS PROGRAM, INCLUDING ALLOWING NATURAL MEDICINE SERVICES TO BE PROVIDED AT OTHER TYPES OF LICENSED HEALTH FACILITIES OR BY INDIVIDUALS IN ORDER TO INCREASE ACCESS TO AND THE AVAILABILITY OF NATURAL MEDICINE SERVICES.

(7) THE DEPARTMENT SHALL ADOPT, AMEND, AND RESCIND ALL RULES AND REGULATIONS IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT, ARTICLE 4 OF TITLE 24, C.R.S., AS AMENDED, AND THE REGULATIONS PROMULGATED THEREUNDER.

18-18-704705. Natural Medicine Advisory Board (1) THE NATURAL MEDICINE ADVISORY BOARD SHALL BE ESTABLISHED WITHIN THE DEPARTMENT FOR THE PURPOSE OF ADVISING THE DEPARTMENT AS TO THE IMPLEMENTATION OF THE REGULATED ACCESS PROGRAM.

(a) THE BOARD SHALL CONSIST OF TWELVE MEMBERS. MEMBERS MUST BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE.

(b) MEMBERS OF THE INITIAL BOARD MUST BE APPOINTED BY JANUARY 15, 2023. IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL SEEK BOARD MEMBERS WHO HAVE SIGNIFICANT EXPERTISE AND EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS:

- (I) PSYCHEDELIC THERAPY, MEDICINE, AND RESEARCH;
- (II) MYCOLOGY AND NATURAL MEDICINE CULTIVATION;
- (III) CORPORATE SOCIAL RESPONSIBILITY;
- (IV) ENVIRONMENTAL SUSTAINABILITY;

- (V) RELIGIOUS USE OF PSYCHEDELIC SUBSTANCES;
- (VI) PUBLIC HEALTH, DRUG POLICY, AND HARM REDUCTION;
- (VII) EMERGENCY MEDICAL SERVICES AND SERVICES PROVIDED BY FIRST RESPONDERS;
- (VIII) ~~ISSUES CONFRONTING VETERANS~~VETERANS;
- (IX) MENTAL AND BEHAVIORAL HEALTH PROVIDERS;
- (X) TRADITIONAL INDIGENOUS USE OF PSYCHEDELIC SUBSTANCES;
- (XI) HEALTH AND ECONOMIC EQUITY; AND
- (XII) HEALTH CARE INSURANCE AND HEALTH CARE POLICY.

(2) FOR THE INITIAL BOARD, SIX OF THE MEMBERS SHALL BE APPOINTED TO A TERM OF TWO YEARS AND SIX MEMBERS SHALL BE APPOINTED TO A TERM OF FOUR YEARS. EACH MEMBER APPOINTED THEREAFTER SHALL BE APPOINTED TO A TERM OF FOUR YEARS. MEMBERS OF THE BOARD MAY SERVE UP TO THREE CONSECUTIVE TERMS. MEMBERS ARE SUBJECT TO REMOVAL AS PROVIDED IN ARTICLE IV, SECTION 6 OF THE COLORADO CONSTITUTION.

(3) NOT LATER THAN SEPTEMBER 30, 2023, AND ANNUALLY THEREAFTER, THE BOARD SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO, BUT NOT ~~NECESSARILY~~ LIMITED TO, ALL OF THE FOLLOWING AREAS:

(a) ACCURATE PUBLIC HEALTH APPROACHES REGARDING USE, EFFECT, AND RISK REDUCTION FOR NATURAL MEDICINE AND THE CONTENT AND SCOPE OF EDUCATIONAL CAMPAIGNS RELATED TO NATURAL MEDICINE;

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

(c) THE PROPER CONTENT OF TRAINING PROGRAMS, EDUCATIONAL AND EXPERIENTIAL REQUIREMENTS, AND QUALIFICATIONS FOR FACILITATORS;

(d) AFFORDABLE, EQUITABLE, ETHICAL, AND CULTURALLY RESPONSIBLE ACCESS TO ~~PLANT~~ NATURAL MEDICINE;

(e) APPROPRIATE ALLOWABLE AMOUNTS AND PROPER DOSAGE OF PLANT MEDICINE;

(f) ALL REGULATIONS TO BE PROMULGATED BY THE DEPARTMENT UNDER 18-18-~~703~~704;
AND

(g) REQUIREMENTS FOR ACCURATE AND COMPLETE DATA COLLECTION, REPORTING, AND PUBLICATION OF INFORMATION RELATED TO THE IMPLEMENTATION OF THIS ACT.

