



October 11, 2024

Colorado Natural Medicine Program

History, Enacting
Legislation & More



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Natural Medicine Health Act of 2022



Proposition 122 (referred to as the Natural Medicine* Health Act of 2022) is a citizen-initiated measure related to the use of certain plants or fungi for people 21 years of age and older.

The Act received approval from Colorado voters in the November 2022 Colorado General Election with 53.6% of the vote.

*Natural Medicine is the term used in the ballot language.



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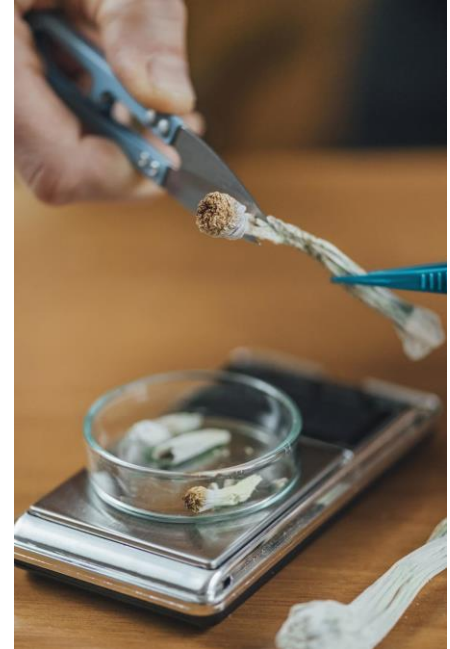
What Did the Act Do?

Decriminalized cultivation, possession, and personal use of natural medicines for individuals 21+

Directed DORA to establish a regulated access program for natural medicines:

- For supervised administration of Natural Medicine
- To Create and Implement an Occupational Licensing Structure
- To Create a framework for regulating the growth, distribution, and sale of Natural Medicines to Licensed Entities

Established the Natural Medicine Advisory Board for the purpose of advising DORA on the implementation of the regulated access program.



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What Did the Act Do?

LOCAL GOVERNMENT GUIDANCE

Proposition 122 permits individual localities to regulate the time, place, and manner of the operation of Healing centers.

Localities may not:

- Ban Operations
- Ban natural medicine services by licensees
- Ban transportation
- Adopt regulations that were unreasonable or in conflict of 122

RECORD SEALING

Seals the criminal records of individuals who have completed a sentence for a conviction that is no longer considered a crime pursuant to this legislation.

PROTECTIONS

Protects conduct permitted by the Natural Medicine Health Act, by itself, for constituting the basis:

- For punishing or penalizing an individual currently on parole, probation, other state supervision, or released awaiting trial or other hearing
- To disqualify a person from medical care or medical insurance
- To deny eligibility for any public assistance program unless required by federal law



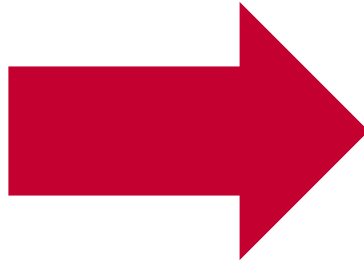
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Included Natural Medicines

Dimethyltryptamine;
ibogaine; mescaline
(excluding *Lophophora*
williamsii (“peyote”));
psilocybin; or
psilocybin.



As it relates to the regulated natural medicine access program outlined in this act, until June 1, 2026, the term “natural medicine” only includes psilocybin and psilocin.

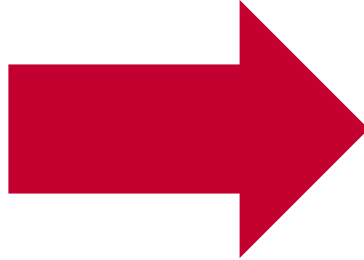


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Included Natural Medicines

Dimethyltryptamine;
ibogaine; mescaline
(excluding lophophora
williamsii (“peyote”);
psilocybin; or
psilocybin.



After June 1, 2026, if recommended by the Natural Medicine Advisory Board, the Colorado Department of Regulatory Agencies may add one or more of the following to be included as “Natural Medicine” as it relates to the regulated natural medicine access program:
dimethyltryptamine, ibogaine, and mescaline (excluding peyote).



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Natural Medicine Regulations



Regulation for licensed facilitation, services provided, cultivation, manufacturing, transportation, possession, etc. under this Act fell under the Division of Professions and Occupations (DPO) within DORA.



