

Received
Legislative Council Staff
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Be it Enacted by the People of the State of Colorado:

SECTION 1: In Colorado Revised Statutes, 18-18-418 **add** subsections (7) and (8) as follows:

18-18-418. (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING CONDUCT IS NOT A VIOLATION OF STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE AND NO CONDUCT PERMITTED BY THIS SUBSECTION SHALL CONSTITUTE THE BASIS FOR INVESTIGATION, DETENTION, SEARCH, SEIZURE, ARREST, OR OTHER LEGAL PENALTY:

(a) THE POSSESSION, USE, CULTIVATION, PRODUCTION, SHARING, GIVING AWAY, AND DELIVERY OF PSILOCYBIN, PSILOCYN, IBOGAIN, MESCALINE, AND DIMETHYLTRYPTAMINE, AS THOSE TERMS ARE DEFINED IN SECTION 18-18-203(C), AND COLLECTIVELY DEFINED HEREIN AS “ENTHEOGENIC PLANTS AND FUNGI”, BY OR BETWEEN NATURAL PERSONS TWENTY-ONE (21) YEARS OF AGE OR OLDER;

(b) THE PROVISION OF SUPERVISION, GUIDANCE, THERAPEUTIC, HARM REDUCTION, SPIRITUAL, OR SUPPORTIVE SERVICES WITH OR WITHOUT REMUNERATION BY NATURAL PERSONS TWENTY-ONE (21) YEARS OF AGE OR OLDER TO NATURAL PERSONS WHO ARE ENGAGING IN THE INTENTIONAL AND CONSENTING USE OF ENTHEOGENIC PLANTS AND FUNGI; AND

(c) THE POSSESSION OF PARAPHERNALIA, AS DEFINED IN SECTION 18-18-426, DESIGNED FOR USE IN THE CULTIVATION, PRODUCTION, STORAGE, OR USE OF ENTHEOGENIC PLANTS AND FUNGI BY A NATURAL PERSON TWENTY-ONE (21) YEARS OF AGE OR OLDER.

(8) EXCEPT AS OTHERWISE PROVIDED BY LAW, NOTHING IN SUBSECTION (7) SHALL BE CONSTRUED OR INTERPRETED TO PERMIT A PERSON TO DISTRIBUTE OR SELL ANY AMOUNT OF SUCH NATURAL PLANTS AND FUNGI FOR REMUNERATION AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY.