



**Garden
Spot of
Colorado**

**MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, May 13, 2025, 6:30 p.m.**

This is an IN-PERSON meeting at the location and time noted above.

This meeting will be streamed live on YouTube. The live stream is accessible by visiting www.berthoud.org/stream

The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.

1. Meeting Called To Order - Mayor William Karspeck
2. Pledge Of Allegiance - Mayor William Karspeck
3. Roll Call - Mayor William Karspeck
4. Citizen Participation
5. Scheduled Items And Estimated Time For Discussion

5.I. Consent Agenda

Introduction By: Christian Samora

Documents:

[MEMO RE CONSENT AGENDA.PDF](#)
[A. MAY 13, 2025 MEETING AGENDA.PDF](#)
[B. APRIL 22, 2025, MEETING MINUTES.PDF](#)
[C. MARCH 2025 FINANCIAL INFORMATION.PDF](#)
[D. 2025 ROAD IMPROVEMENT PROJECT BID AWARD.PDF](#)

5.II. Larimer County Mental Health Awareness Month Proclamation

Introduction By: Town Board

Documents:

[PROCLAMATION - MENTAL HEALTH AWARENESS MONTH 2025.PDF](#)

5.III. Community Foundation Of Northern Colorado Proclamation

Introduction By: Town Board

Documents:

[PROCLAMATION - YEAR OF PHILANTHROPY.PDF](#)

5.III.i. Outdoor Pool Concept Update

Introduction by: Jeremy Olinger

Documents:

[MEMO RE OUTDOOR POOL CONCEPT UPDATE.PDF](#)
[PORT COMMENTS.PDF](#)
[PORT MEETING MINUTES - APRIL 2025.PDF](#)

5.IV. Harvest West Annexation Petition Finds Of Fact

Introduction By: Anne Johnson

Documents:

[01 BOARD INFORMATION SHEET RIVER TRAILS ANNEXATION.PDF](#)
[02 RESOLUTION 08 2024 RE SUBSTANTIAL COMPLIANCE.PDF](#)
[03 PETITION FOR ANNEXATION.PDF](#)
[04 LEGAL DESCRIPTION RESOLUTION EXHIBIT.PDF](#)
[05 LETTER OF INTENT.PDF](#)
[06 ANNEXATION MAP.PDF](#)

5.V. Public Hearing - Amendment To Chapter 30 Regarding Natural Healing Centers And Natural Medicine Businesses

Introduction By: Anne Johnson

Documents:

[00 INFO FORM.PDF](#)
[01 ORDINANCE 1353 NATURAL MED.PDF](#)
[02 ORDINANCE EXHIBIT A CODE LANGUAGE.PDF](#)
[03 POTENTIAL PROPERTIES FOR NATURAL HEALING CENTERS.PDF](#)
[04 STATE FAQ.PDF](#)
[05 SUMMARY INFORMATION.PDF](#)
[06 LEGISLATIVE SUMMARY SB 290.PDF](#)
[07 SB290 EXECUTED.PDF](#)
[08 CO ATTORNEY ARTICLE RE NATURAL MEDICINE.PDF](#)
[09 PUBLIC NOTICE.PDF](#)

6. Elected Official Reports

1. Town Board - Tim Hardy, May Albrecht, Sean Murphy, Karl Ayers, Chris Kurtz, and Brett Wing
2. Mayor - William Karspeck
3. Staff - Town Administrator, Attorney

7. Adjourn

The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	May 13, 2025
Agenda Title/Subject:	Consent Agenda
Type of Item:	Regular Item
Purpose:	The Consent Agenda contains routine items that can be approved with a single action by the Board.
Presented by:	Christian Samora

ATTACHMENTS:

- a) May 13, 2025, Meeting Agenda
- b) April 22 2025, Meeting Minutes
- c) March 2025 Financial Information
- d) 2025 Road Improvement Project Bid Award

BACKGROUND:

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. The mayor will ask if any Board Member wishes to remove an item for separate discussion. Items removed from the consent agenda should be considered immediately following adoption of the amended Consent Agenda.

UPDATE/NEXT STEPS:

Any updates or next steps for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

FISCAL IMPACT AND FUND SOURCE:

Any fiscal information for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

COMMUNITY TOUCHSTONES:

Any Community Touchstones for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

RECOMMENDED ACTION(S):

“Move to combine and approve the items on the Consent Agenda.”

Followed by a second and a vote.



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Tuesday, May 13, 2025, 6:30 p.m.

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The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor William Karspeck
- IV. CITIZEN PARTICIPATION**
- V. SCHEDULED ITEMS and ESTIMATED TIMES FOR DISCUSSION**

- 1. Consent Agenda** (Christian Samora) (5 Min)
Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.
 - a) May 13, 2025, Meeting Agenda
 - b) April 22 2025, Meeting Minutes
 - c) March 2025 Financial Information
 - d) 2025 Road Improvement Project Bid Award
- 2. Larimer County Mental Health Awareness Month Proclamation** (Town Board) (5 Min)
- 3. Community Foundation of Northern Colorado Proclamation** (Town Board) (5 Min)
- 4. Outdoor Pool Concept Update** (Jeremy Olinger) (15 Min)
- 5. Harvest West Annexation Petition Resolution of Substantial Compliance** (Anne Johnson) (20 Min)
Resolution 2025-08 - A Resolution of substantial compliance regarding Petition for Annexation filed by HT Land Partners, LLC and setting the matter for a public hearing
- 6. Public Hearing - Amendment to Chapter 30 regarding Natural Healing Centers and Natural Medicine Businesses** (Anne Johnson) (30 Min)
Ordinance 1353 – An Ordinance Adopting the Town of Berthoud Natural Medicine Healing Centers and Natural Medicine Businesses Regulations as Section 14 in Chapter 30 of the Berthoud Municipal Code

- VI. ELECTED OFFICIAL REPORTS** (20 Min)
 - 1. Town Board – Tim Hardy, May Albrecht, Sean Murphy, Karl Ayers, Chris Kurtz, and Brett Wing
 - 2. Mayor – William Karspeck
 - 3. Staff – Town Administrator, Attorney

VII. ADJOURN

May 13, 2025, Meeting Agenda

The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

May 13, 2024, Meeting Agenda

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MEETING MINUTES OF THE TOWN BOARD

Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, April 22, 2025, 6:30 p.m.

4/22/2025 - Minutes

1. Meeting Called To Order - Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:32 pm.

2. Pledge Of Allegiance - Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

3. Roll Call - Mayor William Karspeck

The following Board members were present:

May Albrecht, Trustee
Karl Ayers, Trustee
Tim Hardy, Trustee
Chris Kurtz, Trustee
Brett Wing, Trustee
Sean Murphy, Mayor Pro-Tem
Will Karspeck, Mayor

The following staff members were present:

Erin Smith, Town Attorney
Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Lexi Dovel, Deputy Town Clerk
Sergeant Justin Williamson, Larimer County Sheriff
Anne Johnson, Community Development Director

4. Citizen Participation

Aaron Perry spoke regarding New Freedom Outreach's recent event and thanked several of the Board members for their attendance.

Gil Uhrich spoke regarding the Bid Award for the 2025 Berthoud Slurry, Crack Seal, and Patching item on the Consent Agenda.

5. Scheduled Items And Estimated Time For Discussion

5.1. Consent Agenda

Items:

- a) April 22, 2025, Meeting Agenda
- b) April 8, 2025, Meeting Minutes
- c) Resolution 2025-05 Amending the Fee Schedule Regarding Event Fees for Non-Profits
- d) Bid Award - 2025 Berthoud Slurry, Crack Seal, and Patching
- e) Bid Award - 2025 Berthoud Road and Sidewalk Concrete
- f) Bid Award - 2025 Berthoud Tipton Street Improvements Project
- g) April 2025 Board Report

Trustee Albrecht requested item d) Bid Award - 2025 Berthoud Slurry, Crack Seal, and Patching and item e) Bid Award - 2025 Berthoud Road and Sidewalk Concrete be removed from the Consent Agenda for individual consideration.

Trustee Kurtz moved to combine and approve the items on the Consent Agenda, less items d and e. Trustee Ayers seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

The Board had further discussion on items d and e.

Trustee Kurtz moved to approve items d and e from the Consent Agenda. Trustee Wing seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

5.II. Resolution Supporting Berthoud Fire Protection District Ballot Issue A

Mayor Pro-Tem Murphy moved to approve Resolution 2025-06, a Resolution of the Town Board of the Town of Berthoud in support of "Ballot Question A" on the May 6, 2025 Special District Election Ballot. Trustee Albrecht seconded the motion. In a 5-1 roll call vote, THE MOTION CARRIED, with Trustee Hardy having the dissenting vote, and Trustee Wing abstaining.

5.III. Housing Needs Assessment

Community Development Director, Anne Johnson, gave an introduction on the Housing Needs Assessment.

Karlyn Vasan with Ayres Associates gave a presentation.

Mayor Karspeck opened up the item to public comment.

Jake Victor with Northpointe Development spoke during public comment.

Mayor Karspeck closed public comment.

Trustee Hardy moved to approve Resolution 2025-07, a Resolution of the Town Board of the Town of Berthoud approving the Berthoud Housing Diversity Plan. Trustee Wing seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.

5.IV. Amendment To Chapter 30 Regarding Natural Healing Centers And Natural Medicine Businesses - Introduction

Community Development Director, Anne Johnson, gave a presentation on the Amendment to Chapter 30 regarding Natural Healing Centers and Natural Medicine Businesses.

Allison Robinette with the Colorado Natural Medicine Division provided additional information.

Mayor Karspeck opened the Public Hearing.

No one spoke during the Public Hearing.

The Board gave direction to staff to provide an updated map at the next hearing. Mayor Karspeck stated that the Public Hearing will be continued to May 13, 2025.

6. Elected Official Reports

Trustee Kurtz:

Kurtz reported that he will be moving out of Berthoud and will be resigning after the May 13 meeting.

Trustee Hardy:

Trustee Hardy requested that Director Johnson provide the Board with an update on the recent Historical Preservation Advisory Committee meeting. Johnson reported that there has been interest in preservation of the Foursquare Church and reported on a grant that the Town was awarded, as well as an additional grant that the Town has applied for.

Trustee Albrecht:

Albrecht reported on vacancies on the Youth Advisory Committee. Albrecht reported on a recent protest at the rec center and inquired about where protests may be held.

Mayor Pro-Tem Murphy:

Murphy reported on the upcoming Arbor Day celebration on April 26. Murphy reported on the recent Climate Smart Future Ready meeting he attended and thanked Trustee Kurtz for his service on the Board.

Trustee Wing:

Wing thanked Trustee Kurtz for his service on the Board. Wing reported on a citizen complaint regarding paying admission at the rec center. Wing inquired about an update on the pool project.

Mayor Karspeck:

Karspeck reported on citizen complaints regarding the Prairie Star community. Karspeck reported on an upcoming meeting on May 5 between the Downtown Berthoud Merchant Collaborative and the Berthoud Chamber and concerns about funding for event parades.

Administrator Kirk:

Kirk reported on the upcoming Business Appreciation Breakfast, the study session scheduled for April 29 at 6:00 pm and the closing of the Sonoco building. Kirk provided an update on the pool design concept and on the Town branding project. Kirk provided an update on the Berthoud Parkway Trail construction.

7. Adjourn

The meeting was adjourned at 8:58 pm.

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

TOWN OF BERTHOUD AT A GLANCE

Monthly Report MARCH 2025

- Sales & Use Tax revenue is 4% **under** budget for the month of March; \$961,875 was received and \$1,003,542 was budgeted.
- Town Revenue through March including transfers between funds is 4% **under** budget for 2025.
- Town Expenditures through March are 45% **under** budget for 2025.

Sales Tax Review

MARCH	Berthoud Sales Tax	Motor Vehicle Use Tax	Building Materials Use Tax	Combined Total
2025	682,368.33	133,232.12	146,274.91	961,875.36
2024	662,009.50	117,414.94	204,071.35	983,495.79
2023	575,145.29	110,307.19	247,455.97	932,908.45
2022	624,453.64	122,669.65	184,325.30	931,448.59

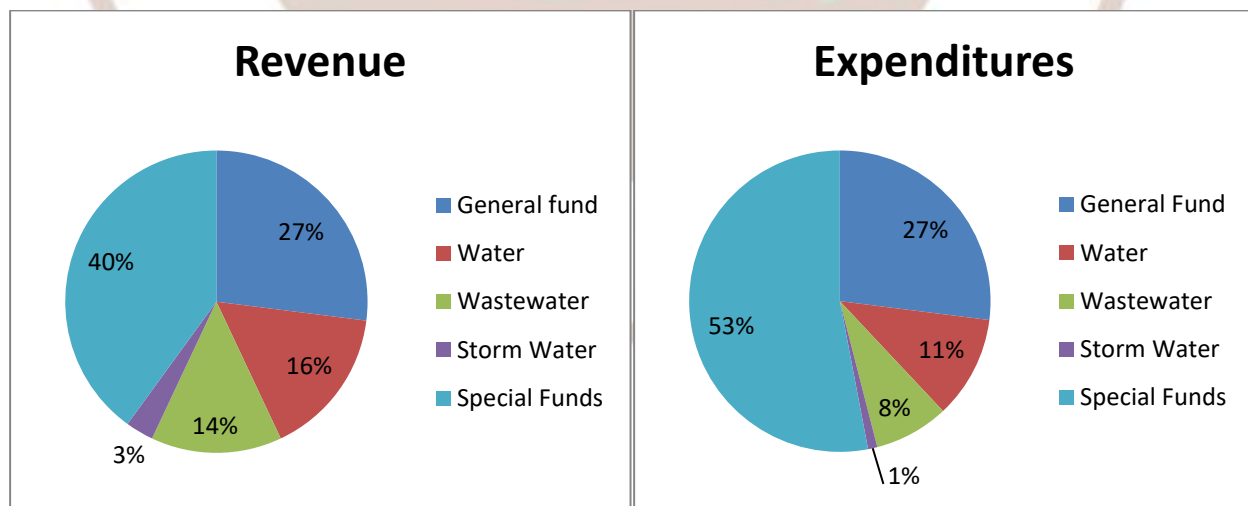
SALES TAX YEAR-TO-DATE FOR 2025

\$ 3,165,807.69

COMBINED STATEMENT OF REVENUES AND EXPENDITURES
MARCH 2025

REVENUE	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	1,798,594	2,968,929	3,303,372	90%	22%
Water	481,830	1,800,643	2,325,288	77%	19%
Wastewater	524,875	1,578,559	1,481,132	107%	27%
Storm Water	116,171	357,832	304,500	118%	29%
Special Funds	3,326,066	4,515,586	4,284,775	105%	26%
TOTAL REVENUE	6,247,536	11,221,549	11,699,067	96%	24%

EXPENDITURES	Current Month	YTD Actual	YTD Budget	% of YTD Budget	% of Annual Budget
General Fund	1,416,650	3,186,425	4,792,242	66%	17%
Water	677,136	1,271,659	4,226,300	30%	8%
Wastewater	370,573	1,031,915	4,357,907	24%	6%
Storm Water	5,487	14,517	607,812	2%	1%
Special Funds	5,043,172	6,188,000	7,453,655	83%	21%
TOTAL EXPENDITURES	7,513,018	11,692,516	21,437,916	55%	14%

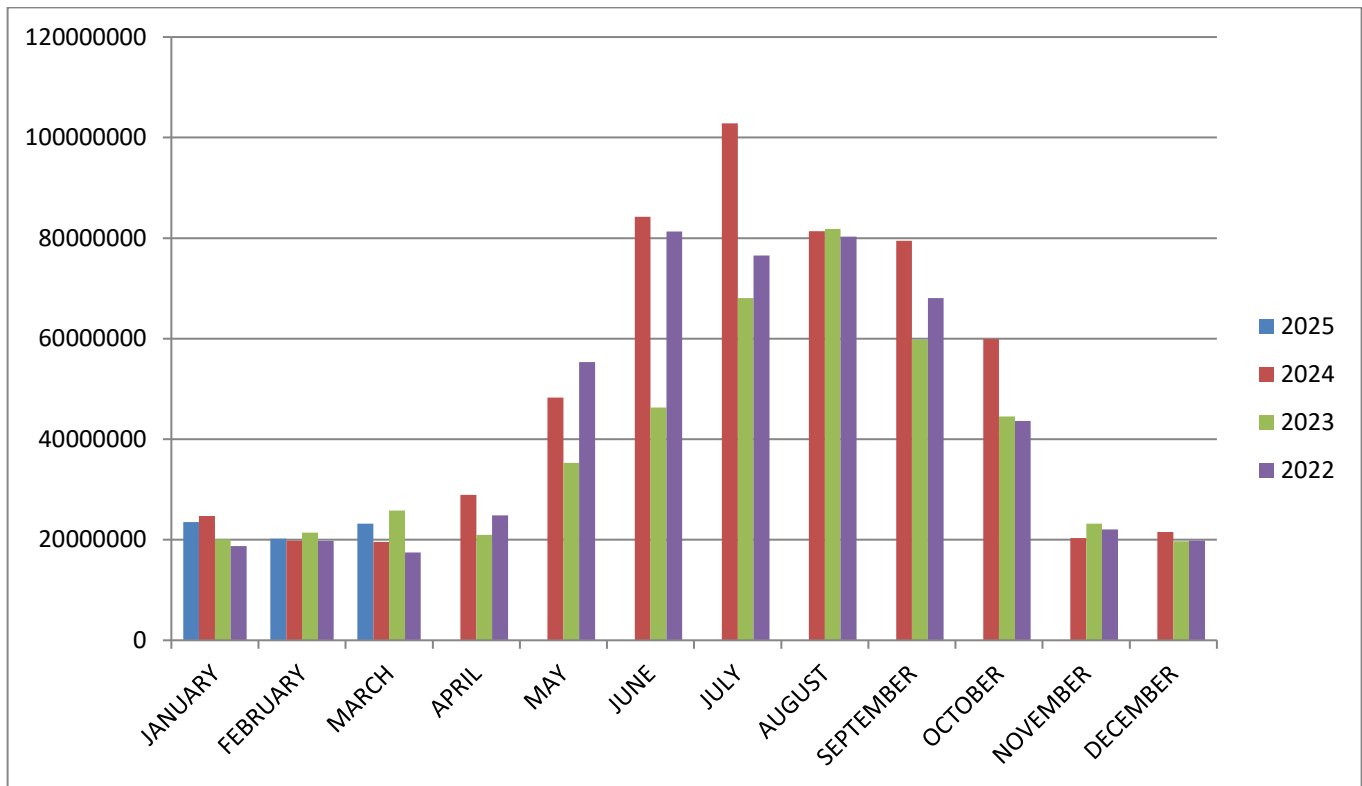


2025

	YEAR TO DATE TOTALS THRU MARCH 2025
Single Family Permits	41
Overall Permit Total	198
Water Gallons Billed	66,900,000
Passports	343
Cemetery	2 Funerals