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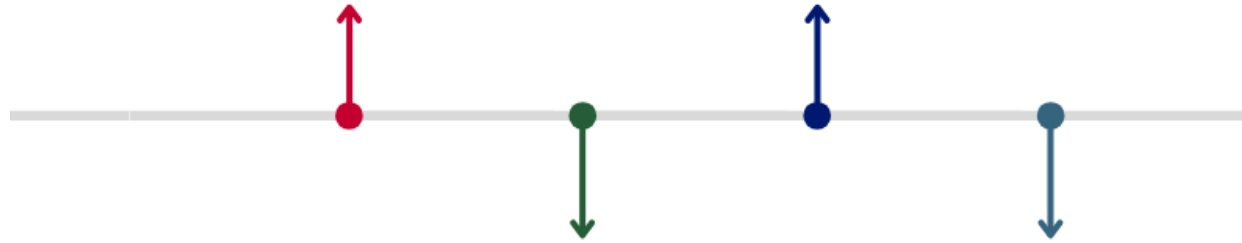
Key Dates: 2022-23

Nov. 8, 2022

Colorado Proposition 122 passes with a 53.64% Yes result.

April 13, 2023

The Colorado Natural Medicine Advisory Board holds its first meeting.



Jan. 27, 2023

Gov. Jared Polis announces Natural Medicine Advisory Board appointments.

July 1, 2023

Senate Bill 23-290 goes into effect.



SB23-290

SB23-290 was a Senate bill that was introduced, passed, and signed in the 2023 Colorado Legislative Session. It amended the regulatory framework for natural medicine and natural medicine product established in Proposition 122.

FOCUS

FOCUS 1

Operationalized the Natural Medicine Access Program by leveraging the existing state infrastructure including the the fiscal mechanisms of the Colorado State Government.

Modified the responsibilities of two Colorado State Agencies, DORA, and the Department of Revenue (DOR).

Extended implementation deadlines to December 31, 2024.



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SB23-190: DORA Responsibilities

DORA maintained the role of licensing and regulating Facilitators (persons licensed to provide natural medicine and related services). SB-290 also maintained and added the following duties for DORA:



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SB23-190: DOR Responsibilities



The Department of Revenue (DOR) is responsible for licensing and regulating healing centers, cultivations, manufacturers, and testing facilities under a new Natural Medicine Division and is assigned following duties:



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SB23-190: DOR Responsibilities

Testing and
Certification Program
(in Coordination with
CDPHE)

Data Collection (i.e.
incidents, adverse
health events etc.)

Public Education
Campaigns

Training materials for
first
and multi-responders

Annual Reporting
(in Coordination with
DORA)



SB23-290: Personal Use Provisions

Natural Medicine:

Defined to include
Psilocybin, Psilocyn,
Ibogaine, Mescaline, and
Dimethyltryptamine (DMT)



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SB23-290: Personal Use Provisions

Personal Cultivation:

Not more than 12x12 feet
(can be non-contiguous)
on Private Property
(defined) in enclosed &
locked space

- Local authority to exceed the space limit



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SB23-290: Personal Use Provisions

Personal Possession & Use (No Personal Possession Limit)

May share with an adult (21+) in context of counseling, spiritual guidance, community-based use, supported use, or related services



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SB23-290: Personal Use Provisions

Personal Possession & Use (No Personal Possession Limit)

No Remuneration (Except Allowed for Bona Fide Harm Reduction or Support Services Used Concurrently with Sharing).

Subject to the Following:

- ✓ No Advertisement related to Sharing or Services
- ✓ Person Sharing Must Inform if not a Licensed Facilitator



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SB23-290: Personal Use Provisions

Personal Possession & Use (No Personal Possession Limit)

No Manufacturing with
Inherently Dangerous
Substances (Defined)



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SB23-290: Personal Use Provisions

**Personal Possession & Use
(No Personal Possession Limit)**

No Open and Public
Display or Consumption



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SB23-290: Personal Use Provisions

Personal Possession & Use (No Personal Possession Limit)

Establishes Offenses for
Violations



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A close-up photograph of a person's hand holding a red and black stamp over a document on a clipboard. The hand is positioned in the upper right quadrant, with the thumb and index finger gripping the red top of the stamp. The stamp is black with a red top and a red base. The document is white and lies on a light-colored clipboard. The background is blurred, showing a person in a white shirt. The text "Draft Licensing Recommendations" is overlaid in white, bold font across the center of the image.