(4) THE DEPARTMENT SHALL PROVIDE REQUESTED TECHNICAL, LOGISTICAL AND OTHER SUPPORT TO THE BOARD TO ASSIST THE BOARD WITH ITS DUTIES AND OBLIGATIONS.

~~(5) THIS SECTION IS REPEALED EFFECTIVE DECEMBER 31, 2033.~~

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18-18-705706. Regulated access program fund. (1) THE REGULATED ACCESS PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND IS ADMINISTERED BY THE DEPARTMENT AND CONSISTS OF ALL MONEY FROM FEES COLLECTED ~~AND MONEY TRANSFERRED FROM THE GENERAL FUND~~ UNDER THIS PART. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND MUST BE CREDITED TO THE FUND AND MUST NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER STATE FUND AT THE END OF ANY STATE FISCAL YEAR.

(2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND ANY GIFTS, GRANTS, DONATIONS, LOAN OF FUNDS, PROPERTY, OR ANY OTHER REVENUE OR AID IN ANY FORM FROM THE STATE, ANY STATE AGENCY, ANY OTHER PUBLIC SOURCE, ANY PRIVATE SOURCE, OR ANY COMBINATION THEREOF, AND ANY SUCH MONETARY RECEIPTS MUST BE CREDITED TO THE FUND AND ANY SUCH IN-KIND RECEIPTS MUST BE APPLIED FOR THE BENEFIT OF THE FUND.

(3) THE MONEY IN THE FUND IS CONTINUALLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF CARRYING OUT THE PROVISIONS OF THIS PART.

(4) FUNDS FOR THE INITIAL ESTABLISHMENT AND SUPPORT OF THE REGULATORY ACTIVITIES BY THE DEPARTMENT UNDER THIS PART, INCLUDING THE NATURAL MEDICINE ADVISORY BOARD AND THE DEVELOPMENT AND PROMOTION OF PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, SHALL BE ADVANCED FROM THE GENERAL FUND TO THE REGULATED ACCESS PROGRAM FUND AND SHALL BE REPAID TO THE GENERAL FUND BY THE INITIAL PROCEEDS FROM FEES COLLECTED PURSUANT TO THIS PART.

(5) THE OFFICE OF ~~FINANCIAL MANAGEMENT AND BUDGET~~ STATE PLANNING AND BUDGETING SHALL DETERMINE THE AMOUNT OF THE INITIAL ADVANCE FROM THE GENERAL FUND TO THE REGULATED ACCESS PROGRAM FUND BASED ON THE ESTIMATED COSTS OF ESTABLISHING THE PROGRAM.

18-18-706707. Localities. (1) A LOCALITY MAY REGULATE THE TIME, PLACE, AND MANNER OF THE OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS PART WITHIN ITS BOUNDARIES.

(2) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT THE ESTABLISHMENT OR OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS PART WITHIN ITS BOUNDARIES.

(3) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT A LICENSED HEALTH FACILITY OR INDIVIDUAL WITHIN ITS BOUNDARIES FROM PROVIDING NATURAL MEDICINE SERVICES IF THE LICENSED HEALTH FACILITY OR INDIVIDUAL IS PERMITTED TO PROVIDE NATURAL MEDICINE SERVICES BY THE DEPARTMENT PURSUANT TO THIS PART.