Building Permit & Permit Valuation by Year & 2024 YTD					
	2021	2022	2023	2024	2025 YTD
Single-Family home permits	508	222	220	238	41
All permits (roofing, decks, additions, etc.)	1110	809	748	1078	198
Total Permit Value	\$238,661,288	\$164,526,847	\$119,408,321	\$135,242,724	\$27,378,254

BERTHOUD WATER USAGE



Personnel Summary

	Full-time	Part-time	Seasonal
Administration	12		
Code Enforcement	1		
Economic Development	2		
Planning-Building	6	1	
Engineering	3		
Streets	6		
Recreation	4		
Rec Center	7	80	
Parks-Forestry	14		
BATS	1	1	
Water-Wastewater	9		

Town of Berthoud
807 Mountain Ave
PO Box 1229
Berthoud, CO 80513-1229
Phone 970.532.2643 Fax 970.532.0640



BILLS SUMMARY MARCH 2025 FINAL

BILLS ALLOWED

TOTAL BILLS	\$ 1,997,097
NET PAYROLL	\$ 348,277

Mayor William Karspeck

Trustee May Albrecht

Trustee Karl Ayers

Trustee Tim Hardy

Trustee Chris Kurtz

Trustee Sean Murphy

Trustee Brett Wing

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1100130000							
78366							
03/25	03/11/2025	78366	USPS-Berthoud	03112025	11-00-130000	Prepaid Expenditures	10,000.00
Total 1100130000:							10,000.00
1100200400							
30525300							
03/25	03/04/2025	305253	Allstate	MARCH 202	11-00-200400	Insurance Payable	887.52
30525302							
03/25	03/04/2025	305253	CIGNA	MARCH 202	11-00-200400	Insurance Payable	55,422.57
30525303							
03/25	03/04/2025	305253	Guardian	MARCH 202	11-00-200400	Insurance Payable	7,054.40
Total 1100200400:							63,364.49
1100410300							
78597							
03/25	03/31/2025	78597	Town of Johnstown	MARCH 202	11-00-4103-00	Sales Tax-General	5,623.03
Total 1100410300:							5,623.03
1100420900							
78365							
03/25	03/11/2025	78365	Braun, Dymond	594606	11-00-4209-00	Restitution	1,000.00
78381							
03/25	03/19/2025	78381	Steck, Andrew	587613	11-00-4209-00	Restitution	200.00
Total 1100420900:							1,200.00
1100465400							
78358							
03/25	03/03/2025	78358	Structure Holdings	DR REFUND	11-00-4654-00	Development Review	3,554.00
Total 1100465400:							3,554.00
1100465500							
78379							
03/25	03/17/2025	78379	LP Communities	SIGN DEPO	11-00-4655-00	Sign Deposit	1,000.00
Total 1100465500:							1,000.00
1101501001							
78484							
03/25	03/04/2025	78484	Xerox Business Solutions	5519065	11-01-5010.01	Office Supplies-General Office	811.54
78511							
03/25	03/11/2025	78511	Culligan of Cheyenne	73773	11-01-5010.01	Office Supplies-General Office	84.00
78582							
03/25	03/24/2025	78582	Quadiant Finance USA, Inc	03012025	11-01-5010.01	Office Supplies-General Office	1,301.00
Total 1101501001:							2,196.54
1101501101							
78559							
03/25	03/19/2025	78559	CenturyLink Business Serv	728521046	11-01-5011.01	Telephone-General Office	7.38

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1101501101:							7.38
1101501500							
78544							
03/25	03/17/2025	78544	CIRSA	1001143	11-01-5015.00	INSURANCE	576.00
Total 1101501500:							576.00
1101501501							
78479							
03/25	03/04/2025	78479	Healthiest You Inc	2025035813	11-01-5015.01	Insurance	990.00
Total 1101501501:							990.00
1101501707							
78532							
03/25	03/13/2025	78532	Front Range Fire Protectio	SD6282	11-01-5017.07	Building Maintenance-Town Hall	595.00
78570							
03/25	03/20/2025	78570	Holbrook Service	F-56545	11-01-5017.07	Building Maintenance-Town Hall	325.00
Total 1101501707:							920.00
1101501804							
78567							
03/25	03/19/2025	78567	The Reporter Herald	2025	11-01-5018.04	Publications/Legal Notice	1,018.95
Total 1101501804:							1,018.95
1101502001							
78549							
03/25	03/19/2025	78549	Cumming Management Gr	165305	11-01-5020.01	Professional Services-Admin	2,457.50
Total 1101502001:							2,457.50
1101502103							
78516							
03/25	03/11/2025	78516	March & Olive, LLC	Multiple	11-01-5021.03	Municipal Judge	913.50
Total 1101502103:							913.50
1101503800							
78463							
03/25	03/04/2025	78463	Hays Market	FEB25	11-01-5038.00	Administrative Expenses	34.99
Total 1101503800:							34.99
1101504003							
78508							
03/25	03/11/2025	78508	Bell, Boge & Associates	39663	11-01-5040.03	Attorney-Municipal Court	2,890.08
Total 1101504003:							2,890.08
1101504103							
78520							
03/25	03/11/2025	78520	Voiance Language Service	2025019577	11-01-5041.03	Court Expenses	3.45

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1101504103:							3.45
1101509501							
78524							
03/25	03/11/2025	78524	Anchor Network Solutions,	Multiple	11-01-5095.01	Computer Maintenance/Replace	4,625.93
Total 1101509501:							4,625.93
1101509601							
78478							
03/25	03/04/2025	78478	Comcast	MARCH25-2	11-01-5096.01	Internet	27.28
Total 1101509601:							27.28
1101524701							
30525301							
03/25	03/04/2025	305253	Caselle Inc.	MARCH 202	11-01-5247.01	Software-Admin	1,941.00
Total 1101524701:							1,941.00
1102501004							
78468							
03/25	03/04/2025	78468	Pioneer Press of Greeley	Multiple	11-02-5010.04	Office Supplies-Code Enf	330.00
Total 1102501004:							330.00
1102503404							
78481							
03/25	03/04/2025	78481	NOCO Humane	1050	11-02-5034.04	Animal Control	3,288.42
Total 1102503404:							3,288.42
1103501101							
78525							
03/25	03/11/2025	78525	Complete Wireless Technol	67513	11-03-5011.01	Telephone	165.00
Total 1103501101:							165.00
1103502106							
78471							
03/25	03/04/2025	78471	University Auto Parts-NAP	Multiple	11-03-5021.06	Light Duty Veh/Equip Maint	241.58
78492							
03/25	03/05/2025	78492	O. J. Watson Equipment	Multiple	11-03-5021.06	Light Duty Veh/Equip Maint	602.26
78527							
03/25	03/11/2025	78527	Prestige Chrysler Dodge	6174330/1	11-03-5021.06	Light Duty Veh/Equip Maint	675.50
Total 1103502106:							1,519.34
1103503602							
78541							
03/25	03/13/2025	78541	Wagner Equipment Compa	Multiple	11-03-5036.02	Heavy Duty Veh/Equip Maint	833.76
Total 1103503602:							833.76
1103503702							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
78550							
03/25	03/19/2025	78550	DISSCO	188058	11-03-5037.02	Materials for Maintenance	1,833.44
Total 1103503702:							1,833.44
1103504007							
78495							
03/25	03/05/2025	78495	Sturgeon Electric	990255	11-03-5040.07	Contract Services	8,286.00
78566							
03/25	03/19/2025	78566	Madmar Welding, LLC	1669	11-03-5040.07	Contract Services	300.00
Total 1103504007:							8,586.00
1103504102							
78557							
03/25	03/19/2025	78557	BeeLine Trucking	2935	11-03-5041.02	Equipment Rental	250.00
Total 1103504102:							250.00
1103504205							
78462							
03/25	03/04/2025	78462	GMCO Corporation	Multiple	11-03-5042.05	Snow/Ice Removal	45,222.36
Total 1103504205:							45,222.36
1103504506							
78373							
03/25	03/11/2025	78373	Republic Services	Multiple	11-03-5045.06	Shop Operations	1,178.05
78467							
03/25	03/04/2025	78467	Mountain View Commercial	Multiple	11-03-5045.06	Shop Operations	2,745.00
78494							
03/25	03/05/2025	78494	Safety & Construction Sup	16862	11-03-5045.06	Shop Operations	239.99
78574							
03/25	03/24/2025	78574	Air Comfort	5037	11-03-5045.06	Shop Operations	1,210.00
78575							
03/25	03/24/2025	78575	Mountain View Commercial	Multiple	11-03-5045.06	Shop Operations	3,110.00
Total 1103504506:							8,483.04
1103504704							
78466							
03/25	03/04/2025	78466	J & A Traffic Products	39323	11-03-5047.04	Signs & Signage	367.00
78486							
03/25	03/05/2025	78486	Colorado Barricade Co	65165550-00	11-03-5047.04	Signs & Signage	1,293.60
Total 1103504704:							1,660.60
1104505601							
78572							
03/25	03/20/2025	78572	Smart Marketing with Easy	5501	11-04-5056.01	Brochures/Advertising	2,908.00
Total 1104505601:							2,908.00
1106510106							
78455							
03/25	03/04/2025	78455	Berthoud Area Chamber Of	3286	11-06-5101.06	Memberships	10,000.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1106510106:							10,000.00
1106511006							
78457							
03/25	03/04/2025	78457	Crazy Good Marketing	4084	11-06-5110.06	Professional Serv-Consultants	127.50
78505							
03/25	03/11/2025	78505	Ayres Associates Inc	221203	11-06-5110.06	Professional Serv-Consultants	17,500.00
Total 1106511006:							17,627.50
1106511206							
78558							
03/25	03/19/2025	78558	Berthoud Weekly Surveyor	Multiple	11-06-5112.06	Marketing	1,802.20
Total 1106511206:							1,802.20
1107501101							
78569							
03/25	03/20/2025	78569	Hilltop Broadband	1489-202503	11-07-5011.01	Telephone	274.86
Total 1107501101:							274.86
1107501209							
78526							
03/25	03/11/2025	78526	Poudre Valley REA	MARCH25	11-07-5012.09	Utilities-facilities/gen parks	1,756.02
Total 1107501209:							1,756.02
1107501309							
78515							
03/25	03/11/2025	78515	Mainstreet Car Care & Qui	Multiple	11-07-5013.09	Vehicle Maint-General Park	321.95
Total 1107501309:							321.95
1107504409							
78626							
03/25	03/27/2025	78626	Pawnee Butte Seed Inc.	Multiple	11-07-5044.09	Fertilizer/Chemicals-gen parks	2,962.00
Total 1107504409:							2,962.00
1107504601							
78378							
03/25	03/17/2025	78378	Kouns, Samantha	UNIFORM 3-	11-07-5046.01	Uniforms	42.98
78584							
03/25	03/31/2025	78584	Kouns, Samantha	UNIFORM 3-	11-07-5046.01	Uniforms	53.83
78588							
03/25	03/31/2025	78588	Visger, Dawson	UNIFORM 3-	11-07-5046.01	Uniforms	129.27
Total 1107504601:							226.08
1107505709							
78470							
03/25	03/04/2025	78470	TNT Private Utility Services	2025042	11-07-5057.09	Repair/Supplies-General Park	350.00
78619							
03/25	03/27/2025	78619	Eggers Electric Inc.	22318521	11-07-5057.09	Repair/Supplies-General Park	165.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1107505709:							515.00
1107505710							
78576							
03/25	03/24/2025	78576	Northern CO Pest & Wildlif	122614	11-07-5057.10	Repair/Supplies-Farm Lease	478.88
Total 1107505710:							478.88
1107505802							
78522							
03/25	03/11/2025	78522	Wear Parts & Equip CO	61462	11-07-5058.02	Equipment Maint-Turf	326.43
Total 1107505802:							326.43
1108521502							
78518							
03/25	03/11/2025	78518	ProCode, Inc.	1417483	11-08-5215.02	Contract Inspections	35,039.94
Total 1108521502:							35,039.94
1110512300							
78578							
03/25	03/24/2025	78578	Paxton Signs	7879	11-10-5123.00	Signage at Entryways	1,500.00
Total 1110512300:							1,500.00
1110512800							
78634							
03/25	03/27/2025	78634	Wilson & Company, Inc.	134533	11-10-5128.00	3rd & Massachusetts	5,295.00
Total 1110512800:							5,295.00
1110513000							
78623							
03/25	03/27/2025	78623	Majestic Surveying	8114	11-10-5130.00	Downtown Building Renovation	7,022.50
Total 1110513000:							7,022.50
1110515100							
78497							
03/25	03/05/2025	78497	Trinity Group Companies	16817	11-10-5151.00	Solar Crosswalk Lights	28,979.78
Total 1110515100:							28,979.78
1110531000							
78573							
03/25	03/24/2025	78573	4Rivers Equipment	1753012	11-10-5310.00	Mini Excavator	71,273.97
Total 1110531000:							71,273.97
1111502201							
78542							
03/25	03/13/2025	78542	Awards Unlimited	Multiple	11-11-5022.01	Planning Commission Support	449.54
Total 1111502201:							449.54

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
1111502301							
78581							
03/25	03/24/2025	78581	Grimditch, Carri	331	11-11-5023.01	Historic Pres. Support	630.76
Total 1111502301:							630.76
1111518603							
78458							
03/25	03/04/2025	78458	Cumming Management Gr	163289	11-11-5186.03	Development Code Updates	4,090.00
78538							
03/25	03/13/2025	78538	Sopher Sparr Architects	24560-0225	11-11-5186.03	Development Code Updates	1,067.56
Total 1111518603:							5,157.56
1111518902							
78507							
03/25	03/11/2025	78507	Baseline Engineering Corp.	FEB25	11-11-5189.02	DEVELOPMENT REVIEW	5,733.50
78521							
03/25	03/11/2025	78521	Vranesh & Raisch	Multiple	11-11-5189.02	DEVELOPMENT REVIEW	3,998.50
Total 1111518902:							9,732.00
1112501702							
78368							
03/25	03/11/2025	78368	Clear Shine Window Cleani	Multiple	11-12-5017.02	Building Maintenance-Maint	60.00
Total 1112501702:							60.00
1112503901							
78474							
03/25	03/04/2025	78474	Berthoud Village Shopping	MARCH25	11-12-5039.01	HOA Fees	4,587.13
Total 1112503901:							4,587.13
1113502001							
78475							
03/25	03/04/2025	78475	Chandlerthinks, LLC	1926	11-13-5020.01	Prof Services-Community	10,676.67
78483							
03/25	03/04/2025	78483	Picture This Creative Servi	241-R-0024	11-13-5020.01	Prof Services-Community	300.00
Total 1113502001:							10,976.67
1113510301							
78460							
03/25	03/04/2025	78460	Digital Print Resources Inc	22093	11-13-5103.01	Printing-Community Outreach	95.00
Total 1113510301:							95.00
1114500901							
78510							
03/25	03/11/2025	78510	Collaborative Group Dyna	202503	11-14-5009.01	Educ/Travel-Engineering	1,000.00
Total 1114500901:							1,000.00
1114504601							
78590							
03/25	03/31/2025	78590	Spaulding, Mark	UNIFORM 3-	11-14-5046.01	Uniforms-Engineering	525.71

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 1114504601:							525.71
2000504002							
78555							
03/25	03/19/2025	78555	Vranesh & Raisch	Multiple	20-00-5040.02	Attorney Fees	11,670.50
Total 2000504002:							11,670.50
2000510602							
78552							
03/25	03/19/2025	78552	Leonard Rice Engineers In	29467	20-00-5106.02	Ditchwide Study	22,630.00
Total 2000510602:							22,630.00
2000510800							
78534							
03/25	03/13/2025	78534	Intera Incorporated	02-25-223	20-00-5108.00	Water Conservation Program	5,775.00
Total 2000510800:							5,775.00
2000520802							
78621							
03/25	03/27/2025	78621	Gopher Excavation Inc	06-2590	20-00-5208.02	Raw Line Maintenance	136,835.00
Total 2000520802:							136,835.00
2100441000							
78314							
03/25	03/10/2025	78314	CB Signature Homes LLC	Multiple	21-00-4410-00	Sale of Water	604.42
78315							
03/25	03/10/2025	78315	BOBLET, KEITH & DEBOR	10337.2	21-00-4410-00	Sale of Water	101.11
78316							
03/25	03/10/2025	78316	VENTURA, WILMER	2062.2	21-00-4410-00	Sale of Water	162.51
78317							
03/25	03/10/2025	78317	PERICH, RYAN & KINZI	10732.3	21-00-4410-00	Sale of Water	81.42
78318							
03/25	03/24/2025	78318	MARTIN CONSTRUCTION	HM1016	21-00-4410-00	Sale of Water	2,059.69
78319							
03/25	03/24/2025	78319	1ST CHOICE CONSTRUC	HM1017	21-00-4410-00	Sale of Water	1,825.38
78320							
03/25	03/31/2025	78320	ADAMS, CHRISTINE	9341.3	21-00-4410-00	Sale of Water	144.45
78321							
03/25	03/31/2025	78321	COFFENBERRY, BRIAN S	10801.2	21-00-4410-00	Sale of Water	37.31
78322							
03/25	03/31/2025	78322	MAYER, EDDIE M & LACE	10938.2	21-00-4410-00	Sale of Water	143.01
78323							
03/25	03/31/2025	78323	BOWER, TODD	2212.4	21-00-4410-00	Sale of Water	78.43
78637							
03/25	03/31/2025	78637	JORDAN, JULIA	1896.2	21-00-4410-00	Sale of Water	163.88
78638							
03/25	03/31/2025	78638	JOHNSON, DUSTIN RYAN	11256.3	21-00-4410-00	Sale of Water	81.73
78639							
03/25	03/31/2025	78639	LAPORTE, MARK & PEGG	1756.4	21-00-4410-00	Sale of Water	80.69
78640							
03/25	03/31/2025	78640	HUNTER, TRUDY	9676.2	21-00-4410-00	Sale of Water	83.95