Draft Licensing Recommendations

NMAB Board Membership

At least seven members with significant expertise and experience in one or more of the following areas:

Natural Medicine Therapy, Medicine and Research

Mycology and Natural Medicine Cultivation

Permitted Organization Criteria

Emergency Medical Services / Services Provided by First Responders

Mental and Behavioral Health Providers

Health Care Insurance and Health Care Policy

Public Health, Drug Policy and Harm Reduction



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NMAB Subcommittees

Qualifications, Licensing and Training

Products, Research and Data

Merged – Emergency Response, Safety & Ethics

Indigenous and Religious Use and Outreach

Public Health and Health Equity



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NMAB Board Membership

At least eight members with significant experience and experience in one or more of the following areas

**Traditional
Indigenous Use of
Natural Medicine***

**Religious Use of
Natural
Medicines**

**Issues
Confronting
Veterans**

**Disparities in
Access to Health
Care Services
Among Different
Communities**

**Past Criminal
Justice Reform
Efforts in
Colorado**

* - At Least One Member Must Have This Expertise



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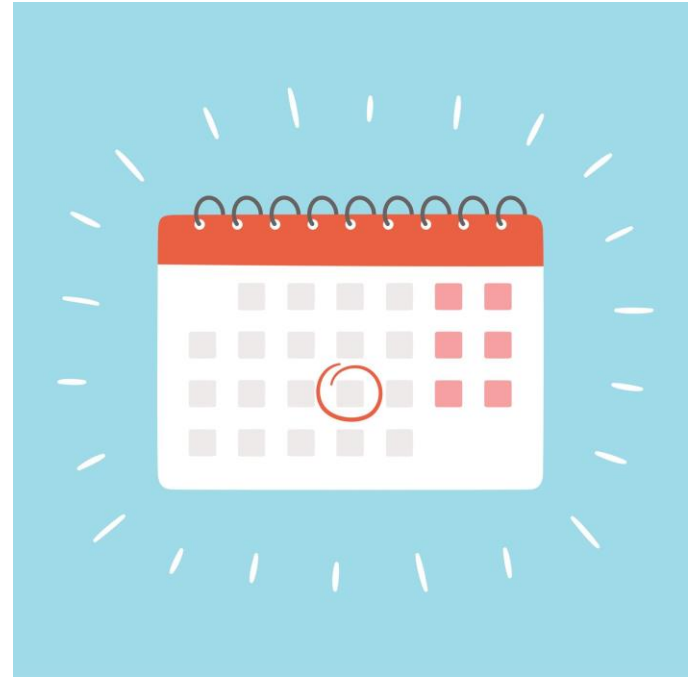
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2024 NMAB Events

The subcommittees together delivered 66 pages of recommendations for both DOR and for DORA.

NMAB Subcommittees met individually for the final time in January 2024 from the 10th-18th. Finalized Recommendations were delivered to DOR and DORA January 19, 2024.

On January 19, 2024, NMAB Board voted to finalize and submit their recommendations to DOR and DORA. After January 19, 2024, NMAB Subcommittees were combined so that subcommittee members meet only once a month.



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Tribal Working Group

In January 2024, applications were opened for the Federally Recognized American Tribes and Indigenous Community Working Group, or Tribal Working Group. There were 47 applicants.

9 Total Members

**7 from Federally
Recognized Tribes**

**2 Members Who Are
Indigenous but not a
Member of a Federally
Recognized Tribe**



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Tribal Working Group

Members:

- **Tom Allen - Arvada, Colorado** - Sac and Fox Nation of Oklahoma, Northern Arapaho
- **Daniel Castro - Boulder, Colorado** - Mestizo Kichwa from Ecuador
- **Sherrill Katsi Cook Barreiro - Akwesasne, New York** - St. Regis Mohawk Tribe
- **Frank Dayish, Former Vice President Navajo Nation- Gallup, New Mexico** - Navajo Nation (Diné)
- **Belinda P. Eriacho, MPH|MT - Tempe, Arizona** - Navajo Nation (Diné)
- **Dr. Santiago Ivan Guerra - Colorado Springs, Colorado** - Coahuiltecan and Chicano
- **Terry G. Knight, Sr. - Towaoc, Colorado** - Ute Mountain Ute Tribe
- **Marlena Robbins - Berkeley, California** - Navajo Nation (Diné)
- **Councilman, Darwin Whiteman Jr. - Towaoc, Colorado** - Ute Mountain Ute Tribe



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SB-198

- **Authorizes the director of the division of professions and occupations in the department of regulatory agencies to approve facilitator education and training programs;**
- **Exempts facilitator education and training programs from regulation as private educational schools;**



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Tribal Working Group

DIRECTOR SHALL ESTABLISH THE FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS COMMUNITY WORKING GROUP FOR THE PURPOSE OF ENGAGING AND CREATING A DIALOGUE TO IDENTIFY ISSUES RELATED TO THE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES FOR TRIBAL AND INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS. THE COMMUNITY WORKING

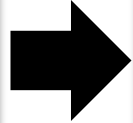


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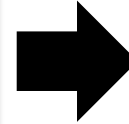
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Tribal Working Group