(4) A LOCALITY MAY NOT PROHIBIT THE TRANSPORTATION OF NATURAL MEDICINE THROUGH ITS JURISDICTION ON PUBLIC ROADS BY A LICENSEE OR AS OTHERWISE ALLOWED BY THIS PART.

(5) A LOCALITY MAY NOT ADOPT ORDINANCES OR REGULATIONS THAT ARE UNREASONABLE OR IN CONFLICT WITH THIS ACT, BUT MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ACT

18-18-707708. Protections. SUBJECT TO THE LIMITATIONS IN THIS PART, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(1) ACTIONS AND CONDUCT BY A LICENSEE, A LICENSEE'S EMPLOYEE, AND A LICENSEE'S AGENT, OR A FACILITATOR OR PARTICIPANT AS PERMITTED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, OR BY THOSE WHO ALLOW PROPERTY TO BE USED BY A LICENSEE, A LICENSEE'S EMPLOYEE, OR A LICENSEE'S AGENT, OR A FACILITATOR OR PARTICIPANT AS PERMITTED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER STATE LAW, OR THE LAWS OF ANY LOCALITY WITHIN THE STATE, OR BE SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR BE A BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE.

(2) ~~NO CONTRACT IS~~ A CONTRACT IS NOT UNENFORCEABLE ON THE BASIS THAT NATURAL MEDICINES, AS ALLOWED UNDER THIS ACT, ARE PROHIBITED BY FEDERAL LAW.

(3) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE, ~~OR CERTIFICATION,~~ OR REGISTRATION IS NOT SUBJECT TO PROFESSIONAL DISCIPLINE OR LOSS OF A PROFESSIONAL LICENSE OR CERTIFICATION FOR PROVIDING ADVICE OR SERVICES ARISING OUT OF OR RELATED TO NATURAL MEDICINE LICENSES OR APPLICATIONS FOR LICENSES ON THE BASIS THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW.

(4) MENTAL HEALTH, SUBSTANCE USE DISORDER, OR BEHAVIORAL HEALTH SERVICES OTHERWISE COVERED UNDER HEALTH FIRST COLORADO SHALL NOT BE DENIED ON THE BASIS THAT THEY ARE COVERED IN CONJUNCTION WITH NATURAL MEDICINE SERVICES OR THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW. NO INSURANCE OR INSURANCE PROVIDER IS REQUIRED TO COVER THE COST OF THE NATURAL MEDICINE ITSELF.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PREVENT THE DEPARTMENT FROM ENFORCING ITS RULES AND REGULATIONS AGAINST A LICENSEE OR TO LIMIT A STATE OR LOCAL LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO A LICENSED PREMISES.

18-18-708709. Personal Use. (1) SUBJECT TO THE LIMITATIONS IN THIS PART, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT AN OFFENSE UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE OR SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR THE BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY

ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY, IF THE PERSON IS AT LEAST TWENTY-ONE (~~21~~) YEARS OF AGE OR OLDER:

(a) POSSESSING, STORING, USING, PROCESSING, TRANSPORTING, PURCHASING, OBTAINING, INGESTING, OR GIVING AWAY NATURAL MEDICINE WITHOUT REMUNERATION TO A PERSON TWENTY-ONE (~~21~~) YEARS OF AGE OR OLDER NOT MORE THAN AN ALLOWABLE AMOUNT OF A NATURAL MEDICINE.

(b) POSSESSING, GROWING, CULTIVATING, OR PROCESSING PLANTS OR FUNGI CAPABLE OF PRODUCING NATURAL MEDICINE FOR PERSONAL USE, PROVIDED THAT THE PLANTS AND FUNGI AND ANY NATURAL MEDICINE PRODUCED IN EXCESS OF AN ALLOWABLE AMOUNT ARE KEPT AT THE PERSON'S HOME OR OTHER PRIVATE RESIDENCE, OR UPON THE GROUNDS OF THAT HOME OR PRIVATE RESIDENCE, AND ARE SECURE FROM ACCESS BY A PERSON YOUNGER THAN TWENTY-ONE (~~21~~) YEARS OF AGE; AND

(c) ASSISTING ANOTHER PERSON WHO IS TWENTY-ONE (~~21~~) YEARS OF AGE OR OLDER, OR ALLOWING PROPERTY TO BE USED, IN ANY OF THE ACTIONS OR CONDUCT PERMITTED UNDER SUBDIVISION (1).