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 2100441000:							5,647.98
2100500701							
78380							
03/25	03/17/2025	78380	Steuben, Cody	WATER DIST	21-00-5007.01	Licenses and Exams	154.00
78587							
03/25	03/31/2025	78587	Steuben, Cody	Multiple	21-00-5007.01	Licenses and Exams	90.73
Total 2100500701:							244.73
2100500901							
78371							
03/25	03/11/2025	78371	Matthews, Ken	02062025	21-00-5009.01	Travel, Training	32.95
Total 2100500901:							32.95
2100501001							
78364							
03/25	03/05/2025	78364	Office Depot	Multiple	21-00-5010.01	Office Supplies	281.61
Total 2100501001:							281.61
2100501101							
78363							
03/25	03/05/2025	78363	Hilltop Broadband	3582-202502	21-00-5011.01	Telephone	197.15
78561							
03/25	03/19/2025	78561	Comcast	MAR2025	21-00-5011.01	Telephone	457.45
Total 2100501101:							654.60
2100501203							
78636							
03/25	03/27/2025	78636	XCEL Energy	MAR25	21-00-5012.03	Utilities-Treatment	11,165.72
Total 2100501203:							11,165.72
2100503901							
78360							
03/25	03/05/2025	78360	American Water Works Ass	2025	21-00-5039.01	Dues	263.00
Total 2100503901:							263.00
2100504601							
78367							
03/25	03/11/2025	78367	Calderon, Armando	UNIFORM 3-	21-00-5046.01	Uniforms	70.41
78583							
03/25	03/31/2025	78583	Calderon, Armando	UNIFORM 3-	21-00-5046.01	Uniforms	55.21
Total 2100504601:							125.62
2100504701							
78482							
03/25	03/04/2025	78482	Northern Water	MARCH25	21-00-5047.01	Rental of Office Space	4,800.00
Total 2100504701:							4,800.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2100504802							
78361							
03/25	03/05/2025	78361	Cintas First Aid & Safety	Multiple	21-00-5048.02	Safety Equipment	438.00
78362							
03/25	03/05/2025	78362	Grainger	9385261996	21-00-5048.02	Safety Equipment	46.98
Total 2100504802:							484.98
2100505702							
78622							
03/25	03/27/2025	78622	Jones Excavating & Plumbi	5640	21-00-5057.02	Repair, Maint, Supp Dist	5,844.88
78627							
03/25	03/27/2025	78627	Pipehorn Locating Technol	33448	21-00-5057.02	Repair, Maint, Supp Dist	431.00
Total 2100505702:							6,275.88
2100505703							
78498							
03/25	03/05/2025	78498	USA Bluebook	Multiple	21-00-5057.03	Repair, Maint, Supp Treat	853.57
78540							
03/25	03/13/2025	78540	Utility Notification Center of	225020175	21-00-5057.03	Repair, Maint, Supp Treat	546.36
78562							
03/25	03/19/2025	78562	Grainger	Multiple	21-00-5057.03	Repair, Maint, Supp Treat	1,103.99
78563							
03/25	03/19/2025	78563	Hach Co.	Multiple	21-00-5057.03	Repair, Maint, Supp Treat	2,153.45
Total 2100505703:							4,657.37
2100506003							
78513							
03/25	03/11/2025	78513	Hach Co.	Multiple	21-00-5060.03	Chemicals-Treatment	2,448.65
78625							
03/25	03/27/2025	78625	Nalco Company LLC	6603291777	21-00-5060.03	Chemicals-Treatment	41,079.64
78629							
03/25	03/27/2025	78629	PVS DX INC	Multiple	21-00-5060.03	Chemicals-Treatment	7,895.90
Total 2100506003:							51,424.19
2100508103							
78372							
03/25	03/11/2025	78372	Ramey Environmental	Multiple	21-00-5081.03	SCADA	3,354.40
Total 2100508103:							3,354.40
2100510905							
78488							
03/25	03/05/2025	78488	Core & Main	Multiple	21-00-5109.05	Meters-new	9,705.00
Total 2100510905:							9,705.00
2100511102							
78565							
03/25	03/19/2025	78565	Jones Excavating & Plumbi	Multiple	21-00-5111.02	Water Breaks	8,993.74
Total 2100511102:							8,993.74

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2100512401							
78536							
03/25	03/13/2025	78536	McIntyre Lateral Ditch Com	1102	21-00-5124.01	Water Assessments	600.00
78564							
03/25	03/19/2025	78564	Handy Ditch Company	1831	21-00-5124.01	Water Assessments	15,025.50
78571							
03/25	03/20/2025	78571	Loveland Lake And Ditch C	2025	21-00-5124.01	Water Assessments	32,286.72
78577							
03/25	03/24/2025	78577	Northern Water	13145	21-00-5124.01	Water Assessments	44,975.64
Total 2100512401:							92,887.86
2200502100							
78633							
03/25	03/27/2025	78633	Willdan Financial Services	010-61464	22-00-5021.00	Impact Fee Study	1,060.00
Total 2200502100:							1,060.00
2300501101							
78477							
03/25	03/04/2025	78477	Comcast	MARCH25	23-00-5011.01	Telephone-Main Plant	1,867.39
78617							
03/25	03/27/2025	78617	CenturyLink	MAR25	23-00-5011.01	Telephone-Main Plant	285.57
Total 2300501101:							2,152.96
2300501201							
78359							
03/25	03/05/2025	78359	AGFINITY INC	Multiple	23-00-5012.01	Utilities-Main Plant	8,695.17
78469							
03/25	03/04/2025	78469	Poudre Valley REA	FE2025	23-00-5012.01	Utilities-Main Plant	5,926.40
78493							
03/25	03/05/2025	78493	Poudre Valley REA	FEB25-2	23-00-5012.01	Utilities-Main Plant	15,505.34
78547							
03/25	03/19/2025	78547	AGFINITY INC	Multiple	23-00-5012.01	Utilities-Main Plant	4,467.71
78553							
03/25	03/19/2025	78553	Little Thompson Water Dist	FEB25-2	23-00-5012.01	Utilities-Main Plant	219.61
78556							
03/25	03/19/2025	78556	XCEL Energy	FEB2025-4	23-00-5012.01	Utilities-Main Plant	749.46
78628							
03/25	03/27/2025	78628	Poudre Valley REA	MAR2025	23-00-5012.01	Utilities-Main Plant	6,120.42
Total 2300501201:							41,684.11
2300501202							
78472							
03/25	03/04/2025	78472	XCEL Energy	FEB2025-2	23-00-5012.02	Utilities-Regional	1,522.00
Total 2300501202:							1,522.00
2300501203							
78491							
03/25	03/05/2025	78491	Little Thompson Water Dist	FEB2025	23-00-5012.03	Utilities	1,035.41
Total 2300501203:							1,035.41

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2300502004							
78496							
03/25	03/05/2025	78496	TETRA TECH, INC.	52378839	23-00-5020.04	Professional Fees	323.75
78533							
03/25	03/13/2025	78533	GEI Consultants Inc.	003172154	23-00-5020.04	Professional Fees	11,687.00
Total 2300502004:							12,010.75
2300504004							
78530							
03/25	03/13/2025	78530	Clark Hill PLC	1535279	23-00-5040.04	Attorney	1,707.50
78554							
03/25	03/19/2025	78554	Maynes Bradford Shipp &	JAN2025	23-00-5040.04	Attorney	27,778.35
Total 2300504004:							29,485.85
2300505401							
78374							
03/25	03/11/2025	78374	Republic Services	Multiple	23-00-5054.01	Trash	736.14
Total 2300505401:							736.14
2300505701							
78531							
03/25	03/13/2025	78531	Complete Door Systems	51827	23-00-5057.01	Repair, Maint. & Supplies-Main	5,975.00
78537							
03/25	03/13/2025	78537	Ramey Environmental	Multiple	23-00-5057.01	Repair, Maint. & Supplies-Main	96,848.82
Total 2300505701:							102,823.82
2300506001							
78632							
03/25	03/27/2025	78632	Treatment Technology	193746	23-00-5060.01	Chemicals-Main Plant	4,262.50
Total 2300506001:							4,262.50
2300508101							
78514							
03/25	03/11/2025	78514	HOA Solutions	12522	23-00-5081.01	SCADA	157.83
Total 2300508101:							157.83
2300510801							
78485							
03/25	03/05/2025	78485	Colorado Analytical Labs, I	Multiple	23-00-5108.01	Lab Tests-Main Plant	5,000.81
Total 2300510801:							5,000.81
2300511401							
78539							
03/25	03/13/2025	78539	TerraGenesis	J000379	23-00-5114.01	Sludge Hauling-Main Plant	774.43
78630							
03/25	03/27/2025	78630	TerraGenesis	Multiple	23-00-5114.01	Sludge Hauling-Main Plant	4,927.78
Total 2300511401:							5,702.21

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
2300527404							
78382							
03/25	03/24/2025	78382	UMB BANK	BTH2 2025A	23-00-5274.04	Waste Water 2012 Bonds	145,550.00
Total 2300527404:							145,550.00
2300545106							
78499							
03/25	03/05/2025	78499	World Water Works	26308	23-00-5451.06	Plant Equipment Replacement	16,520.00
78548							
03/25	03/19/2025	78548	BMcD/Moltz	3	23-00-5451.06	Plant Equipment Replacement	74,920.92
78635							
03/25	03/27/2025	78635	World Water Works	26668	23-00-5451.06	Plant Equipment Replacement	66,080.00
Total 2300545106:							157,520.92
2400501900							
33125300							
03/25	03/31/2025	331253	Alfa Construction LLC	MARCH 202	24-00-5019.00	ALFA Line Reimbursement	5,500.00
Total 2400501900:							5,500.00
2400527100							
78535							
03/25	03/13/2025	78535	Kimley-Horn and Assoc., In	196724000.0	24-00-5271.00	1st Street Sewer Upgrade	12,230.82
78614							
03/25	03/25/2025	78614	L Paul Kiefer and Nancy J	2025	24-00-5271.00	1st Street Sewer Upgrade	13,947.60
78624							
03/25	03/27/2025	78624	Michelle and Joseph Whit	2025	24-00-5271.00	1st Street Sewer Upgrade	11,080.41
Total 2400527100:							37,258.83
2400527804							
78529							
03/25	03/13/2025	78529	BMcD/Moltz	2	24-00-5278.04	Plant Improvements	152,350.37
Total 2400527804:							152,350.37
2800510600							
78383							
03/25	03/24/2025	78383	Baseline Engineering Corp.	Multiple	28-00-5106.00	Home Supply Ditch Replacement	8,073.50
78487							
03/25	03/05/2025	78487	Consolidated Home Supply	4642	28-00-5106.00	Home Supply Ditch Replacement	1,327.50
Total 2800510600:							9,401.00
3100525000							
78489							
03/25	03/05/2025	78489	Earth Engineering Consult	1254008.1	31-00-5250.00	North Berthoud Parkway Trail	1,217.70
78503							
03/25	03/11/2025	78503	AB Underground	1	31-00-5250.00	North Berthoud Parkway Trail	151,159.63
78615							
03/25	03/27/2025	78615	Baseline Engineering Corp.	33731	31-00-5250.00	North Berthoud Parkway Trail	16,392.00
78618							
03/25	03/27/2025	78618	Earth Engineering Consult	1254008.2	31-00-5250.00	North Berthoud Parkway Trail	985.10

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 3100525000							169,754.43
3400501101							
78579							
03/25	03/24/2025	78579	AT&T Mobility	MARCH 202	34-00-5011.01	Telephone	858.74
Total 3400501101							858.74
3400501301							
78543							
03/25	03/13/2025	78543	Davidson-Gebhardt Chevro	6169254	34-00-5013.01	Vehicle Maintenance	309.56
Total 3400501301							309.56
3400504601							
78586							
03/25	03/31/2025	78586	Miller, Austin	UNIFORM 3-	34-00-5046.01	Uniforms	200.00
Total 3400504601							200.00
3400526600							
78620							
03/25	03/27/2025	78620	Fidelity National Title Comp	Multiple	34-00-5266.00	Arboretum at Waggener Farm	2,500.00
Total 3400526600							2,500.00
3600430600							
78598							
03/25	03/31/2025	78598	Larimer County Sales Tax	MARCH 202	36-00-4306.00	County Open Space Revenue	28,222.86
Total 3600430600							28,222.86
3600526800							
78560							
03/25	03/19/2025	78560	Colorado Portables	I28403	36-00-5268.00	Berthoud Reservoir park Maint	265.00
Total 3600526800							265.00
3700501402							
78490							
03/25	03/05/2025	78490	Kwik Komer	FEB25	37-00-5014.02	Gas & Oil	2,648.31
Total 3700501402							2,648.31
3700505702							
78585							
03/25	03/31/2025	78585	Middlesworth, William	HOME DEP	37-00-5057.02	Repair & Maintenance	85.94
Total 3700505702							85.94
3900501302							
78568							
03/25	03/19/2025	78568	Cardmember Service	FEB2025	39-00-5013.02	Vehicle Maintenance	37,728.15
Total 3900501302							37,728.15

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
3900511402							
33125300							
03/25	03/31/2025	331253	WEX BANK	MARCH 202	39-00-5114.02	Gas & Oil	2,072.58
Total 3900511402:							2,072.58
4100528200							
78385							
03/25	03/24/2025	78385	Berthoud Historical Society	2025	41-00-5282.00	Other Recreation Providers	80,000.00
Total 4100528200:							80,000.00
5100523900							
78519							
03/25	03/11/2025	78519	Town of Mead	3263	51-00-5239.00	Street Improvements	9,846.05
Total 5100523900:							9,846.05
5100524500							
78551							
03/25	03/19/2025	78551	Krische Construction	23047-16	51-00-5245.00	Town Park	76,665.90
Total 5100524500:							76,665.90
5100526600							
78384							
03/25	03/24/2025	78384	Wenk Associates, Inc.	502291	51-00-5266.00	Arboretum	45,135.27
Total 5100526600:							45,135.27
5201500801							
78504							
03/25	03/11/2025	78504	American DataBank LLC	2502266	52-01-5008.01	Background/Physicals	114.32
Total 5201500801:							114.32
5201500901							
78461							
03/25	03/04/2025	78461	Express Toll	2100472777	52-01-5009.01	Training/Education/Travel	4.25
Total 5201500901:							4.25
5201501101							
78480							
03/25	03/04/2025	78480	Hilltop Broadband	4872-202503	52-01-5011.01	Telephone/Internet	407.09
Total 5201501101:							407.09
5201501201							
78523							
03/25	03/11/2025	78523	XCEL Energy	FEB2025-3	52-01-5012.01	Utilities	21,567.56
Total 5201501201:							21,567.56
5201502004							
78473							
03/25	03/04/2025	78473	Xerox Business Solutions	5502038	52-01-5020.04	Purchased Services	27.90

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
Total 5201502004:							27.90
5201505404							
78375							
03/25	03/11/2025	78375	Republic Services	Multiple	52-01-5054.04	Trash Service	817.78
Total 5201505404:							817.78
5201524701							
78512							
03/25	03/11/2025	78512	DaySmart Recreation	01402750	52-01-5247.01	Computer Software	2,288.18
Total 5201524701:							2,288.18
5203501701							
78370							
03/25	03/11/2025	78370	DH Pace Company	SVC/272-558	52-03-5017.01	Building Maintenance/Repair	347.50
Total 5203501701:							347.50
5203502004							
78465							
03/25	03/04/2025	78465	IVR Systems	M25-1013-1	52-03-5020.04	Purchased Services	600.00
78545							
03/25	03/17/2025	78545	Long Building Technologies	SCPAY00059	52-03-5020.04	Purchased Services	781.00
Total 5203502004:							1,381.00
5203508904							
78459							
03/25	03/04/2025	78459	C & B Cleaning	Multiple	52-03-5089.04	Janitor Service	6,951.00
Total 5203508904:							6,951.00
5203510201							
78464							
03/25	03/04/2025	78464	HD Supply formerly Home	Multiple	52-03-5102.01	Supplies/Equipment	1,729.10
Total 5203510201:							1,729.10
5205505701							
78509							
03/25	03/11/2025	78509	CEM Sales & Service	Multiple	52-05-5057.01	Equipment Maintenance/Repair	3,289.71
78616							
03/25	03/27/2025	78616	CEM Sales & Service	165695	52-05-5057.01	Equipment Maintenance/Repair	779.10
Total 5205505701:							4,068.81
5205506001							
78631							
03/25	03/27/2025	78631	The Aqueous Solution, Inc	Multiple	52-05-5060.01	Chemicals	635.93
Total 5205506001:							635.93
5205510201							

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Invoice GL Account Title	Check Amount
78456							
03/25	03/04/2025	78456	CEM Sales & Service	165194	52-05-5102.01	Supplies/Equipment	76.20
Total 5205510201:							76.20
5206502004							
78528							
03/25	03/11/2025	78528	Push Pedal Pull, Inc	399249	52-06-5020.04	Purchased Services	1,140.00
Total 5206502004:							1,140.00
5207502004							
78369							
03/25	03/11/2025	78369	Crest Robotics and Compu	3652	52-07-5020.04	Purchased Services	436.80
Total 5207502004:							436.80
5207502104							
78580							
03/25	03/24/2025	78580	Berthoud Local	Multiple	52-07-5021.04	Wildfire Class	182.40
Total 5207502104:							182.40
5208502031							
78546							
03/25	03/17/2025	78546	Northern Colorado Sports	12087	52-08-5020.31	Officials-Adult Volleyball	840.00
Total 5208502031:							840.00
5209502012							
78517							
03/25	03/11/2025	78517	Northern Colorado Sports	12049	52-09-5020.12	Officials-Youth Basketball	1,150.00
Total 5209502012:							1,150.00
5240570200							
78476							
03/25	03/04/2025	78476	Colorado Portables	127658	52-40-5702.00	Berthoud Bike Park maint	330.00
Total 5240570200:							330.00
5270510100							
78506							
03/25	03/11/2025	78506	Barker Rinker Seacat Archi	15894	52-70-5101.00	Outdoor Pool Feasiblity Study	6,142.50
Total 5270510100:							6,142.50
Grand Totals:							1,997,097.31

March 2025

Beginning and ending fund balances are not included in YTD and TOTAL Budget columns.