AVOIDING THE
MISAPPROPRIATION
AND
EXPLOITATION



AVOIDING THE
EXCESSIVE
COMMERCIALIZATION



ANY CONSERVATION
ISSUES

BEST PRACTICES AND
OPEN COMMUNICATION
TO BUILD TRUST

AND
UNDERSTANDING



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Rulemaking

March 12, 2024

Department of Revenue filed one rulemaking notice regarding all matters:
Effective Oct. 1, 2024

May 15, 2024

Rules regarding Definitions, Standards of Practice, and Advertising:
Effective September 14, 2024



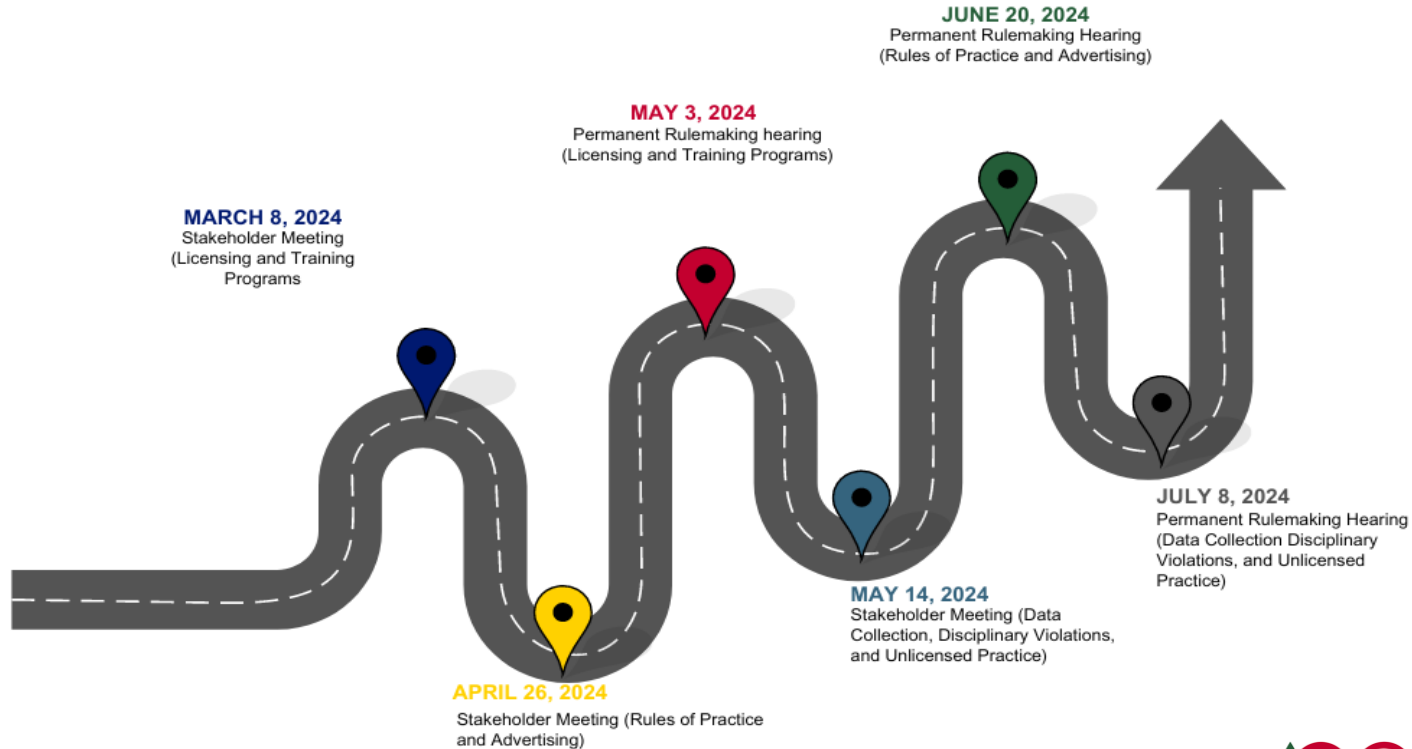
March 29, 2024

Rules describing license types and education program:
Effective June 30, 2024.

May 31, 2024

Rules regarding Definitions, Disciplinary Violations, and Unlicensed Practice:
Effective September 14, 2024

Rulemaking



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Resources and Sign-up

Websites

DORA Natural Medicine Program: <https://dpo.colorado.gov/NaturalMedicine>

DOR Natural Medicine Division: <https://dnm.colorado.gov/>

Emails

DORA - dora_natural_medicine@state.co.us



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Questions?



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