(~~d~~) CONDUCT PERMITTED BY THIS PART SHALL NOT, BY ITSELF:

(~~f~~ a) CONSTITUTE CHILD ABUSE OR NEGLECT WITHOUT A FINDING OF ACTUAL THREAT TO THE HEALTH OR WELFARE OF A CHILD BASED ON ALL RELEVANT FACTORS.

(~~H~~ b) BE THE BASIS TO RESTRICT PARENTING TIME WITH A CHILD WITHOUT A FINDING THAT THE PARENTING TIME WOULD ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT.

(~~e~~ 3) CONDUCT PERMITTED BY THIS PART SHALL NOT, BY ITSELF, BE THE BASIS FOR PUNISHING OR OTHERWISE PENALIZING A PERSON CURRENTLY UNDER PAROLE, PROBATION, OR OTHER STATE SUPERVISION, OR RELEASED AWAITING TRIAL OR OTHER HEARING.

(~~f~~ 4) CONDUCT PERMITTED BY THIS PART SHALL NOT, BY ITSELF, BE THE BASIS FOR DETENTION, SEARCH, OR ARREST; AND THE POSSESSION OR SUSPICION OF POSSESSION OF NATURAL MEDICINE WITHOUT EVIDENCE OF QUANTITY IN EXCESS OF THE ALLOWABLE AMOUNT, OR THE POSSESSION OF MULTIPLE CONTAINERS OF NATURAL MEDICINE WITHOUT EVIDENCE OF QUANTITY IN EXCESS OF THE ALLOWABLE AMOUNT, SHALL NOT INDIVIDUALLY OR IN COMBINATION WITH EACH OTHER CONSTITUTE REASONABLY ARTICULABLE SUSPICION OF A CRIME. NATURAL MEDICINES AS PERMITTED BY THIS PART ARE NOT CONTRABAND NOR SUBJECT TO SEIZURE AND SHALL NOT BE HARMED OR DESTROYED.

(~~g~~ 5) CONDUCT PERMITTED BY THIS PART SHALL NOT, BY ITSELF, BE THE BASIS TO DENY ELIGIBILITY FOR ANY PUBLIC ASSISTANCE PROGRAM, UNLESS REQUIRED BY FEDERAL LAW.

(~~46~~) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, CONDUCT PERMITTED BY THIS PART DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A PERSON FROM MEDICAL CARE OR MEDICAL INSURANCE.

(~~27~~) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PERMIT A PERSON TO GIVE AWAY ANY AMOUNT OF NATURAL MEDICINE AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY. THIS PROVISION DOES NOT PRECLUDE THE CHARITABLE DONATION OF NATURAL MEDICINE, PAYMENT FOR HARM REDUCTION SERVICES, PAYMENT FOR THERAPY SERVICES, OR LIMIT THE ABILITY OF A HEALING CENTER OR INDIVIDUAL TO DONATE NATURAL MEDICINE OR PROVIDE NATURAL MEDICINE AT REDUCED COST CONSISTENT WITH DEPARTMENT REGULATIONS.

(~~38~~) FOR THE PURPOSE OF THIS PART, “ALLOWABLE AMOUNT” MEANS NOT MORE THAN FOUR (4) GRAMS OF THE ACTIVE PSYCHOACTIVE SUBSTANCE OF EACH NATURAL MEDICINE, OR NOT MORE THAN AN AMOUNT GREATER THAN FOUR (~~4~~) GRAMS IF ESTABLISHED BY DEPARTMENT RULE. “ALLOWABLE AMOUNT” DOES NOT INCLUDE THE WEIGHT OF ANY MATERIAL OF WHICH THE NATURAL MEDICINE IS A PART, INCLUDING DRIED FUNGUS OR PLANT MATERIAL, OR TO WHICH THE SUBSTANCE IS ADDED, DISSOLVED, HELD IN SOLUTION, OR SUSPENDED, OR ANY INGREDIENT OR MATERIAL COMBINED WITH THE NATURAL MEDICINE SPECIFIED IN THIS PART TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCTS.