GENERAL FUND					PERCENTAGE	
REVENUE					YTD ACTUAL vs	
	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	YTD BUDGET	
TAXES	\$ 1,391,791.27	\$ 1,712,868.86	\$ 2,337,078.50	\$ 9,348,314.00	73.3%	
LICENSES & PERMITS	\$ 14,639.42	\$ 52,378.76	\$ 54,885.00	\$ 219,540.00	95.4%	
INTERGOVERNMENTAL REVENUE	\$ 79,539.57	\$ 151,294.72	\$ 139,896.00	\$ 559,584.00	108.1%	
FINES	\$ 4,092.50	\$ 6,672.50	\$ 8,518.75	\$ 34,075.00	78.3%	
MISCELLANEOUS	\$ 235,010.14	\$ 802,600.60	\$ 548,925.00	\$ 2,195,700.00	146.2%	
TRANSFERS	\$ 45,968.43	\$ 138,356.49	\$ 140,699.50	\$ 562,798.00	98.3%	
PROPERTY SALES & DONATIONS & INS CLAIM	\$ -	\$ -	\$ -	\$ -	0.0%	
RECREATION	\$ 15,461.90	\$ 73,851.51	\$ 46,087.50	\$ 184,350.00	160.2%	
PARKS	\$ 3,295.00	\$ 4,615.00	\$ 2,400.00	\$ 9,600.00	192.3%	
LEASE REVENUE	\$ 8,795.36	\$ 26,290.26	\$ 24,882.00	\$ 99,528.00	105.7%	
TOTAL REVENUE GENERAL FUND	\$ 1,798,593.59	\$ 2,968,928.70	\$ 3,303,372.25	\$ 13,213,489.00	89.9%	

ADMINISTRATION**PERCENTAGE**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	YTD ACTUAL vs YTD BUDGET
ADMIN SALARIES/TAXES/BENEFITS	\$ 115,637.66	\$ 337,340.12	\$ 467,521.75	\$ 1,870,087.00	72.2%
GENERAL OFFICE OTHER	\$ 37,043.25	\$ 348,447.86	\$ 199,188.75	\$ 796,755.00	174.9%
ELECTIONS	\$ -	\$ -	\$ 15,400.00	\$ 61,600.00	0.0%
MUNICIPAL COURT	\$ 3,819.96	\$ 12,435.33	\$ 14,200.00	\$ 56,800.00	87.6%
BOARD & BOARD MEETINGS	\$ 5,494.23	\$ 15,567.10	\$ 23,650.00	\$ 94,600.00	65.8%
FINANCE	\$ 3,613.00	\$ 8,112.59	\$ 4,000.00	\$ 16,000.00	202.8%
BUILDING MAINTENANCE	\$ 3,176.93	\$ 11,270.19	\$ 17,500.00	\$ 70,000.00	64.4%
COMMUNITY SUPPORT	\$ 217.50	\$ 217.50	\$ 25,500.00	\$ 102,000.00	0.9%
TRANSFERS	\$ 1,666.67	\$ 4,999.97	\$ 5,000.00	\$ 20,000.00	100.0%
TOTAL ADMIN EXPENDITURES	\$ 170,669.20	\$ 738,390.66	\$ 771,960.50	\$ 3,087,842.00	95.7%

PUBLIC SAFETY DEPARTMENT**PERCENTAGE**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	YTD ACTUAL vs YTD BUDGET
CODE ENFORCEMENT (INCLUDES SALARY)	\$ 6,418.76	\$ 18,216.59	\$ 52,205.50	\$ 208,822.00	34.9%
LSCO ADMIN SUPPLIES	\$ -	\$ -	\$ 475.00	\$ 1,900.00	0.0%
ANIMAL CONTROL	\$ 3,288.42	\$ 9,865.26	\$ 9,750.00	\$ 39,000.00	101.2%
TRAFFIC CONTROL/PEDESTRIAN SAFETY/ABATE	\$ -	\$ -	\$ 1,500.00	\$ 6,000.00	0.0%
DRUG EDUCATION/PUBLIC EVENTS	\$ 186.07	\$ 1,202.29	\$ 9,550.00	\$ 38,200.00	12.6%
LARIMER COUNTY SHERIFF	\$ 706,463.70	\$ 706,463.70	\$ 718,793.25	\$ 2,875,173.00	98.3%
TOTAL PUBLIC SAFETY EXPENDITURES	\$ 716,356.95	\$ 735,747.84	\$ 792,273.75	\$ 3,169,095.00	92.9%

STREETS DEPARTMENT**PERCENTAGE**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	YTD ACTUAL vs YTD BUDGET
SALARIES/TAXES/BENEFITS	\$ 48,238.21	\$ 122,932.64	\$ 181,661.75	\$ 726,647.00	67.7%
ADMINISTRATION OTHER	\$ 1,087.51	\$ 4,839.15	\$ 8,475.00	\$ 33,900.00	57.1%
STREET REPAIR/MAINTENANCE	\$ 24,752.96	\$ 50,396.03	\$ 68,750.00	\$ 275,000.00	73.3%
CONTRACT SERVICES	\$ 1,315.00	\$ 10,591.00	\$ 7,500.00	\$ 30,000.00	141.2%
SIGNAGE	\$ 1,564.02	\$ 4,697.42	\$ 10,000.00	\$ 40,000.00	47.0%
SNOW REMOVAL	\$ -	\$ 45,222.36	\$ 16,250.00	\$ 65,000.00	278.3%
SHOP & VEHICLE MAINTENANCE	\$ 9,129.02	\$ 23,958.65	\$ 43,250.00	\$ 173,000.00	55.4%
REMOVE OLD STREETS BUILDING	\$ -	\$ -	\$ 6,250.00	\$ 25,000.00	0.0%
TOTAL STREETS EXPENDITURES	\$ 86,086.72	\$ 262,637.25	\$ 342,136.75	\$ 1,368,547.00	76.8%

RECREATION DEPARTMENT**PERCENTAGE**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	YTD ACTUAL vs YTD BUDGET
ADMIN SALARIES/TAXES/BENEFITS	\$ 22,476.60	\$ 64,644.70	\$ 76,019.75	\$ 304,079.00	85.0%
ADMINISTRATION (SUPPLIES, CONCESSIONS)	\$ 4,154.21	\$ 7,045.26	\$ 14,287.50	\$ 57,150.00	49.3%
FLAG FOOTBALL	\$ 345.48	\$ 345.48	\$ 4,747.50	\$ 18,990.00	7.3%
TRACK	\$ -	\$ -	\$ 2,605.75	\$ 10,423.00	0.0%
TENNIS	\$ -	\$ -	\$ 1,447.50	\$ 5,790.00	0.0%
ADULT SOFTBALL	\$ -	\$ -	\$ 1,412.50	\$ 5,650.00	0.0%
YOUTH BASEBALL	\$ -	\$ 50.00	\$ 5,787.50	\$ 23,150.00	0.9%
YOUTH SOFTBALL	\$ 44.24	\$ 113.29	\$ 3,827.50	\$ 15,310.00	3.0%
ADULT KICKBALL	\$ -	\$ -	\$ 1,037.50	\$ 4,150.00	0.0%
ADULT SOCCER	\$ 244.25	\$ 244.25	\$ 1,200.00	\$ 4,800.00	20.4%
SOCCER	\$ 164.93	\$ 164.93	\$ 7,077.50	\$ 28,310.00	2.3%
CAMPS/TOURNAMENTS	\$ -	\$ 213.71	\$ 2,062.50	\$ 8,250.00	10.4%
ADDITIONAL PROGRAMS	\$ -	\$ 1,390.57	\$ 3,025.00	\$ 12,100.00	46.0%
TOTAL RECREATION EXPENDITURES	\$ 27,429.71	\$ 74,212.19	\$ 124,538.00	\$ 498,152.00	59.6%

PARKS DEPARTMENT**PERCENTAGE**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 48,970.81	\$ 133,810.39	\$ 188,961.25	\$ 755,845.00	70.8%
ADMINISTRATION OTHER	\$ 2,465.29	\$ 8,300.82	\$ 8,125.00	\$ 32,500.00	102.2%
INSECT CONTROL	\$ -	\$ -	\$ 15,000.00	\$ 60,000.00	0.0%
FACILITIES MAINTENANCE	\$ 1,866.50	\$ 5,733.62	\$ 14,000.00	\$ 56,000.00	41.0%
TURF/BALLFIELDS	\$ 7,355.49	\$ 8,311.55	\$ 36,625.00	\$ 146,500.00	22.7%
GENERAL PARKS	\$ 11,971.62	\$ 22,298.13	\$ 33,500.00	\$ 134,000.00	66.6%
FLEET MAINTENANCE	\$ 367.18	\$ 2,817.52	\$ 6,500.00	\$ 26,000.00	43.3%
SEASONAL DECORATIONS/BANNERS	\$ -	\$ 2,425.60	\$ 4,750.00	\$ 19,000.00	51.1%
TRANSFER TO FORESTRY	\$ 41,666.67	\$ 124,999.97	\$ 125,000.00	\$ 500,000.00	100.0%
TOTAL PARKS EXPENDITURES	\$ 114,663.56	\$ 308,697.60	\$ 432,461.25	\$ 1,729,845.00	71.4%

ECONOMIC DEVELOPMENT**PERCENTAGE**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 23,440.52	\$ 64,223.08	\$ 48,536.75	\$ 194,147.00	132.3%
ADMINISTRATION OTHER	\$ 192.35	\$ 27,084.95	\$ 11,100.00	\$ 44,400.00	244.0%
BUSINESS DEVELOPMENT/MARKETING	\$ 1,783.37	\$ 25,353.80	\$ 17,775.00	\$ 71,100.00	142.6%
GRANTS - MARKET STUDY & FAÇADE/SIGN	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL ECONOMIC DEV EXPENDITURES	\$ 25,416.24	\$ 116,661.83	\$ 77,411.75	\$ 309,647.00	150.7%

BUILDING DEPARTMENT**PERCENTAGE**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 15,864.06	\$ 43,389.32	\$ 65,554.75	\$ 262,219.00	66.2%
ADMINISTRATION OTHER	\$ 329.51	\$ 1,429.43	\$ 5,150.00	\$ 20,600.00	27.8%
INSPECTIONS	\$ 42,276.99	\$ 130,365.44	\$ 120,000.00	\$ 480,000.00	108.6%
TOTAL BUILDING DEPARTMENT EXPENDITURES	\$ 58,470.56	\$ 175,184.19	\$ 190,704.75	\$ 762,819.00	91.9%

PLANNING DEPARTMENT**PERCENTAGE**

EXPENDITURES	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
SALARIES/TAXES/BENEFITS	\$ 35,742.64	\$ 90,619.74	\$ 127,171.25	\$ 508,685.00	71.3%
ADMINISTRATION OTHER	\$ 832.30	\$ 4,626.43	\$ 9,562.50	\$ 38,250.00	48.4%
COMMISSION SUPPORT	\$ 804.84	\$ 4,218.55	\$ 5,000.00	\$ 20,000.00	84.4%
DEVELOPMENT REVIEW	\$ 9,551.98	\$ 51,714.97	\$ 15,000.00	\$ 60,000.00	344.8%
COMPREHENSIVE PLANNING	\$ 7,800.25	\$ 26,152.38	\$ 32,875.00	\$ 131,500.00	79.6%
TOTAL PLANNING DEPARTMENT EXPENDITURES	\$ 54,732.01	\$ 177,332.07	\$ 189,608.75	\$ 758,435.00	93.5%

ENGINEERING**PERCENTAGE****YTD ACTUAL vs****YTD BUDGET**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	
SALARIES/TAXES/BENEFITS	\$ 20,345.57	\$ 52,063.29	\$ 136,104.00	\$ 544,416.00	38.3%
ADMINISTRATION OTHER	\$ 1,104.93	\$ 21,943.59	\$ 47,275.00	\$ 189,100.00	46.4%
TOTAL ENGINEERING EXPENDITURES	\$ 21,450.50	\$ 74,006.88	\$ 183,379.00	\$ 733,516.00	40.4%

COMMUNITY OUTREACH**PERCENTAGE****YTD ACTUAL vs****YTD BUDGET**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	
SALARIES/TAXES/BENEFITS	\$ 9,103.04	\$ 24,785.93	\$ 25,809.00	\$ 103,236.00	96.0%
ADMINISTRATION OTHER	\$ 55.59	\$ 1,513.02	\$ 2,486.25	\$ 9,945.00	60.9%
COMMUNITY SUPPORT	\$ 10,976.67	\$ 13,248.82	\$ 19,375.00	\$ 77,500.00	68.4%
TOTAL COMMUNITY OUTREACH EXPENDITURES	\$ 20,135.30	\$ 39,547.77	\$ 47,670.25	\$ 190,681.00	83.0%

TOWN HALL-MOUNTAIN AVE**PERCENTAGE****YTD ACTUAL vs****YTD BUDGET**

EXPENDITURES	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	
INSURANCE AND TAXES	\$ -	\$ -	\$ 9,712.50	\$ 38,850.00	0.0%
BUILDING MAINTENANCE	\$ 1,465.64	\$ 4,664.57	\$ 3,416.25	\$ 13,665.00	136.5%
BUILDING REPAIRS	\$ -	\$ -	\$ 131.25	\$ 525.00	0.0%
ELEVATOR MAINTENANCE	\$ -	\$ -	\$ 1,443.75	\$ 5,775.00	0.0%
HOA FEES	\$ 4,587.13	\$ 13,761.39	\$ 14,043.75	\$ 56,175.00	0.0%
DESIGN	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL MOUNTAIN AVE EXPENDITURES	\$ 6,052.77	\$ 18,425.96	\$ 28,747.50	\$ 114,990.00	64.1%

PERCENTAGE**YTD ACTUAL vs****YTD BUDGET**

	CURRENT MONTH	YTD ACTUAL	YTD BUDGET	TOTAL 2025 BUDGET	
TOTAL G.F.C.I. EXPENDITURES	\$ 106,972.99	\$ 441,967.03	\$ 1,607,500.00	\$ 6,430,000.00	27.5%
TOTAL CONTRIBUTION EXPENDITURES	\$ 8,213.40	\$ 23,613.40	\$ 3,850.00	\$ 15,400.00	613.3%

TOTAL EXPENDITURES GENERAL FUND	\$ 1,416,649.91	\$ 3,186,424.67	\$ 4,792,242.25	\$ 19,168,969.00	
TOTAL REVENUE OVER EXPENDITURES	\$ 381,943.68	\$ (217,495.97)	\$ (1,488,870.00)	\$ (5,955,480.00)	

WATER FUND**SOURCE OF SUPPLY****PERCENTAGE**
YTD ACTUAL vs
YTD BUDGET

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL SOURCE OF SUPPLY REVENUE	\$ 107,680.42	\$ 480,507.68	\$ 640,312.50	\$ 2,561,250.00	75.0%
TOTAL SOURCE OF SUPPLY EXPENDITURES	\$ 334,844.62	\$ 486,392.95	\$ 1,847,697.50	\$ 7,390,790.00	26.3%
NET REVENUE OVER EXPENDITURES	\$ (227,164.20)	\$ (5,885.27)	\$ (1,207,385.00)	\$ (4,829,540.00)	

WATER OPERATIONS & MAINTENANCE**PERCENTAGE**
YTD ACTUAL vs
YTD BUDGET

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL WATER OPERATING REVENUE	\$ 245,516.17	\$ 901,896.14	\$ 1,097,000.00	\$ 4,388,000.00	82.2%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 49,626.14	\$ 135,729.80	\$ 245,981.75	\$ 983,927.00	55.2%
ADMINISTRATION OTHER	\$ 106,455.29	\$ 250,255.78	\$ 144,237.50	\$ 576,950.00	173.5%
DISTRIBUTION	\$ 20,543.39	\$ 34,123.18	\$ 97,025.00	\$ 388,100.00	35.2%
TREATMENT	\$ 83,787.23	\$ 117,142.22	\$ 222,175.00	\$ 888,700.00	52.7%
PROFESSIONAL SERVICES	\$ 50,452.49	\$ 139,423.12	\$ 166,437.50	\$ 665,750.00	83.8%
UTILITY BILLING	\$ 1,340.16	\$ 4,632.03	\$ 7,900.00	\$ 31,600.00	58.6%
IMPROVEMENTS	\$ 5,920.00	\$ 25,450.00	\$ 837,500.00	\$ 3,350,000.00	3.0%
TRANSFER	\$ 24,166.67	\$ 72,500.01	\$ 182,346.00	\$ 729,384.00	39.8%
TOTAL WATER OPERATING EXPENDITURES	\$ 342,291.37	\$ 779,256.14	\$ 1,903,602.75	\$ 7,614,411.00	40.9%
NET REVENUE OVER EXPENDITURES	\$ (96,775.20)	\$ 122,640.00	\$ (806,602.75)	\$ (3,226,411.00)	

WATER PLANT CAPITAL IMPROVEMENTS**PERCENTAGE**
YTD ACTUAL vs
YTD BUDGET

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL WATER PLANT CAPITAL REVENUE	\$ 128,633.24	\$ 418,238.73	\$ 587,976.00	\$ 2,351,904.00	71.1%
TOTAL WATER PLANT CAPITAL EXPENDITURES	\$ -	\$ 6,010.00	\$ 475,000.00	\$ 1,900,000.00	1.3%
NET REVENUE OVER EXPENDITURES	\$ 128,633.24	\$ 412,228.73	\$ 112,976.00	\$ 451,904.00	

TOTAL WATER FUND REVENUE	\$ 481,829.83	\$ 1,800,642.55	\$ 2,325,288.50	\$ 9,301,154.00	77.4%
TOTAL WATER FUND EXPENDITURES	\$ 677,135.99	\$ 1,271,659.09	\$ 4,226,300.25	\$ 16,905,201.00	30.1%
NET REVENUE OVER EXPENDITURES	\$ (195,306.16)	\$ 528,983.46	\$ (1,901,011.75)	\$ (7,604,047.00)	

WASTEWATER FUND**WASTEWATER OPERATIONS & MAINTENANCE****PERCENTAGE****YTD ACTUAL vs****YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL WASTEWATER REVENUE	\$ 390,980.22	\$ 1,148,238.73	\$ 957,375.00	\$ 3,829,500.00	119.9%

EXPENDITURES

SALARIES/TAXES/BENEFITS	\$ 18,574.64	\$ 46,664.83	\$ 92,129.50	\$ 368,518.00	50.7%
ADMINISTRATION OTHER	\$ 2,089.43	\$ 130,076.79	\$ 52,996.25	\$ 211,985.00	245.4%
MAIN WASTEWATER TREATMENT PLANT	\$ 45,611.88	\$ 115,538.36	\$ 178,375.00	\$ 713,500.00	64.8%
REGIONAL I-25 TREATMENT PLAN	\$ 8,940.71	\$ 14,735.19	\$ 45,543.75	\$ 182,175.00	32.4%
COLLECTION SYSTEM	\$ 10,664.79	\$ 16,003.47	\$ 57,037.50	\$ 228,150.00	28.1%
PROFESSIONAL SERVICES	\$ 59,219.32	\$ 169,481.57	\$ 205,900.00	\$ 823,600.00	82.3%
UTILITY BILLING	\$ 2,270.31	\$ 7,420.72	\$ 7,900.00	\$ 31,600.00	93.9%
TRANSFER	\$ 20,000.00	\$ 60,000.00	\$ 60,000.00	\$ 240,000.00	100.0%
IMPROVEMENTS	\$ 66,080.00	\$ 196,235.65	\$ 1,125,000.00	\$ 4,500,000.00	17.4%
BOND	\$ 77,969.32	\$ 77,969.32	\$ 226,525.00	\$ 906,100.00	34.4%
TOTAL WASTEWATER EXPENDITURES	\$ 311,420.40	\$ 834,125.90	\$ 2,051,407.00	\$ 8,205,628.00	40.7%

NET REVENUE OVER EXPENDITURES	\$ 79,559.82	\$ 314,112.83	\$ (1,094,032.00)	\$ (4,376,128.00)	
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WASTEWATER CAPITAL IMPROVEMENTS**PERCENTAGE****YTD ACTUAL vs****YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL WASTEWATER CAPITAL REVENUE	\$ 133,894.48	\$ 430,320.10	\$ 523,757.50	\$ 2,095,030.00	82.2%
TOTAL WASTEWATER CAPITAL EXPENDITURES	\$ 59,152.26	\$ 197,788.72	\$ 2,306,500.00	\$ 9,226,000.00	8.6%

NET REVENUE OVER EXPENDITURES	\$ 74,742.22	\$ 232,531.38	\$ (1,782,742.50)	\$ (7,130,970.00)	
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TOTAL WASTEWATER FUND REVENUE	\$ 524,874.70	\$ 1,578,558.83	\$ 1,481,132.50	\$ 5,924,530.00	106.6%
TOTAL WASTEWATER FUND EXPENDITURES	\$ 370,572.66	\$ 1,031,914.62	\$ 4,357,907.00	\$ 17,431,628.00	23.7%

TOTAL REVENUE OVER EXPENDITURES	\$ 154,302.04	\$ 546,644.21	\$ (2,876,774.50)	\$ (11,507,098.00)	
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STORM WATER FACILITIES FUND**STORM WATER OPERATIONS & MAINTENANCE****PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL STORM WATER REVENUE	\$ 71,993.22	\$ 210,584.48	\$ 155,000.00	\$ 620,000.00	135.9%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ -	\$ -	\$ -	\$ -	0.0%
ADMINISTRATION OTHER	\$ 875.00	\$ 2,625.00	\$ 5,812.50	\$ 23,250.00	45.2%
STREET CLEANING	\$ 2,514.86	\$ 2,514.86	\$ 28,250.00	\$ 113,000.00	8.9%
PROFESSIONAL SERVICES	\$ -	\$ -	\$ 7,500.00	\$ 30,000.00	0.0%
IMPROVEMENTS	\$ -	\$ -	\$ -	\$ -	0.0%
TOTAL STORM WATER EXPENDITURES	\$ 3,389.86	\$ 5,139.86	\$ 41,562.50	\$ 166,250.00	12.4%
NET REVENUE OVER EXPENDITURES	\$ 68,603.36	\$ 205,444.62	\$ 113,437.50	\$ 453,750.00	

STORM WATER CAPITAL IMPROVEMENTS**PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL STORM WATER CAPITAL REVENUE	\$ 44,177.78	\$ 147,247.53	\$ 149,500.00	\$ 598,000.00	98.5%
TOTAL STORM WATER CAPITAL EXPENDITURES	\$ 2,097.50	\$ 9,377.25	\$ 566,250.00	\$ 2,265,000.00	1.7%
NET REVENUE OVER EXPENDITURES	\$ 42,080.28	\$ 137,870.28	\$ (416,750.00)	\$ (1,667,000.00)	
TOTAL STORM WATER FUND REVENUE	\$ 116,171.00	\$ 357,832.01	\$ 304,500.00	\$ 1,218,000.00	117.5%
TOTAL STORM WATER FUND EXPENDITURES	\$ 5,487.36	\$ 14,517.11	\$ 607,812.50	\$ 2,431,250.00	2.4%
TOTAL REVENUE OVER EXPENDITURES	\$ 110,683.64	\$ 343,314.90	\$ (303,312.50)	\$ (1,213,250.00)	

SPECIAL REVENUE FUNDS**PARK DEVELOPMENT****PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL PARK DEVELOPMENT REVENUE	\$ 48,173.19	\$ 163,503.38	\$ 377,750.00	\$ 1,511,000.00	43.3%
TOTAL PARK DEVELOPMENT EXPENDITURES	\$ 32,405.65	\$ 199,310.22	\$ 566,250.00	\$ 2,265,000.00	35.2%
NET REVENUE OVER EXPENDITURES	\$ 15,767.54	\$ (35,806.84)	\$ (188,500.00)	\$ (754,000.00)	

PARK DEDICATION**PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL PARK DEDICATION REVENUE	\$ 10,615.63	\$ 41,475.13	\$ 66,312.50	\$ 265,250.00	62.5%
TOTAL PARK DEDICATION EXPENDITURES	\$ 750,000.00	\$ 750,000.00	\$ 187,500.00	\$ 750,000.00	400.0%
NET REVENUE OVER EXPENDITURES	\$ (739,384.37)	\$ (708,524.87)	\$ (121,187.50)	\$ (484,750.00)	

PUBLIC FACILITIES**PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL PUBLIC FACILITIES REVENUE	\$ 20,656.20	\$ 64,423.41	\$ 76,375.00	\$ 305,500.00	84.4%
TOTAL PUBLIC FACILITIES EXPENDITURES	\$ -	\$ 33,640.00	\$ 572,500.00	\$ 2,290,000.00	5.9%
NET REVENUE OVER EXPENDITURES	\$ 20,656.20	\$ 30,783.41	\$ (496,125.00)	\$ (1,984,500.00)	

CONSERVATION TRUST/FORESTRY**PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL CONSERVATION TRUST REVENUE	\$ 81,052.16	\$ 168,057.32	\$ 166,250.00	\$ 665,000.00	101.1%
EXPENDITURES					
SALARIES/TAXES/BENEFITS	\$ 38,720.31	\$ 105,694.02	\$ 135,222.25	\$ 540,889.00	78.2%
ADMINISTRATION OTHER	\$ 243.23	\$ 4,890.48	\$ 3,862.50	\$ 15,450.00	126.6%
FLEET MAINTENANCE	\$ 1,480.55	\$ 2,688.64	\$ 5,000.00	\$ 20,000.00	53.8%
PARK MAINTENANCE & IMPROVEMENTS	\$ 1,250.00	\$ 1,250.00	\$ 5,250.00	\$ 21,000.00	23.8%
TREE MAINTENANCE	\$ 8,579.26	\$ 11,289.67	\$ 19,125.00	\$ 76,500.00	59.0%
EAB RESPONSE	\$ -	\$ -	\$ 11,250.00	\$ 45,000.00	0.0%
TOTAL CONSERVATION TRUST EXPENDITURES	\$ 50,273.35	\$ 125,812.81	\$ 179,709.75	\$ 718,839.00	70.0%
NET REVENUE OVER EXPENDITURES	\$ 30,778.81	\$ 42,244.51	\$ (13,459.75)	\$ (53,839.00)	

LARIMER COUNTY OPEN SPACE TAX**PERCENTAGE
YTD ACTUAL vs
YTD BUDGET**

	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	
TOTAL LARIMER COUNTY REVENUE	\$ 2,342,015.04	\$ 2,349,108.68	\$ 908,750.00	\$ 3,635,000.00	258.5%
TOTAL LARIMER COUNTY EXPENDITURES	\$ 2,314,577.00	\$ 2,478,336.88	\$ 705,000.00	\$ 2,820,000.00	351.5%
NET REVENUE OVER EXPENDITURES	\$ 27,438.04	\$ (129,228.20)	\$ 203,750.00	\$ 815,000.00	

<u>CEMETERY ENDOWMENT</u>						<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u>	
					<u>YTD BUDGET</u>	
TOTAL CEMETERY ENDOWMENT REVENUE	\$ 3,582.14	\$ 10,206.98	\$ 18,125.00	\$ 72,500.00		56.3%
EXPENDITURES						
SALARIES/TAXES/BENEFITS	\$ 5,754.78	\$ 15,244.61	\$ 19,104.00	\$ 76,416.00		79.8%
FUNERALS	\$ -	\$ -	\$ 750.00	\$ 3,000.00		0.0%
MAINTENANCE	\$ 2,344.97	\$ 5,028.18	\$ 7,137.50	\$ 28,550.00		70.4%
IMPROVEMENTS	\$ -	\$ -	\$ 8,750.00	\$ 35,000.00		0.0%
TOTAL CEMETERY ENDOWMENT EXPENDITURES	\$ 8,099.75	\$ 20,272.79	\$ 35,741.50	\$ 142,966.00		56.7%
NET REVENUE OVER EXPENDITURES	\$ (4,517.61)	\$ (10,065.81)	\$ (17,616.50)	\$ (70,466.00)		
<u>BATS</u>						<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u>	
					<u>YTD BUDGET</u>	
TOTAL BATS REVENUE	\$ 9,199.92	\$ 27,642.02	\$ 254,375.00	\$ 1,017,500.00		10.9%
EXPENDITURES						
SALARIES/TAXES/BENEFITS	\$ 8,995.56	\$ 28,353.88	\$ 34,190.00	\$ 136,760.00		82.9%
ADMINISTRATION OTHER	\$ -	\$ 700.99	\$ 2,600.00	\$ 10,400.00		27.0%
DRIVING	\$ 1,026.62	\$ 2,845.39	\$ 7,650.00	\$ 30,600.00		37.2%
SERVICES	\$ -	\$ 75,000.00	\$ 242,500.00	\$ 970,000.00		30.9%
TOTAL BATS EXPENDITURES	\$ 10,022.18	\$ 106,900.26	\$ 286,940.00	\$ 1,147,760.00		37.3%
NET REVENUE OVER EXPENDITURES	\$ (822.26)	\$ (79,258.24)	\$ (32,565.00)	\$ (130,260.00)		
<u>ROAD IMPACT FEES</u>						<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u>	
					<u>YTD BUDGET</u>	
TOTAL ROAD IMPACT REVENUE	\$ 55,309.95	\$ 177,230.32	\$ 223,312.50	\$ 893,250.00		79.4%
TOTAL ROAD IMPACT EXPENDITURES	\$ 2,376.76	\$ 4,730.48	\$ 1,318,074.50	\$ 5,272,298.00		0.4%
NET REVENUE OVER EXPENDITURES	\$ 52,933.19	\$ 172,499.84	\$ (1,094,762.00)	\$ (4,379,048.00)		

<u>RECREATIONAL MMJ</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL RECREATIONAL MMJ REVENUES	\$ 51,895.46	\$ 111,279.57	\$ 162,500.00	\$ 650,000.00	68.5%
TOTAL RECREATIONAL MMJ EXPENDITURES	\$ 80,218.00	\$ 150,218.00	\$ 206,250.00	\$ 825,000.00	72.8%
NET REVENUE OVER EXPENDITURES	\$ (28,322.54)	\$ (38,938.43)	\$ (43,750.00)	\$ (175,000.00)	
<u>1998 1% SALES TAX</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
TOTAL 1998 1% REVENUE	\$ 251,884.75	\$ 407,094.51	\$ 772,656.25	\$ 3,090,625.00	52.7%
TOTAL 1998 1% EXPENDITURES	\$ 1,592,491.52	\$ 1,687,984.35	\$ 1,452,800.00	\$ 5,811,200.00	116.2%
NET REVENUE OVER EXPENDITURES	\$ (1,340,606.77)	\$ (1,280,889.84)	\$ (680,143.75)	\$ (2,720,575.00)	
<u>2019 1% SALES TAX</u>					<u>PERCENTAGE</u>
	<u>CURRENT MONTH</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>TOTAL 2025 BUDGET</u>	<u>YTD ACTUAL vs</u> <u>YTD BUDGET</u>
RECREATION CENTER REVENUE	\$ 181,228.18	\$ 545,661.67	\$ 430,712.50	\$ 1,722,850.00	126.7%
SALES TAX REVENUE/INTEREST	\$ 270,453.63	\$ 449,903.13	\$ 827,656.25	\$ 3,310,625.00	54.4%
TOTAL 2019 1% REVENUE	\$ 451,681.81	\$ 995,564.80	\$ 1,258,368.75	\$ 5,033,475.00	79.1%
RECREATION CENTER OPERATING EXPENSES	\$ 167,584.80	\$ 568,543.18	\$ 630,276.50	\$ 2,521,106.00	90.2%
PARK EXPENSES	\$ 35,123.24	\$ 56,108.27	\$ 1,025,062.50	\$ 4,100,250.00	5.5%
COP PAYMENT AND OTHER EXPENSES	\$ -	\$ 6,142.50	\$ 287,550.00	\$ 1,150,200.00	2.1%
TOTAL 2019 1% EXPENDITURES	\$ 202,708.04	\$ 630,793.95	\$ 1,942,889.00	\$ 7,771,556.00	32.5%
NET REVENUE OVER EXPENDITURES	\$ 248,973.77	\$ 364,770.85	\$ (684,520.25)	\$ (2,738,081.00)	
TOTAL SPECIAL FUNDS REVENUE	\$ 3,326,066.25	\$ 4,515,586.12	\$ 4,284,775.00	\$ 17,139,100.00	
TOTAL SPECIAL FUNDS EXPENDITURES	\$ 5,043,172.25	\$ 6,187,999.74	\$ 7,453,654.75	\$ 29,814,619.00	
TOTAL REVENUE OVER EXPENDITURES	\$ (1,717,106.00)	\$ (1,672,413.62)	\$ (3,168,879.75)	\$ (12,675,519.00)	

TOTAL REVENUE	\$ 6,247,535.37	\$ 11,221,548.21	\$ 11,699,068.25	\$ 46,796,273.00	
TOTAL EXPENDITURES	\$ 7,513,018.17	\$ 11,692,515.23	\$ 21,437,916.75	\$ 85,751,667.00	

BOARD OF TRUSTEES INFORMATION



PUBLIC WORKS DEPARTMENT

Meeting Date:	May 13, 2025
Agenda Title/Subject:	2025 Road Improvements Bid Award
Type of Item:	Consent Agenda
Purpose:	Board approval to Award Contract
Presented by:	Keith Knoll – Public Works Operations Manager

ATTACHMENTS:

- Road Improvements Project Locations
- Coulson Excavating Bid Tab

BACKGROUND:

Town staff received four bids for the 2025 Road Improvements Project. After reviewing the bids and considering previous job experience with the two lowest bidders, staff recommends awarding the project to Coulson Excavating, with a bid of \$692,776.50. Coulson Excavating is also completing the 2025 Tipton St. Improvements project which was awarded on 4/22/2025.

All Pro Pavement	\$682,523.78
Coulson Excavating	\$692,776.50
Caraveo Construction	\$733,337.00
Asphalt Specialties	\$796,145.70

The 2025 Road Improvements Project will include mill and overlay repairs for Hummingbird Pl., Columbine Circle, Munson Ct., Mayo Ct., Welch Ave (1st St. – RR) and S. Berthoud Pkwy (Welch Ave. - Spartan Ave.). One alley segment in Mary's Farm will be repaved with a center concrete drain pan installed. The southeast portion of the 10th St. and Spartan Ave. intersection will be completed with curb, gutter, and full sidewalk connections.

COMMUNITY TOUCHSTONES:

The Board of Trustees' Less-is-More Strategic Plan set a Measurable Milestone Goal of budgeting \$1 million per year for street maintenance for five years. This increased budget focused on Berthoud's infrastructure **Resiliency**, allows funding for new asphalt repairs, reconstructions, and road prolonging asphalt seals, thus increasing the **Sustainability** of our roadways.

FISCAL IMPACT AND FUND SOURCE:

51-00-5038.00 – Sidewalks/ADA - \$350,000.00

51-00-5239.00 – Street Improvements - \$1,550,000.00*

*Approximately \$250,000.00 left over from the 2024 street improvements budget will be rolled over and appropriated to the 2025 street improvement budget.

RECOMMENDED ACTION(S):

Board Approval for town staff to award the 2025 Berthoud Road Improvements Bid Award to Coulson Excavating.

Project Locations



4. BIDDER will complete the Work in accordance with the Contract Documents for the following price(s).

The **2025 Berthoud Road Improvements Project** consists of asphalt mill and overlay of multiple roadways, one alley reconstruction, and a curb-gutter-sidewalk project at Spartan Ave. Additional curb, gutter, drain pan, and sidewalk work adjacent to roadway improvements is also included in the project.

Bidders should follow CDOT standard specifications for ADA ramps, sidewalks, and curbs. LCUASS standards included for rollover curbs but many areas may match existing conditions.

***Construction documents are included for the Spartan Ave improvements and the Mary's Farm Alley Reconstruction**

Bid Item A – Mill & Overlay

ITEM NO	ITEM DESCRIPTION	PAY UNIT	TOTAL QTY	PROJECT UNIT PRICE	PROJECT TOTAL PRICE
1	2" Mill Welch Ave. (1 st St. to Railroad), South Berthoud Pkwy (Welch Ave. to Spartan Ave.), Mayo Ct., Munson Ct. Columbine Circle, Hummingbird Pl.	SY	19,323	\$3.50	\$67,630.50
2	Asphalt Overlay- Hot Bit. Pavement 2-inch (GR SX) (75) (PG64-22)	TON	2500	\$92.00	\$230,000.00
3	Water Valve Adjustment	EA	1	\$375.00	\$375.00
4	Manhole Adjustment	EA	1	\$525.00	\$525.00
5	Traffic Control	LS	1	\$21,500.00	\$21,500.00
6	Welch Ave. Railroad – Insurance & Traffic Control (include permitting)	LS	1	\$8,500.00	\$8,500.00
7	Reconditioning (Full asphalt removal, compaction of 6" Class 6 Road Base, and match existing asphalt pavement 4" min)	CY	1	\$32.00	\$32.00
8	Mobilization	LS	1	\$5,000.00	\$5,000.00

TOTAL PROJECT COST: A

\$ \$333,562.50

Coulson

Bid Item B - Concrete

ITEM NO	ITEM DESCRIPTION	PAY UNIT	TOTAL QTY	PROJECT UNIT PRICE	PROJECT TOTAL PRICE
1	Concrete pan (5ft) removal and replacement	LF	125	\$67.00	\$8,375.00
2	Vertical Curb and gutter removal and replacement	LF	340	\$42.00	\$14,280.00
3	Alley 3" Curb and Gutter Removal and Replacement, 8" thick	LF	160	\$46.00	\$7,360.00
4	Alley Attached 4' sidewalk w. rollover curb (new / remove / replacement) 8" thick	LF	135	\$75.00	\$10,125.00
5	New 4' attached or detached sidewalk construction – No existing sidewalk or flagstone (LF)	LF	430	\$38.00	\$16,340.00
6	Attached 4' sidewalk w. rollover curb (remove/replacement)	LF	700	\$62.00	\$43,400.00
7	Attached 4' Sidewalk Removal & Replacement	LF	340	\$48.00	\$16,320.00
8	Handicap Ramps single per CDOT specs (new, remove and replace) Diagonal	EA	11	\$1,950.00	\$21,450.00
9	1' Driveway transition Strip	LF	60	\$64.00	\$3,840.00
10	Concrete Trip Hazard Grinding	LF	40	\$22.00	\$880.00
11	Asphalt Patching (Grading S) (75) (PG 64-22) 4" Depth	TON	20	\$190.00	\$3,800.00
12	Traffic Control	EA	1	\$4,800.00	\$4,800.00
13	Mobilization	EA	1	\$13,250.00	\$13,250.00

TOTAL PROJECT COST: B

\$ \$164,220.00

Coulson

Bid Item C – Spartan Ave. – Curb, Gutter, and Sidewalk (Design in Bid Set)

ITEM NO	ITEM DESCRIPTION	PAY UNIT	TOTAL QTY	PROJECT UNIT PRICE	PROJECT TOTAL PRICE
1	Survey	Lump Sum	1	\$8,550.00	\$8,550.00
2	Pavement Rotomilling	SY	97	\$10.00	\$970.00
3	Remove Asphalt Mat	SY	76	\$42.00	\$3,192.00
4	Remove Tree & Stump	Each	21	\$460.00	\$9,660.00
5	Fill Material	CY	150	\$89.00	\$13,350.00
6	Hot Mix Asphalt (Grading S)(75)(PG 64-22) - 2" Depth	Ton	65	\$104.00	\$6,760.00
7	Hot Mix Asphalt (Grading SX)(75)(PG 64-22) - 4 " Depth	Ton	125	\$104.00	\$13,000.00
8	Fine Grading and Shaping	SY	270	\$4.00	\$1,080.00
9	6" Vertical Curb and Gutter	LF	366	\$33.00	\$12,078.00
10	Sidewalks	SY	225	\$72.00	\$16,200.00
11	Concrete Driveway	SY	25	\$89.00	\$2,225.00
12	ADA Ramps	Each	2	\$1,950.00	\$3,900.00
13	Remove and Relocate Wire Fence	LF	20	\$75.00	\$1,500.00
14	Remove and Replace Ground Signs and Mailbox	Each	3	\$525.00	\$1,575.00
15	Topsoil	SY	230	\$12.00	\$2,760.00
16	Seeding	Acre	.22	\$3,750.00	\$825.00
17	Geotech Testing	Lump Sum	1	\$5,500.00	\$5,500.00
18	Traffic Control	Lump Sum	1	\$9,300.00	\$9,300.00
19	Mobilization	Lump Sum	1	\$5,600.00	\$5,600.00

TOTAL PROJECT COST: C

\$ \$118,025.00

Coulson

Bid Item D – Alley Improvement: 1st-2nd Iowa-Colorado (Design in Bid Set)

ITEM NO	ITEM DESCRIPTION	PAY UNIT	TOTAL QTY	PROJECT UNIT PRICE	PROJECT TOTAL PRICE
1	Unclassified Excavation (Removal)	CY	36	\$79.50	\$2,862.00
2	Asphalt and Concrete Removal	SY	1100	\$7.50	\$8,250.00
3	Subgrade preparation	SY	967	\$6.00	\$5,802.00
4	Hot Mix Asphalt (Grading S)(75)(PG 64-22) - 2.5" Depth	SY	525	\$15.00	\$7,875.00
5	Hot Mix Asphalt (Grading SX)(75)(PG 64-22) - 1.5 " Depth	SY	315	\$12.00	\$3,780.00
6	Concrete Drive Apron with FiberMesh (8 Inch)	SY	65	\$114.00	\$7,410.00
7	2' Concrete Pan (Fibermesh Reinforcement)	LF	622	\$45.00	\$27,990.00
8	Materials/Geotech Testing	Lump Sum	1	\$3,300.00	\$3,300.00
9	Mobilization	Lump Sum	1	\$5,500.00	\$5,500.00
10	Traffic Control	Lump Sum	1	\$4,200.00	\$4,200.00

TOTAL PROJECT COST: D**\$ \$76,969.00****TOTAL PROJECT COST: A + B + C + D****\$ \$692,776.50**

Bidder acknowledges that quantities are not guaranteed, and final payment will be based on actual quantities determined as provided in the Contract Documents.