(~~49~~) FOR THE PURPOSE OF THIS PART, “PERSONAL USE” MEANS ALL THE ACTIONS AND CONDUCT PERMITTED BY A PERSON WHO IS TWENTY-ONE (~~21~~) YEARS OF AGE OR OLDER UNDER THIS SECTION.

(~~510~~) A PERSON WHO HAS COMPLETED A SENTENCE FOR A CONVICTION, WHETHER BY TRIAL OR PLEA OF GUILTY OR *NOLO CONTENDERE*, WHO WOULD NOT HAVE BEEN GUILTY OF AN OFFENSE UNDER THIS ACT HAD IT BEEN IN EFFECT AT THE TIME OF THE OFFENSE, MAY FILE A PETITION BEFORE THE TRIAL COURT THAT ENTERED THE JUDGMENT OF CONVICTION IN THE PERSON’S CASE TO SEAL THE RECORD OF THE CONVICTION AT NO COST. IF THERE IS NO OBJECTION FROM THE DISTRICT ATTORNEY, THE COURT SHALL AUTOMATICALLY SEAL SUCH RECORD. IF THERE IS AN OBJECTION BY THE DISTRICT ATTORNEY, A HEARING SHALL BE HELD AND THE COURT SHALL DETERMINE IF THE PRIOR CONVICTION DOES NOT QUALIFY TO BE SEALED UNDER THIS ACT. IF THE RECORD DOES NOT QUALIFY TO BE SEALED, THE COURT SHALL DENY THE SEALING OF THE RECORD. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH OR ABROGATE ANY RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO THE PETITIONER OR APPLICANT.

18-18-~~709~~710. Personal use penalties. (1) UNLESS OTHERWISE PROVIDED BY SUBSECTION (2) OF THIS SECTION, A PERSON WHO IS UNDER TWENTY-ONE (21) YEARS OF AGE WHO POSSESSES, USES, INGESTS, INHALES, TRANSPORTS NOT MORE THAN THE ALLOWABLE AMOUNT OF NATURAL MEDICINE FOR ADULTS TWENTY-ONE (~~21~~) YEARS OF AGE OR OLDER BY ~~§-SECTION 18-18-706-709~~ ~~OF THIS PART~~ OR POSSESSES, GIVES AWAY WITHOUT RENUMERATION, OR GIVES AWAY WITHOUT RENUMERATION NATURAL MEDICINE PARAPHERNALIA IS SUBJECT TO A DRUG PETTY OFFENSE, AND UPON CONVICTION THEREOF, SHALL BE SUBJECT ONLY TO A PENALTY OF NO MORE THAN FOUR (4) HOURS OF DRUG EDUCATION OR COUNSELING PROVIDED AT NO COST TO THE PERSON.

(2) TO THE EXTENT SUBSECTION (1) ESTABLISHES A PENALTY FOR CONDUCT NOT OTHERWISE PROHIBITED BY LAW OR ESTABLISHES A PENALTY THAT IS GREATER THAN EXISTS ELSEWHERE IN LAW FOR THE CONDUCT SET FORTH IN ~~SUBPARAGRAPH~~ SUBSECTION (1), THE PENALTIES IN SUBSECTION (1) SHALL NOT APPLY.

(3) A PERSON WHO CULTIVATES NATURAL MEDICINES THAT ARE NOT SECURE FROM ACCESS BY A PERSON YOUNGER THAN TWENTY-ONE ~~(21)~~ YEARS OF AGE IN VIOLATION OF 18-18-~~706709~~(1)(b) IS SUBJECT TO A CIVIL FINE NOT EXCEEDING TWO-HUNDRED AND FIFTY DOLLARS.