Coulson

Proclamation

MENTAL HEALTH AWARENESS MONTH 2025

WHEREAS, mental illnesses are common in the United States and across the world. They do not discriminate based on one's age, income, education, religion, race, or place of residence; and

WHEREAS, mental illnesses are prevalent among adults (23.1% of the U.S. adult population), young adults (36.2% of people ages 18-25 in the U.S.), and adolescents (49.5% of people ages 13-18 in the U.S.). Tens of thousands of Larimer County residents have reported poor mental health and an inability to access needed behavioral health care in past community surveys; and

WHEREAS, barriers to behavioral health care in Larimer County are identified as the cost of care, timely access to providers in our community, stigma around seeking help, transportation issues, and a lack of insurance coverage for services; and

WHEREAS, access to necessary medication, appropriate treatment, care coordination, and responsive peer support help prevent individuals from populating emergency rooms and jails, which are often the default locations for people with acute mental health and substance use needs; and

WHEREAS, We envision that Larimer County becomes a community where people are empowered and supported in accessing a full range of behavioral health services that promote well-being for all; and

WHEREAS, In recent years, Larimer County saw declines in the rates of suicide and overdoses; these numbers represent people, and every person's life matters. This is cause for celebration but also a reminder that success in this work is qualitative and quantitative; and,

NOW, THEREFORE, I, William Karspeck, Mayor of Town of Berthoud, do hereby proclaim May as Mental Health Awareness Month in the Town of Berthoud recognizing that mental health is a fundamental component of overall well-being and is essential to living a healthy and productive life – full of joy, dignity, and purpose.

Given under my hand in these free United States in the Town of Berthoud, on this 13th day of May 2025, and to which I have caused the Seal of the Town of Berthoud to be affixed and have made this proclamation public.

William Karspeck, Mayor

Proclamation

YEAR OF PHILANTHROPY 2025

WHEREAS, in 1975, a group of dedicated community leaders in Fort Collins saw the need to establish a community foundation to receive gifts and make impactful grants to improve arts and cultural offerings and people's experience in the growing community; and

WHEREAS, in 1993, Berthoud joined other Northern Colorado communities to enrich their nonprofit sector and quality of life for its residents, as the Berthoud Community Fund; and

WHEREAS, over the years the Berthoud Community Fund has contributed \$780,000 through more than 300 grants to support the nonprofit sector serving its residents and natural environment; and

WHEREAS, the NoCo Foundation is celebrating its 50th anniversary in 2025 and is recognizing the thoughtful generosity and long-term investments in the communities where it serves, such as Berthoud; and

WHEREAS, community philanthropy, large and small, makes a difference today and for the next generations.

NOW, THEREFORE, I, William Karspeck, Mayor of Town of Berthoud, do hereby proclaim 2025 as the

YEAR OF PHILANTHROPY



In the Town of Berthoud. Given under my hand in these free United States in the Town of Berthoud, on this 13th day of May 2025, and to which I have caused the Seal of the Town of Berthoud to be affixed and have made this proclamation public.

William Karspeck, Mayor

BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	May 13, 2025
Agenda Title/Subject:	Outdoor pool expansion at the Rec Center
Type of Item:	Regular Item
Purpose:	Update Outdoor Pool design concept
Presented by:	Administration

ATTACHMENTS:

- PORT committee recommendations/meeting minutes from March 2025

BACKGROUND: Previously, Input was given from a joint study session of PORT/Board members in early October 2024 and followed up with a Town Board meeting on February 11, 2025, to work on a pool design concept for an addition at the current Recreation Center.

After more consultant effort from the feedback on the design concept, Staff went back to the PORT committee at the April meeting and presented a few concepts and to discuss all the possibilities of the pool addition project. Staff presented several alternatives at that meeting for a pool concept outdoors, enclosed, as well as a combined indoor/outdoor site plan. (See attached minutes.) The direction from the PORT members in a general summary was to design an outdoor pool, add a separate kiddy pool, and feature an outdoor 8 lane lap/activity pool. Staff has updated the design with those recommendations and will present it to the Board of Trustees for the pool expansion at the Rec Center.

FISCAL IMPACT AND FUND SOURCE:

The previous funding for the efforts of the initial design services to date from the consultant was budgeted for 2025 and to come from 2019 1% fund. Any further design documents and construction documents would need to be approved at the annual appropriation/supplement budget time.

Budget line item: 52-00-5101-00 2019 1% Sales Tax \$38,000

COMMUNITY TOUCHSTONES:

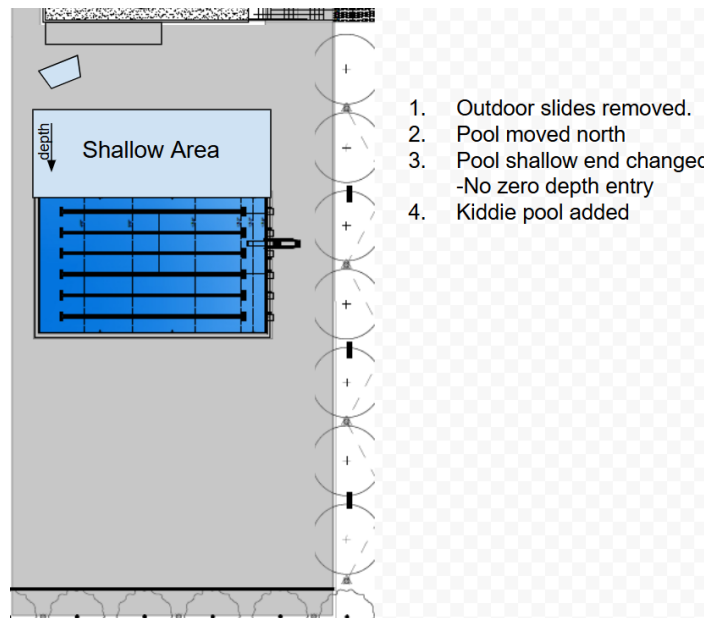
The Town of Berthoud is committed to creating recreational amenities that reflect our community's values of **sustainability**, **resiliency**, and stewardship for the residents. We believe that a healthy, vibrant community is built upon a foundation of balancing that responsibility with the enjoyment of creating additional recreational spaces.

RECOMMENDED ACTION(S):

Staff is requesting direction from the Trustees if they would like to move forward by approving staff to work with BRS Architecture to complete full design and bid documents for future construction of the pool addition at the Recreation Center

PORT committee recommendations/consensus feedback

1. A diving board is desired.
2. A separate kiddie pool body of water would be ideal. It is understood by the members this recommendation would require a separate pump system/building and additional funding.
3. Port question- Can the design be simplified?
 - a. No zero entry – but still multiple depth zones for different age groups.
 - b. Large rectangle
 - c. This could possibly create two additional swim lanes(unofficial), warm-up & cool down lanes used during swim meets. – 8 lanes total (6 official, 2 unofficial)
 - d. Move pool north closer to building – less concrete, lower cost?
4. Can staff provide more research on 25-yard vs 25-meter?
5. Is 12' depth confirmed as necessary for diving well?
6. Shaded and lawn spaces are desired.
7. PORT recommends the gutter and walls for the pool are in line and vertical. Gutters sticking out past the wall cause swimmers to hit ankles when flip-turning.
8. PORT supports another joint meeting with the BOT to discuss overall design and intended pool use to confirm everyone is on the same page for “why exactly we are building this”.



Future Phasing

1. Is there a way to design the outdoor pool now in a way that would make enclosing the pool fully in the future possible? If more funding became available to enclose the pool ever and make it a 4-season pool. PORT's preference is an outdoor pool.
 - a. Moving it north could allow a roof to be attached off the current Rec Center.



PORT COMMITTEE MEETING MINUTES

**Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Wednesday, April 2, 2025 - 6:00 p.m.**

This is an IN-PERSON meeting at the location and time noted above.

This meeting will be streamed live on YouTube. The live stream is accessible by visiting www.berthoud.org/stream

A. Call to Order – The PORT Committee meeting was called to order by L. Roth at 6:00pm.

B. Roll Call

- Lauren Roth – Chair – Here
- Carolyn Hobson – Vice Chair – Here
- Anna Murphy – Secretary – Here
- Callie West – Here
- Kari Wiesen – Here
- Sean Henry – Here
- Michael Brennan – Not Here
- Audrey Roth, BYAC Liaison – Here
- Karl Ayers, Trustee Liaison – Here
- Keith Knoll, Staff Representative – Here

C. Approval of Minutes – March 5, 2025

- K. Wiesen noted her name was misspelled on the March 5, 2025 minutes. This was corrected in the minutes. No further changes or edits to the minutes were proposed. C. West motioned to approve the revised March 5, 2025 PORT Committee meeting minutes. S. Henry seconded. All in favor. Minutes were approved.

D. Public Comment – Non-Discussion Items

- None.

E. Discussion Items

- a. **Outdoor Pool Presentation** – Jeremy Olinger – Deputy Town Administrator

- J. Olinger shared a presentation with PORT, providing additional context to the Parks Master Plan since 2018, followed by a discussion on three separate proposals on the pool expansion. He began by discussing the parks system vision from the 2018 Parks Master Plan, part of the 2018 Master Plan (adopted by the Town Board of Trustees on August 28, 2018), which include Richardson (a.k.a. “MVP”), Kneival, Waggener and Town Parks.
- Historical priorities were: 1) Waggener Farm Park (needed funding for Rec Center); 2 & 3) Richardson or Town Park (depending on budget); 4) Kneival. Early Design Sentiment was not to duplicate amenities and to try and “check as many boxes” for as many community members as possible when doing these projects.
 - *Waggener Farm Park* – Since 2019, funding for the Berthoud Recreation Center (BRC) was approved by the voters and BRC was built and included indoor aquatics (leisure pool), a gymnasium, weight area, climbing wall, fitness/wellness programs, etc. Another part of Waggener Farm Park currently under review is the arboretum and this pool project.
 - *Richardson & Town Park* – Both were taken together as part of the design process. The re-design of Town Park started in 2022. Town Park (Phase I) has since been completed and includes a new park, removal of the pool (almost 50 years old at the time), and addition of a splash pad (as the pool at BRC pool was already in place), shelters, etc. The design phase of Richardson Park, located North of Loveland Reservoir, is complete and all the way to the Construction Document (CD) phase. Theoretically, this plan could be put out to bid in a month.
 - *Kneival* – No work on this park since 2018 (on the backburner with other Parks and projects taking priority).
 - *Other* – Over the past two years, eight additional pickleball courts (at Waggener Park) as well as the Berthoud Bike Park at MVP were added as amenities to the Town (total: \$3.4M).
- Future Projects
 - *Town Park Phase II* – CDs complete
 - *Richardson (MVP Park)* – CDs complete
 - J. Olinger noted the Town needs ball fields, as ~30 teams are scheduled every summer, and ~8-12 teams are scheduled on the shoulder months. They are sharing space with the high school seasons. There are currently two fields at Bein Park. 8U teams have two town fields for programming games. There’s one field at Ivy Stockwell for practice, and one field was lost this year at Berthoud Elementary (road construction plans in progress). Staff feel the addition of baseball fields is of higher priority than reflected in recent surveys as it is a larger community programming need than an individual one.
 - *Arboretum at Waggener Farm Park* – 60% design to CDs
 - *Jaskowski property* – design plans complete
 - *Additional trail sections* – working to identify new sections
 - *Roberts Lake Eastern side* – design plans complete
 - *Cemetery expansion* – design plans complete
 - *Updated concepts for the pool* – J. Olinger noted the pool conceptual design has changed over time as more feedback has come in. Space for staff offices at the BRC is tight, and rentable community spaces have been

popular at the BRC. The addition of both office and rentable community space could be considered alongside updated pool design concepts if a building facility was preferred in that space instead of an outdoor pool.

- *Newell Farm and Kneival property* – recently requested to be added to the design/project list.
- J. Olinger continued explaining why we are considering the pool addition, noting the initial direction was to replace the outdoor pool that was previously at Town Park. Some of the boxes that could be checked for the community may include: replacing the outdoor pool experience; additional lap lanes/take strain off BRC pool lap lanes in the summer; swim team practices and ability to host CARA swim meets; swim programming; and more aquatics amenities. Some of the boxes that would not be checked include: year-round pool access; not a replacement for high school swim team practices; likely unable to host indoor swim meets. J. Olinger discussed also the option/idea to have a natatorium in this space at BRC currently under consideration for a pool as a response to the additional community feedback. The natatorium would be an indoor pool and would need to include a large enough deck to host a swim meet, including participants, coaches, team members, and fans all inside the building.
- J. Olinger noted additional considerations and concerns of building an outdoor pool in the space include the visual from road; future land lock of the property space with an additional aquatic facility; and the efficiency of adding on to an existing facility (BRC) vs. building another facility; need for additional office and rental event, conference, and community space; additional parking will be needed with the addition of each new amenity; additional bathroom facility would be required.
- J. Olinger reminded PORT that the former Town Park pool was in an “L” shape, with six lap lanes, a diving board, concrete, and trees. He also highlighted feedback and also some confusion from on an informal online survey with some respondents including examples of pools they liked: Sunset, Winona and Raindance. One PORT member noted these are just examples of what is out there and may not reflect actual needs.
- The cost estimate for the addition of a separate kiddie pool was \$360k, and an additional \$550k to increase the lane size from six to eight. A 25-yard pool was confirmed as competition length for CARA and CHSAA (high school). Staff also researched natatorium and enclosure options and associated costs. It would cost an additional \$400k to add a retractable roof to the cost of building the actual facility, for example.
- J. Olinger ended his presentation showing three different conceptual ideas for the direction of the pool. After discussion and clarifying questions from PORT members, these concepts were merely to show three different options/directions:
 - Concept A – Option showing an outdoor pool only (based on the initial design, (cost: ~\$6.8M)
 - Concept B – Option showing an indoor (natatorium) and outdoor pool combo (cost: ~\$18M)
 - Concept C – Option showing an indoor only natatorium (cost: ~\$12.2M)
 - It was noted that costs could easily increase 5% year over year (or more) with the current tariff situation as well as 6% annually in construction escalation costs..
- PORT members discussed all three options. One PORT member strongly recommended if an indoor competition pool was being explored to have

conversations with the district, however there were doubts they would even be interested in leasing pool space as they have their own pool and costs to maintain.

- There was a discussion about aquatics plans for Richardson Park (currently proposed as a resort-style pool area and is part of Phase III). The timeline for Phase III of Richardson is unclear and will depend on other priorities of the Town. J. Olinger noted that while this Park is at CDs, the design could change if the needs of the town change although would require additional investment to make those changes. Infrastructure (plumbing) is already in place at the current rec center to help accommodate an outdoor pool if that is still preferred.
- One PORT committee member noted that while many HOAs have pools, they are inaccessible for the majority of the town, and the goal with the pool is to have it accessible to the general population and a spot for the community.
- Question about the impact of everything else the Town is working on vs. the different financial costs of the pool. It was noted limited town owned land for recreation and parks amenities is at a priority. If a higher ticket item was desired sooner, a funding initiative/loan would be a possible path. Financial question – huge range in prices here
- One PORT committee member reflected on three key aspects an outdoor pool addresses: community, culture, and sport. An outdoor pool in a community is the town's living room. There is a cultural aspect of being outside and swimming. It is important to recognize swimming as a sport and to promote kids and adults learning the sport of swimming.
- PORT Committee members continued the indoor vs. outdoor pool discussion, and PORT reiterated their recommendation was to replace the previous outdoor pool at town park but make it better, i.e., "Town Park 2.0". They also noted the pool may not or doesn't have to be everything to everyone. Concept A would scratch the itch of an outdoor pool, and one member said they'd like to see money from the higher ticket proposals B & C spent elsewhere.
- A. Roth expressed urgency in building an outdoor pool. She is a freshman in high school and may only have a year or two to enjoy the pool with her friends. She is on the swim team and has to travel to Mountain View for practice.
- Discussion around a "bubble" around a pool. J. Olinger noted he visited a YMCA in Lafayette, which had a "bubble" and noted the air circulation was poor, there unpleasant smells and it took time for staff to take it down/put it away.
- The pool is slated for discussion with the Town board in April.
- Public Comment
 - Mr. Hindman (Sr.) had an opportunity to share feedback on the pool proposals. He believed the role of PORT is to create a vision of the recreation needs of the town and provide the leadership to get it done.
 - He asked PORT to consider not duplicating the expense of an outdoor pool at both Richardson and the BRC and also noted a poor return on investment (ROI) on a summer pool
 - He advocated for a year-round lap swimming (indoor) or an indoor/outdoor option and noted again that three year-round lap lanes are not sufficient for the community, especially, as other activities (e.g., swim lessons, water aerobics, lifeguard and fire department training, etc.) are also taking place in this area.