(4) A PERSON WHO POSSESSES NOT MORE THAN TWICE THE ALLOWABLE AMOUNT OF NATURAL MEDICINE, OR DELIVERS WITHOUT CONSIDERATION NOT MORE THAN TWICE THE ALLOWABLE AMOUNT OF NATURAL MEDICINE, TO A PERSON WHO IS AT LEAST TWENTY-ONE ~~(21)~~ YEARS OF AGE OR OLDER, IS SUBJECT TO A CIVIL FINE NOT EXCEEDING TWO HUNDRED AND FIFTY DOLLARS AND FORFEITURE OF THE NATURAL MEDICINE IN EXCESS OF THE ALLOWABLE AMOUNT.

(5) A PERSON SHALL NOT BE SUBJECT TO ANY ADDITIONAL FEES, FINES, OR OTHER PENALTIES FOR THE VIOLATIONS ADDRESSED IN THIS SECTION OTHER THAN THOSE SET FORTH IN THIS SECTION. FURTHER, A PERSON SHALL NOT BE SUBJECT TO INCREASED PUNISHMENT FOR ANY OTHER CRIME ON THE BASIS OF ~~THEIR~~ THAT PERSON HAVING UNDERTAKEN CONDUCT PERMITTED BY THIS PART.

18-18-~~710711~~. Limitations. THIS ACT ~~MAY~~ SHALL NOT BE CONSTRUED:

(1) TO PERMIT A PERSON TO DRIVE OR OPERATE A MOTOR VEHICLE, BOAT, VESSEL, AIRCRAFT, OR OTHER VEHICLE OR DEVICE USED FOR TRANSPORTATION UNDER THE INFLUENCE OF NATURAL MEDICINE.

(2) TO PERMIT A PERSON TO USE OR POSSESS NATURAL MEDICINE IN A SCHOOL, DETENTION FACILITY, OR PUBLIC BUILDING.

(3) TO PERMIT A PERSON TO INGEST NATURAL MEDICINES IN A PUBLIC PLACE, OTHER THAN A PLACE LICENSED OR OTHERWISE PERMITTED BY THE DEPARTMENT FOR SUCH USE.

(4) TO PERMIT THE TRANSFER OF NATURAL MEDICINE, WITH OR WITHOUT RENUMERATION, TO A PERSON UNDER THE AGE OF TWENTY-ONE ~~(21)~~ YEARS OR TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE (21) YEARS TO USE OR POSSESS NATURAL MEDICINE.

(5) TO REQUIRE A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS OF PURCHASING NATURAL MEDICINE;

(6) TO REQUIRE AN EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES IN THE WORKPLACE OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE USE OF NATURAL MEDICINES BY EMPLOYEES;

(7) TO AMEND OR AFFECT STATE OR FEDERAL LAW PERTAINING TO LANDLORD-TENANT MATTERS;

(8) TO PROHIBIT A RECIPIENT OF A FEDERAL GRANT OR AN APPLICANT FOR A FEDERAL GRANT FROM PROHIBITING THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES TO THE EXTENT NECESSARY TO SATISFY FEDERAL REQUIREMENTS FOR THE GRANT;

(9) TO PROHIBIT A PARTY TO A FEDERAL CONTRACT OR A PERSON APPLYING TO BE A PARTY TO A FEDERAL CONTRACT FROM PROHIBITING ANY ACT PERMITTED HEREIN TO THE EXTENT NECESSARY TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT OR TO SATISFY FEDERAL REQUIREMENTS FOR THE CONTRACT;

(10) TO REQUIRE A PERSON TO VIOLATE A FEDERAL LAW; OR

(11) TO EXEMPT A PERSON FROM A FEDERAL LAW OR OBSTRUCT THE ENFORCEMENT OF A FEDERAL LAW.