- Suggested exploring a pavilion with open air sides option that would be cheaper than a natatorium. One PORT member noted that enclosing the pool would alter the feel of the open air/outdoor pool.
- After further discussion, A. Murphy motioned that PORT recommend to the Board to pursue an improved version of Concept A, including consideration of elements of the outdoor pool of Concept B in the design. These considerations include:
 - Eight lane pool (25 yds.)
 - Kiddie pool
 - Shade areas and trees
 - Lawn space.
 - Diving board
 - Diving blocks (for swim meets)
 - Consideration of the previous PORT design mockup by K. Knoll, with consideration by professionals of the impact of waves on the design.
 - Potential for a slide but not necessary
- K. Wiesen seconded the motion. All in favor. Motion passed unanimously.

F. Staff updates – Parks, Open Space, Recreation, and Trails

- K. Knoll – Arbor day is April 26 at Pioneer Park at 10:00am. Trail is being built along N. Berthoud Parkway and will be open next month; the signal light might not be installed until June. Staff and Vantage are talking with Handy Ditch to ensure they are compliant with their rules.
- A. Gustafson – Summer registration started on April 1. Spring Craft Fair will be held on April 12. Skate-a-Palooza will be held on April 16. Berthoud market is starting on June 14 from 9:00am-1:00pm at Town Park. Currently, 23 vendors are signed up. Suggestion to have signage on Hwy 56 and additional advertising.
- PORT committee members thanked J. Olinger for his time and for coming in to speak to the committee.

G. Committee updates

- A. Roth – BYAC met this morning, are working on details for the youth summit on May 9, and are working to attend other youth meetings to advertise for the summit.
- K. Weisen – Thanked J. Olinger for sharing the bigger picture/context and noted the trail on Berthoud Parkway looks great.
- C. Hobson – Raised the concern about the school zone on Hwy 56 (near Hays Market) being taken away. Larimer County Sheriff and Town fought it. The group discussed some things that have been done such as lowering the speed limit, flashing lights on the speed limit sign, pedestrian sign, etc. CDOT is also going to allow traffic guards to operate. Suggestion to have crosswalks with flashing red lights.
- L. Roth – Went to the town rebranding meeting, where people were asked to write words associated with the Town of Berthoud. Parks and rec and trails came up quite a bit, so thanks to PORT.
- K. Ayers – Noted a citizen complained about a lack of leash laws for cats, as a cat came into their yard and scared their own cat. K. Ayers asked for PORT to consider sharing any feedback or ask around on the issue.

H. Adjourn

- A. Roth motioned to adjourn the meeting, and C. Hobson seconded, all in favor.
Meeting adjourned at 8:19pm.

Next meeting: Wednesday, May 7, 2025 - 6:00 pm. If you require a special accommodation, please contact the Town Clerk 24 hours in advance at (970) 532-2643.

BOARD OF TRUSTEES INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	May 13, 2025
Agenda Title/Subject:	Consideration of Adoption of a Resolution of Substantial Compliance regarding a petition for Annexation filed by HT Land Partners and setting the matter for a public hearing, Resolution Number 08 (Series 2024)
Type of Item:	Regular Item
Purpose:	Consider acceptance of an Annexation Petition and setting a public hearing date for June 24, 2025
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Resolution 08 (Series 2025)
- Annexation Petition and Legal Description
- Letter of Intent
- Annexation Map

BACKGROUND:

The applicant, HT Land Partners submitted a petition to annex approximately 35 acres of land generally located east of and adjacent to State Highway 287, approximately 1300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue / State Highway 56. The property is in unincorporated Larimer County, Colorado. This proposed annexation is west of and adjacent to Harvest Ridge south which was annexed to the Town of Berthoud and received approval of a final plat in October, 2021.

This petition was originally brought to the Town Trustees for consideration on March 28, 2023. The applicant did not proceed forward with the Annexation, Zoning or Neighborhood Master Plan at that time. This particular Petition is the same as what was brought before you two years ago. There are changes to be presented with the Neighborhood Master Plan should the Trustees move forward with the Petition.

This particular agenda item is to establish that the Petition was filed correctly and that there is an interest to hear the Annexation request by establishing a public hearing in accordance with Colorado Revised Statutes (C.R.S.) and the Municipal Code Section 30-8-104.B.3. This particular agenda item does not consider the merits of the Annexation, zoning request or the neighborhood master plan. These items will be discussed at the future public hearing. This particular agenda item only sets the record that the Annexation Petition has been filed correctly, that there exists an interest in annexation and to establish a public hearing date to hear the details of the proposed project.

Findings of compliance with the adequacy of filing the petition and establishing an interest in hearing the request are found below:

1. Staff has reviewed the application materials submitted and find they are in substantial compliance with Section 30-8-103 of the Municipal Code. Staff further finds the Petition submitted substantially complies with the criteria established in C.R.S. § 31-12-104 for annexation eligibility as follows:
 - a. That not less than 1/6 of the perimeter of the area proposed for annexation is contiguous with the Town of Berthoud.
 - i. Staff has found that the property perimeter is approximately 4,933 feet and is contiguous with the Town for approximately 2,421 feet which is equivalent to 49.1% of the property being contiguous with the Town of Berthoud. This percentage exceeds the requirement of 1/6th contiguity.
 - b. That a community of interest exists between the area proposed to be annexed and the annexing municipality; that the area is urban or will be urbanized in the near future; and that area is integrated with or is capable of being integrated with the Town of Berthoud. The fact that the area proposed for annexation has the contiguity with the Town of Berthoud shall be a basis for finding of compliance with these requirements.
 - i. Staff has found that in addition to the contiguity requirement being exceeded, the Town of Berthoud has designated this property as compatible with Suburban Residential land uses in accordance with the Comprehensive Plan Future Land Use Map adopted by the Town in 2021. Should the Town Trustees proceed to establish a date for a public hearing to consider the annexation, a zoning application along with a Neighborhood Master Plan will be presented to the Planning Commission and the Town Trustees in a public hearing. It is at this time that both the Trustees and Planning Commission will take public testimony.

Municipal Code Section 30-8-104.B.3 outlines the steps that the Town Board of Trustees must take to determine if the submitted Annexation Petition is in substantial compliance with the Colorado Annexation Act, as follows:

- a. If the petition is found to be in substantial compliance with C.R.S. § 31-12-107, as amended, the Town Board may, by the adoption of a Resolution of Substantial Compliance, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than 30 days nor more than 60 days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108, as amended.
 1. Staff has found that the Annexation Petition filed is in substantial compliance with the requirements for annexation petition application materials found in C.R.S. § 31-12-107.
- b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the determination shall be made by resolution of the Town Board.
 1. This provision is not applicable as the Annexation Petition was found to be in compliance with Colorado Revised Statutes.
- c. If the Town Board, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution.
 1. The Town Board may, in its sole discretion, find that the annexation is not in the best interest of the Town and deny the petition by resolution.

UPDATE/NEXT STEPS:

Should the Town Board of Trustees find the annexation petition has been filed correctly and that there is an interest to hear the Annexation request, the Trustees shall establish a public hearing date of June 24, 2025. It is at this public hearing where the merits of the application request including the annexation, change of zone and neighborhood master plan will be reviewed and public testimony is taken.

FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town by reviewing the Annexation Petition.

COMMUNITY TOUCHSTONES:

The 2021 Comprehensive Plan Future Land Use Map identifies this property as being compatible with future suburban residential development. Adherence to the 2021 Plan ensures the vision of the community established through the master planning process is upheld inclusive of the objective to establish a clear new vision for the future of Berthoud reflecting community values. In addition, the applicant shall be held accountable in achieving the goals and action items outlined in the plan. Should the Board of Trustees set a public hearing date, staff will evaluate the submitted application materials for an annexation, change of zone and master development plan to ensure substantial compliance with Colorado Revised States and the Municipal Code processing standards, as well as with the vision of the 2021 Comprehensive Plan and the Design Standards found in 30-2-102 of the Municipal Code. By doing so, the applications will also be evaluated to meet the community touchstones of maintaining community identity, resiliency and sustainability.

Should the Board of Trustees set a public hearing date, staff will evaluate the submitted application materials for an annexation, change of zone and neighborhood master plan to ensure substantial compliance with Colorado Revised States and the Municipal Code processing standards, the intent of the vision established in the 2021 Comprehensive Plan, and the Design Standards found in 30-2-102 of the Municipal Code. By doing so, the applications will also be evaluated to meet the community touchstones of maintaining community identity, resiliency and sustainability.

RECOMMENDED ACTION(S):

Staff recommends the Town Board of Trustees find the annexation petition filed by HT Land Partners is substantially compliant with C.R.S. 31-12-107 and 31-12-108 as well as Sections 30-8-103 and 30-8-104 of the Municipal Code and set June 24, 2025 as a public hearing date to evaluate the Annexation, Change of Zone and the Neighborhood Master Plan.

The following motion is provided for consideration:

I move to accept the annexation petition filed by HT Land Partners as being substantially compliant with C.R.S. 31-12-107 and 31-12-108 as well as Sections 30-8-103 and 30-8-104 of the Municipal Code and set June 24, 2025 as a public hearing date to evaluate the Annexation, Change of Zone and the Neighborhood Master Plan.

RESOLUTION NUMBER 08

(SERIES 2025)

A RESOLUTION OF SUBSTANTIAL COMPLIANCE REGARDING PETITION FOR
ANNEXATION FILED BY HT LAND PARTNERS, LLC AND SETTING THE MATTER
FOR A PUBLIC HEARING

WHEREAS, HT Land Partners, LLC as property owner (“the Petitioner”), filed with the Town Clerk a Petition for Annexation on February 20, 2023; and

WHEREAS, thereafter, Petitioner let lapse its application for annexation following said Petition for Annexation being found to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes by the Town Board of Trustees on March 28, 2023; and

WHEREAS, Petitioner has requested that the Town consider its Petition for Annexation (the “Petition”) as if newly filed; and

WHEREAS, at its meeting held May 13, 2025, the Town Board of Trustees of the Town of Berthoud has considered whether to initiate annexation proceedings and whether the Petition is in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

1. The Town Board of Trustees hereby finds that the Petition substantially complies with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes and that annexation proceedings should be initiated upon the Petition of the following described territory to the Town: An approximately 35-acre property commonly known as Parcel Number 9427000011, further described in Exhibit A, and generally located approximately 1,300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue, in Larimer County, Colorado.
2. 6:30 P.M. on June 24, 2025 is thereby established as the date and time, and Berthoud Town Board of Trustees Chambers, 807 Mountain Avenue, Berthoud, Colorado, as the place for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, Colorado Revised Statutes or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

MOVED, SECONDED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES
OF THE TOWN OF BERTHOUD, COLORADO THIS 13th DAY OF MAY, 2025

TOWN OF BERTHOUD

By _____

William Karspeck, Mayor

ATTEST:

By: _____

Christian Samora, Town Clerk

Published in the

First Publication: _____, 2025

Second Publication: _____, 2025

Third Publication: _____, 2025

Fourth Publication: _____, 2025

EXHIBIT A

Legal Description of Territory Proposed to be Annexed

Harvest West
PETITION FOR ANNEXATION

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads, and easements, which is legally described on **Exhibit “A”** and depicted on **Exhibit “B”**, and affirm the following to be true and correct as of March 3, 2025, our petition for annexation is filed with the Town of Berthoud. Please refer to **Exhibit “C”** Supplement to Petition for Annexation for additional information narrative on the statutory requirements being met.

CONTIGUITY:

1. The perimeter of the total proposed annexations has a distance of 4934 feet of which 2421 feet are contiguous to the existing Town Limits of Berthoud.
2. The annexation is 49.1% contiguous.
3. The proposed annexations contain approximately 34.6 acres.
4. The requirements of Colorado Revised Statutes §31-12-104 and §31-12-105, exist or have been met.
5. We further allege:
 - a. It is desirable and necessary that the territory be annexed to the Town of Berthoud. Per the Town’s Future Land Use Map, this parcel is within the Town’s Growth Management Area.
 - b. A community of interest exists between the territory and the Town of Berthoud. This parcel has been designated as a Suburban zoning in the Town’s Future Land Use Map.
 - c. The territory is integrated or capable of being integrated with the Town of Berthoud. Due to this site being located adjacent to past developments, city utilities are available to serve the parcel.
 - d. The territory is urban or will be urbanized in the near future. This site is adjacent to past developments with suburban zoning and this site has also been designated as suburban per the Future Land Use Map.
 - e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

- f. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.
6. The requested zoning classification is SR (Suburban Residential) and is consistent with the Town of Berthoud Comprehensive Plan.
7. The Petitioners understand that there may be a significant period of time before municipal utilities will be available but anticipate that urbanization will be able to take place at a pace acceptable to them without immediate access to these utilities. Until urbanization takes place the petitioners intend to maintain their properties in their current uses, which uses are acceptable to the Town of Berthoud.
8. The Petitioners have submitted the petition with the intention that the property will be developed in accordance with Berthoud's Development Code, Comprehensive Plan, Municipal Code, resolutions, and ordinances.
9. The Petitioners are aware that Berthoud has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety, and welfare of its citizens. Examples of Berthoud's fees which are acceptable to the petitioners include fees for: building, electric, construction meter, plan review, building permit administration, parks, trails and open space, public facilities infrastructure, streets, drainage, police facility infrastructure, general administration facility infrastructure, water administration, water meter, water tap, sewer tap, raw water, and other supplemental fees as appropriate.
10. The Petitioners understand that Berthoud is required by Colorado Revised Statutes to prepare and file an annexation impact report. The Petitioners will prepare a proposed annexation impact report and provide it to Berthoud for review and consideration six (6) weeks prior to the hearing.
11. The Petitioners agree to dedicate free and clear of all liens and encumbrances of any kind, and at no charge to the Town, all easements and rights-of-way for streets and other public ways and for other public purposes, within the Property as outlined in a Subdivision Improvements Agreement (approved at the time of final subdivision plat).
12. The Petitioners agree to dedicate, with the subdivision of the Property and at no cost to the Town, all required easements and right-of-way for installation and maintenance of infrastructure.
13. The Petitioners agree to design and install transportation infrastructure, utility infrastructure, and stormwater improvements to serve the Property prior to the issuance of any building permits for all or any portion of the property in accordance with Town standards. The Petitioners shall make such other improvements as

required by Town ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Berthoud, to dedicate to Berthoud any or all other required improvements. The Petitioners agrees to enter into a subdivision improvements agreement pertaining to such improvements and other matters at time of final plat.

14. The Petitioners agree that oversizing agreements may exist that the Petitioners may be responsible for his/her fair share for oversizing of infrastructure. Likewise, Petitioners acknowledges that the Town may require the Petitioners to oversize infrastructure, which would be reimbursed by subsequent developers. The Petitioners acknowledge that the Town shall facilitate reimbursement of any financial participation by the Petitioners, over and above the proportionate impact of the development. Such reimbursement shall come from new development directly connecting to the improvements.
15. The Petitioners agree to satisfy the public land dedication and landscaping requirements specified in the Town's Development Code.
16. The Petitioners agree that future development of the site will comply with any adopted infrastructure plans including but not limited to transportation, drainage, water, sewer, land use, parks, trails, open space and comprehensive plans.
17. The Petitioners agree that the design, improvement, construction, development, and use of the property shall be in conformance with, and that Petitioners shall comply with, all municipal, county, state and federal statutes, ordinances, rules and regulations.
18. The Petitioners agree that all land use approvals and building permits for the development of the Property shall be subject to requirements including, but not limited to, the payment of impact fees and development charges and other land use and development requirements in effect at the time that such proposed development applies for a building permit.
19. The Petitioners agree to convey to the Town, all water rights necessary for development and all irrigation water rights and associated carrying rights and groundwater rights associated with the property, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, unless the Town in writing rejects any or all such water rights. Water rights may be conveyed on a pro-rata basis as building permits are issued.
20. Berthoud has various enterprise funds through which the utilities provided by Berthoud are financed. Examples of Berthoud's services are its water, wastewater, and drainage utilities. Berthoud's Board of Trustees believe that the provision of

utilities by Berthoud assists in complying with the *Berthoud Comprehensive Plan* and *Berthoud Development Code* and the petitioners request that Berthoud provide all utility services which are available now or in the future through Berthoud at a cost comparable to that which can be provided by any third party.

21. The Petitioners understand that the R2-J School District forms an integral part of the Berthoud community. Berthoud has enacted fees to support the acquisition of land by this School District. The Petitioners are aware of these fees and agree to financially support the District's land acquisition programs.

The terms of this Petition are binding on the heirs, devisers, successors and assigns of the parties. Therefore, the undersigned hereby request that the Town of Berthoud approve the annexation of the areas described herein.



Alex Hoime

3/10/2025

Date

EXHIBIT A
Harvest West
Annexation
LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

EXHIBIT B
Harvest West
ANNEXATION MAP

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.



March 14, 2025

Town of Berthoud
807 Mountain Avenue
Berthoud, CO 80513
970.532.2643

RE: Letter of Intent for Harvest West Subdivision

Members of the Board,

HT Land Partners, LLC would like to propose the subdivision of Harvest West to develop an 81 lot residential community. Refer to the Neighborhood Master Plan Narrative for additional description.

The property is adjacent to Harvest Ridge North and Harvest Ridge South, located to the east, and Legacy Park, located to the north. Utility services will be provided by connecting to the existing infrastructure in the adjacent Harvest Ridge North and Harvest Ridge South developments. It has been determined in the development of Harvest Ridge North and Harvest Ridge South that the existing infrastructure will be sufficient to serve the 86 dwelling units. The neighborhood master plan application materials include a utility study and will-serve letters have been provided from Xcel and PVREA. We have been coordinating with the Town Operations and Public Works divisions regarding access, off-site improvements, potable and non-potable water as well as sanitary sewer provisions. The preliminary plan will include Construction Documents at 80% completion for review.

The development is not anticipated to have a significant impact on the transportation infrastructure. Per the preliminary traffic impact study, the project is anticipated to generate 811 daily weekday trips, 60 AM total peak hour trips, and 81 PM total peak hour trips. There are existing left turn deceleration lanes on S. Berthoud Parkway at both full movement intersections (Art Drive and Swan Peter Drive) and per the preliminary traffic impact study, are sufficient to accommodate this development. We understand there will be off-site improvements needed and these are captured in the Annexation Agreement and will be confirmed in the Development Agreement with the engineering and design provided with future application submittals.

The existing drainage of the site is split into two major basins that are divided by an irrigation ditch on the property. A diversion structure will be installed on the ditch to allow for the flows to be routed in different directions to ensure downstream users continue having access. The flows will be routed through pipes, with one approaching the southwest corner of the project and another pipe will be routed through the park space towards the adjacent project where an existing irrigation pipe is located. The piping system will be routed through the southeast corner of the property to serve the adjacent landowner. Area to the north of the irrigation ditch flows northeast and contributes to the Dry Creek



Major Basin as identified in the Berthoud Stormwater Master Plan. Area to the south of the irrigation ditch flows southeast and contributes to the Ish Reservoir Major Basin as identified in the Berthoud Stormwater Master Plan. The proposed development will maintain existing drainage patterns. Flows from the residential lots will sheet flow to the proposed streets and will be directed via curb and gutter and inlets to detention ponds. After detaining and treating the stormwater, the ponds will discharge at a controlled release rate. The stormwater management system will be designed and submitted for review with the preliminary and final plats.