18-18-712. Liberal construction. THIS PART 7 SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

18-18-713. Preemption. NO LOCALITY SHALL ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION IMPOSING ANY GREATER CRIMINAL OR CIVIL PENALTY THAN PROVIDED BY THIS ACT OR THAT IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ACT. A LOCALITY MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ACT.

18-18-714. Conflicting measures. IN THE EVENT THAT THIS MEASURE OR ANOTHER MEASURE OR MEASURES CONCERNING THE CONTROL OR REGULATION OF NATURAL MEDICINES APPEAR ON THE SAME STATEWIDE ELECTION BALLOT, THE PROVISIONS OF THE OTHER MEASURE OR MEASURES SHALL BE DEEMED TO BE IN CONFLICT WITH THIS MEASURE, EXCEPT TO THE EXTENT THE OTHER MEASURE OR MEASURES FURTHER REDUCE THE PENALTIES FOR ANY OF THE OFFENSES OR SUBSTANCES ADDRESSED BY THIS ACT. IN THE EVENT THAT THIS MEASURE RECEIVES A GREATER NUMBER OF AFFIRMATIVE VOTES, THE PROVISIONS OF THIS MEASURE SHALL PREVAIL IN THEIR ENTIRETY, EXCEPT FOR WHERE THE OTHER MEASURE OR MEASURES FURTHER REDUCE PENALTIES FOR ANY OF THE OFFENSES OR SUBSTANCES ADDRESSED IN THIS ACT IN WHICH THOSE PROVISIONS SHALL PREVAIL.

18-18-715. Self-executing, severability, conflicting provisions. ALL PROVISIONS OF THIS PART 7 ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

18-18-716. Effective date. UNLESS OTHERWISE PROVIDED BY THIS ACT, ALL PROVISIONS OF THIS PART 7 SHALL BECOME EFFECTIVE UPON THE EARLIER OF THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR OR THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE COLORADO CONSTITUTION. THE REMOVAL AND REDUCTION OF CRIMINAL PENALTIES BY THIS ACT IS INTENDED TO HAVE RETROACTIVE EFFECT.

SECTION 2: In Colorado Revised Statutes, ~~amend subsection (1) of 18-18-403.5~~, **amend (1)** as follows:

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(1) Except as authorized by part 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section 18-1-711, section 18-18-428(1)(b), or part 2 or 3 of this article 18 OR THE NATURAL MEDICINE AND HEALTH ACT OF 2022, it is unlawful for a person knowingly to possess a controlled substance.

SECTION 3: In Colorado Revised Statutes, ~~amend subsection (1)(a) of 18-18-404~~, **amend (1)(a)** as follows:

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(1)(a) Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate in sections 18-18-406 and 18-18-406.5 OR BY THE NATURAL MEDICINE AND HEALTH ACT OF 2022, any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor.

SECTION 4: In Colorado Revised Statutes, ~~amend subsection (1)(a) of 18-18-405~~, **amend (1)(a)** as follows:

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(1)(a) Except as authorized by part 1 of article 280 of title 12, part 2 of article 80 of title 27, or part 2 or 3 of this article 18 OR BY THE NATURAL MEDICINE AND HEALTH ACT OF 2022, it is unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

SECTION 5: In Colorado Revised Statutes, **amend 18-18-410** as follows:

EXCEPT AS PERMITTED BY THE NATURAL MEDICINE AND HEALTH ACT OF 2022, ANY ~~Any~~ store, shop, warehouse, dwelling house, building, vehicle, boat, or aircraft or any place whatsoever which is frequented by controlled substance addicts for the unlawful use of controlled substances or which is used for the unlawful storage, manufacture, sale, or distribution of controlled substances is declared to be a class 1 public nuisance and subject to the provisions of section 16-13-303, C.R.S. Any real or personal property which is seized or confiscated as a

result of an action to abate a public nuisance shall be disposed of pursuant to part 7 of article 13 of title 16, C.R.S.

SECTION 6: In Colorado Revised Statutes, **add** subsection (5) to 18-18-411 as follows:

(5) A PERSON ACTING IN COMPLIANCE WITH THE NATURAL MEDICINE AND HEALTH ACT OF 2022 DOES NOT VIOLATE THIS SECTION.

SECTION 7: In Colorado Revised Statutes, **add** subsection (3) to 18-18-412.7 as follows:

(3) A PERSON ACTING IN COMPLIANCE WITH THE NATURAL MEDICINE AND HEALTH ACT OF 2022 DOES NOT VIOLATE THIS SECTION.

SECTION 8: In Colorado Revised Statutes, **add** subsection (1)(c) to 18-18-430.5 as follows:

(1) A person is exempt from sections 18-18-425 to 18-18-430 the person is:

(c) USING EQUIPMENT, PRODUCTS OR MATERIALS IN COMPLIANCE WITH THE NATURAL MEDICINE AND HEALTH ACT OF 2022. THE MANUFACTURE, POSSESSION, AND DISTRIBUTION OF SUCH EQUIPMENT, PRODUCTS, OR MATERIALS SHALL BE AUTHORIZED WITHIN THE MEANING OF 21 USC 863 (f).

SECTION 9: In Colorado Revised Statutes, **add** subsection (9) to 16-13-303 as follows:

(9) A PERSON ACTING IN COMPLIANCE WITH THE NATURAL MEDICINE AND HEALTH ACT OF 2022 DOES NOT VIOLATE THIS SECTION.

SECTION 10: In Colorado Revised Statutes, **add** subsection (2) to 16-13-304 as follows:

(2) A PERSON ACTING IN COMPLIANCE WITH THE NATURAL MEDICINE AND HEALTH ACT OF 2022 DOES NOT VIOLATE THIS SECTION.

~~**SECTION 11: Liberal construction.**
THIS ACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.~~

~~**SECTION 12: Preemption.**
NO LOCALITY SHALL ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION IMPOSING ANY GREATER CRIMINAL OR CIVIL PENALTY THAN PROVIDED BY THIS ACT OR THAT IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ACT. A LOCALITY MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ACT.~~

~~**SECTION 13: Conflicting measures.**~~

~~IN THE EVENT THAT THIS MEASURE OR ANOTHER MEASURE OR MEASURES CONCERNING THE CONTROL OR REGULATION OF NATURAL MEDICINES APPEAR ON THE SAME STATEWIDE ELECTION BALLOT, THE PROVISIONS OF THE OTHER MEASURE OR MEASURES SHALL BE DEEMED TO BE IN CONFLICT WITH THIS MEASURE, EXCEPT TO THE EXTENT THE OTHER MEASURE OR MEASURES FURTHER REDUCE THE PENALTIES FOR ANY OF THE OFFENSES OR SUBSTANCES ADDRESSED BY THIS ACT. IN THE EVENT THAT THIS MEASURE RECEIVES A GREATER NUMBER OF AFFIRMATIVE VOTES, THE PROVISIONS OF THIS MEASURE SHALL PREVAIL IN THEIR ENTIRETY, EXCEPT FOR WHERE THE OTHER MEASURE OR MEASURES FURTHER REDUCE PENALTIES FOR ANY OF THE OFFENSES OR SUBSTANCES ADDRESSED IN THIS ACT IN WHICH THOSE PROVISIONS SHALL PREVAIL.~~

~~———— **SECTION 14: Self-executing, severability, conflicting provisions.** ALL PROVISIONS OF THIS ACT ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.~~

~~———— **SECTION 15: Effective date.** UNLESS OTHERWISE PROVIDED BY THIS ACT, ALL PROVISIONS OF THIS ACT SHALL BECOME EFFECTIVE UPON THE EARLIER OF THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR OR THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE COLORADO CONSTITUTION. THE REMOVAL AND REDUCTION OF CRIMINAL PENALTIES BY THIS ACT IS INTENDED TO HAVE RETROACTIVE EFFECT.~~