The intention of the development is to cater to small and mid-size local builders and incorporate a modern farmhouse style architecture. The proposed zoning for this area is SR. Upon completion of the Final Plat, the development will provide an Architectural Diversity Plan to the Town for review and approval. The housing diversity standards have been met by proposing three housing types: Single Family detached, Single family detached (rear loaded) and Two-family housing.

The impact on the Berthoud Public School system is expected to be minimal. The demographic profile of prospective homebuyers in this community predominantly consists of individuals around retirement age, who are less likely to have school-aged children. The developer and the school district have collaborated and the resulting discussions indicate that approximately 39 students will reside within the Harvest West development, further indicating the limited strain on local educational resources.

We are proposing a suburban residential zone district which is consistent with the Future Land Use Map. The following goals and strategies of the Comprehensive Plan are embodied in this proposal and are as follows:

- Bike and pedestrian trails, which connect to future, regional trail systems
- Tree lined streets
- Increase interconnectivity to adjacent neighborhoods
- Lower density homes on larger lots as well as a range of housing
- Mix of housing serving varying needs, budgets and life stages of residents
- Diverse collection of private parkland, open space and trails

The proposed project is consistent with the rationale and criteria set forth in the Development Code, the Comprehensive Plan, and the Parks, Open Space, Recreation, and Trails (PORT) Plan as amended. The utility and transportation design is adequate to serve the development. We have incorporated these details into our Neighborhood Master Plan and a few examples of that are as follows: a diversity of housing, a trail system, additional open space and parkland proposed beyond Code requirements.

The project is not located within a Metro District which ultimately creates a benefit to the future homeowners of this subdivision, further reducing additional out of pocket expenses that would



otherwise be incurred within a Metro District. The common spaces will be maintained by the HOA. The HOA will manage the non-potable system, if this feature can be accommodated.

Requirements in the 2024 Berthoud Development Code for Subdivision Identity (§ 30-2-131), Parks and Open Space (§ 30-2-109), and lot size and diversity (§ 30-2-116) will be met. Subdivision Identity elements being evaluated include:

- trail system
- greenway
- pocket park
- artwork
- fencing and walls
- useable open space

Per Section (§ 30-2-109), the park components will include all elements of List A. Other Park components being considered include:

From List B

- Shelters with picnic tables
- 15,000 sf of turf play area
- 10,000 sf natural area

From List D

- Playground
- Community building

From List E

- Barbecue grills
- Benches
- Trailhead parking
- Restroom enclosures

There will be at least 3.5 acres of open space including 0.94 acres of park space. Refer to the Neighborhood Master Plan Narrative for additional description on how these requirements are met.

Negative impacts on adjacent land uses are not anticipated as the development will be a continuation of what has been proposed and intended zoning on adjacent properties. Per discussions with our partners on the adjacent Harvest North and South projects, many of our builders have communicated their excitement and desire to partner again on the Harvest West project due the local demand of their products.



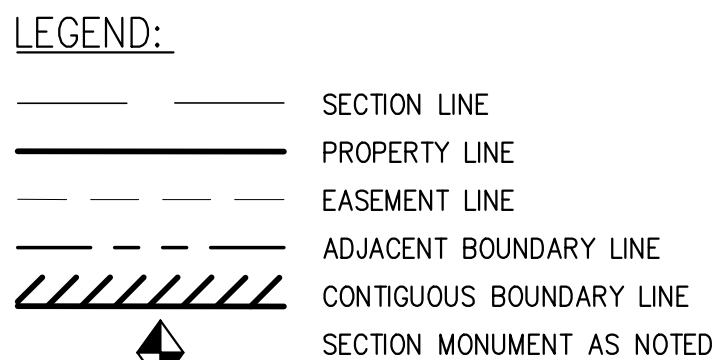
Please refer to the Annexation Assessment Report for additional impacts and details

I appreciate your time in reviewing this preliminary plat submittal package. Please feel free to contact me at 970-290-1970 with any questions.

Sincerely,

Alex Hoime, PE
HT Land Partners, LLC
320 N Lincoln Ave
Loveland, CO 80537

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH
PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO



HARVEST WEST ANNEXATION
TOTAL PERIMETER OF ANNEXED PARCEL - 4,933.95'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) - 822.33'
CONTIGUOUS TO PRESENT TOWN BOUNDARY - 2421.06'

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH
00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
THERE TO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 0°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'39" EAST A DISTANCE OF 80.00 FEET; NORTH 0°01'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 101.11 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 02°02'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

1. BEARINGS BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS SOUTH 00°20'18" EAST ACCORDING TO THE PLAT OF HARVEST RIDGE NORTH.
2. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ENDORSEMENT 25201694, DATED FEBRUARY 21, 2025 WAS RELIED UPON FOR RECORD DATA REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS ANNEXATION MAP.
3. THE TOTAL AREA OF PROPERTY ANNEXED IS 34.56 ACRES.
4. THIS MAP IS NOT A LAND SURVEY PLAT.
5. THE MINERAL RIGHTS ASSOCIATED WITH THE PROPERTY BEING ANNEXED ARE OWNED BY THE PROPERTY OWNER. THERE IS NO EVIDENCE AVAILABLE THAT MINERAL RIGHTS HAVE BEEN TRANSFERRED.
6. THE CURRENT ZONING OF THE ANNEXED PROPERTY IN UNINCORPORATED LAMAR COUNTY IS R-2, RURAL RESIDENTIAL. THE PROPOSED ZONING IN THE TOWN OF BERTHOUD IS SR, SUBURBAN RESIDENTIAL.
7. PROPERTY ADDRESS: NONE.

THERE ARE NO KNOWN OR ANTICIPATED MINING OPERATIONS ASSOCIATED WITH THE EXISTING SITE OR PROPOSED WITH THIS PROJECT. THERE ARE NO KNOWN COMMERCIALLY VIABLE MINERAL DEPOSITS ONSITE.

A vicinity map showing the location of the site. The map includes a north arrow in the top left corner. Key features include:

- DRY CREEK**: A dashed line representing a creek flowing from the top left towards the center.
- WCR 6**: A horizontal line representing a well control road.
- WCR 4E**: A horizontal line representing a well control road.
- WCR 4**: A horizontal line representing a well control road.
- SCR 21**: A vertical line representing a section corner road.
- HWY 287**: A vertical line representing a highway.
- BERTHOUD PKWY**: A vertical line representing a parkway.
- LITTLE THOMPSON**: A dashed line representing a creek flowing from the bottom right towards the center.
- SITE**: A rectangular area outlined in black, located between WCR 6 and WCR 4E, east of SCR 21 and west of HWY 287.
- SWECK LATERAL**: A dashed line representing a lateral flow, located between WCR 6 and WCR 4E, west of the site.
- SPARTAN**: A rectangular area outlined in black, located in the top right corner of the map.

THIS IS TO CERTIFY THAT THE ANNEXATION OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE TOWN OF BERTHOUD, PASSED AND ADOPTED ON THE _____ DAY OF _____, A.D., _____ AND THAT THE MAYOR OF THE TOWN OF BERTHOUD AS AUTHORIZED BY SAID ORDINANCE OF BEHALF OF THE TOWN HEREBY FOR ALL ACKNOWLEDGES AND ADOPTS THE SAID ANNEXATION UPON WHICH THE CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED HEREON.

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO THIS
_____ DAY OF _____, A.D., _____.

MAYOR

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD,
COLORADO, THIS _____ DAY OF _____ A.D., _____.

ATTEST:

TOWN CLERK

HT LAND PARTNERS LLC

ALEX HOIME, MANAGER FOR
HT LAND PARTNERS LLC

STATE OF COLORADO)
SS)
COUNTY OF LARIMER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS _____ DAY OF _____, 20_____
BY ALEX HOIME, MANAGER FOR HT LAND PARTNERS LLC

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES

NOTARY PUBLIC

I, VLADI SKREJEV, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY IS CONTIGUOUS TO THE TOWN OF BERTHOUD, COLORADO. THE MAP WAS COMPILED USING EXISTING PLATS, DEEDS, AND LEGAL DESCRIPTIONS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATED THIS _____ DAY OF _____, 20____.

VLADI SKREJEV, PLS 38705

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.

BOARD OF TRUSTEES

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	May 13, 2025
Agenda Title/Subject:	Public Hearing: Consider adoption of proposed amendment to Chapter 30, specifically regarding Natural Healing Centers and Natural Medicine Businesses, Introduction Ordinance 1353
Type of Item:	Public Hearing
Purpose:	Amendment to Chapter 30, specifically regarding the consideration of language to create Section 14: Regulations for Natural Medicine Healing Centers and other Natural Medicine Businesses, Introduction Ordinance 1353
Presented by:	Anne Johnson, Community Development Director

ATTACHMENTS:

- Ordinance 1353
- Exhibit A to Ordinance: Code language
- Potential Properties for Natural Medicine
- State-issued Frequently Asked Questions
- State Summary Information
- Legislative Summary for Senate Bill 23-290
- Senate Bill 23-290, executed version
- Article, "Colorado's Bold Move to Legalize Psychedelics" from the periodical, *Colorado Lawyer* dated July/August 2024
- Evidence of public notice

BACKGROUND:

The State of Colorado voted to pass Proposition 122 in November, 2022. This new legislation is known as the Natural Medicine Health Act which accomplished two items: 1) to establish a regulatory program for access to natural medicine; and 2) to decriminalize personal use of natural medicine for adults.

The State Department of Revenue (DOR) is responsible for licensing and regulating healing centers as well as licensing and regulating cultivation, manufacturing and testing facilities. DOR has established that Natural Medicine currently includes Psilocybin and Psilocyn initially and the listing of medicines may expand. Proposition 122 also allows for personal use.

Planning Commission held a work session on March 27, 2025 to learn of the specific uses and ask questions of the State regulatory authority. Planning Commission held a public hearing on April 10, 2025 and voted to send the draft Code language to the Board of Trustees for approval and inclusion into the Land Development Code.

UPDATE AND NEXT STEPS:

The only change to Ordinance 1353 is the inclusion of Natural Medicine Healing Centers and Other Natural Medicine Businesses to the land use table found in Section 3 of Chapter 30 of the Town Municipal Code.

This particular meeting is the public hearing before the Town Trustees. Planning Commission held a work session on March 27 followed by a public hearing on April 10, 2025. The Town Trustees introduced this item in a public hearing on April 22, 2025. Publication was made in accordance with the Municipal Code.

FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in establishing regulations for local control to ensure the uses proposed will conform to the Town's land use requirements.

COMMUNITY TOUCHSTONES:

Consideration of the addition to the Town Code does not negatively impact community touchstones. Consideration of approval of the request does provide a mechanism to ensure any proposed uses are developed in accordance with the Town's guidelines which support sustainability, resiliency and community identity.

RECOMMENDED ACTION(S):

For Approval

I move to approve Ordinance 1353 and adopt the Town's Natural Medicine Healing Centers and Other Natural Medicine Businesses regulations as presented. The State of Colorado voted to pass Proposition 122 in November, 2022 and the Town has the ability to regulate time, place and manner of operation of these facilities.

For Denial

I move to deny the introduction of the regulations for Natural Medicine Healing Centers and Other Natural Medicine Businesses to the Town Board of Trustees for the following reasons: _____

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1353**

**AN ORDINANCE ADOPTING THE TOWN OF BERTHOUD NATURAL MEDICINE HEALING
CENTERS AND NATURAL MEDICINE BUSINESSES REGULATIONS AS SECTION 14 IN
CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE**

WHEREAS, the People of the State of Colorado approved the citizens’ initiative known as “Proposition 122: Access to Natural Psychedelic Substances,” which is now codified in C.R.S. §§ 12-170-101 through 115 (the “Enabling Act”); and

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of five (5) natural psychedelic mushrooms (psilocybin and psilocin) and three (3) plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline); and

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities; and

WHEREAS, the Enabling Act allows the state to expand the type of substances that may be used in licensed facilities to include plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline), starting in 2026; and

WHEREAS, the Enabling Act prohibits local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to regulate the time, place and manner of operation of these facilities; and

WHEREAS the State of Colorado has established that local jurisdictions are only allowed to regulate time, place and manner for Natural Medicine Healing Centers and Natural Medicine Businesses; and

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in C.R.S. §§ 44-50-101 through 904 (the “Regulatory Act”), to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture and testing of these substances; and

WHEREAS, the Regulatory Act also provides that local jurisdictions, such as the Town of Berthoud, “may enact ordinances or regulations governing the time, place, and manner of the operation of licenses issued within its boundaries;” and

WHEREAS, the Regulatory Act provides that the “state licensing authority” as defined by the Regulatory Act, will “not receive or act upon an application for the issuance of a natural medicine business license” ... “[f]or a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine product as contemplated is not permitted under the applicable zoning laws of the local jurisdiction;” and

WHEREAS, the Regulatory Act further provides that the state licensing authority will not receive or act upon an application for the issuance of a Natural Medicine Business License “[i]f the

building where natural medicine services are provided within one thousand feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility;” and

WHEREAS, the Regulatory Act further provides that “the governing body of a municipality, by ordinance; . . . may vary the distance restrictions imposed by [the Regulatory Act]. . . for a License or may eliminate one or more types of schools or facilities from the application of a distance restriction established by or pursuant to [the Regulatory Act];” and

WHEREAS, the Town Board of the Town of Berthoud desires to enact this Ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Exhibit A which contains a new Section 14 to Chapter 30 of the Berthoud Municipal Code has been approved. The Land Use Table found in Section 3 of Chapter 30 of the Berthoud Municipal Code has been amended.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing to adopt the Berthoud Natural Healing Centers and Natural Medicine Businesses regulations.

[INTENTIONALLY LEFT BLANK]

INTRODUCED, READ, AND APPROVED on first reading this 22nd day of April, 2025.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

INTRODUCED, READ, ADOPTED, AND APPROVED on second reading this 13th day
of May, 2025.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

**Chapter 30 Section 14: REGULATIONS FOR NATURAL MEDICINE HEALING CENTERS AND OTHER
NATURAL MEDICINE BUSINESSES**

**Chapter 30 Section 3: LAND USE TABLE INCLUSION OF THE USES “NATURAL MEDICINE HEALING
CENTERS” AND “OTHER NATURAL MEDICINE BUSINESSES”**

30-14-101 Authority; relationship to other laws

- A. The Town Board of Trustees hereby finds and declares that it has the power to adopt this Section and the prohibitions set forth herein pursuant to Part 1 of Article 50 Colorado Natural Medicine Code of Title 44 of the Colorado Revised Statutes, and Part 3 of Article 50 License Types of Title 44 of the Colorado Revised Statutes; the Town of Berthoud Municipal Code; and Article 20 of Title 29 Local Government Regulation of Land Use, Article 15 Exercise of Municipal Powers, and Part 3 of Article 23 Zoning of Title 31 of the Colorado Revised Statutes, as may be amended from time to time.
- B. This Section is known and may be cited as the "Berthoud Natural Medicine Code." Reference to the Berthoud Natural Medicine Code and the applicable section or sections thereof shall be sufficient when citing the provisions of this Section in any legal document, including, but not limited to, summons, subpoena, pleading, summons and complaint, and memorandum.
- C. All natural medicine businesses shall meet the requirements of the Colorado Natural Medicine Code, all other applicable state laws, the Colorado Regulated Natural Medicine Rules, as promulgated by the department of revenue and the Natural Medicine License Rules and Regulations, as promulgated by the department of regulatory agencies. The Colorado Regulated Natural Medicine Rules and the Natural Medicine License Rules and Regulations as either or both may be amended are collectively referred to in this Section as the Colorado Natural Medicine Rules.
- D. All persons cultivating natural medicine, and operating natural medicine cultivation facilities, testing facilities, products manufacturing facilities, and natural medicine healing centers shall meet the requirements of the Town of Berthoud Development Code, as provided in Chapter 30 of the Berthoud Municipal Code, including all applicable overlay district provisions and standards. For example, a person redeveloping any land for any such shall meet the requirements of the then current site design, architectural and landscaping standards.

30-14-102 Purpose

The Town Board of Trustees declares that the purpose of this Section is to provide for the regulation of natural medicine businesses within the Town for the purpose of protecting the health, safety, and welfare of Berthoud residents and guests.

30-14-103 Definitions

As used in this Section, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this Section. Other definitions not specifically enumerated in this Section shall be as defined, as applicable, in the Colorado Natural Medicine Code, and the Colorado Natural Medicine Rules.

Administration session means a session conducted at a healing center, or other location if permitted by the Colorado Natural Medicine Code or Colorado Natural Medicine Rules, during which a participant consumes and experiences the effects of natural medicine under the supervision of a facilitator.

Colorado Natural Medicine Code means Article 50 of Title 44 of the Colorado Revised Statutes, as may be amended from time to time.

Colorado Natural Medicine Rules means those rules governing state-licensed natural medicine businesses and state-licensed facilitators as set forth in the Colorado Code of Regulations, 1 CCR 213-1 and 4 CCR 755-1, as may be amended from time to time.

Facilitator means an individual who is 21 years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to the Colorado Natural Medicine Rules, to perform and supervise natural medicine services for a participant(s); and is licensed by the director of the department of regulatory agencies division of professions and occupations to engage in the practice of facilitation.

Healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant.

Micro-healing center means a healing center licensee tier which is not permitted to store more than 750 milligrams of total psilocin on site.

Natural medicine business means any healing center, natural medicine cultivation facility, natural medicine products manufacturer, or natural medicine testing facility, licensed to operate pursuant to the Colorado Natural Medicine Code.

Natural medicine cultivation facility means a facility licensed by the state licensing authority where regulated natural medicine is grown, harvested, and prepared in order to be transferred and distributed to either a healing center, facilitator, a natural medicine products manufacturer, or to another natural medicine cultivation facility.

Natural medicine products manufacturer means a person licensed by the state licensing authority who manufactures regulated natural medicine products for transfer to a healing center, facilitator, or to another natural medicine products manufacturer.

Natural medicine services means a preparation session, administration session, and a post-administration integration session.

Natural medicine testing facility means a public or private laboratory licensed or approved by the department of revenue division of natural medicine to perform testing and research on regulated natural medicine and regulated natural medicine products.

Participant means a person who is 21 years of age or older and who receives natural medicine services performed by or under the supervision of a facilitator.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Colorado Natural Medicine Code.

State licensing authority means the executive director of the Colorado Department of Revenue.

30-14-104 Location of licensed natural medicine businesses.

- A. *Where natural medicine cultivation facilities, testing facilities, and products manufacturers permitted.* Natural medicine cultivation facilities, natural medicine testing facilities, and natural medicine products manufacturers are permitted only in the Industrial M1 and M2 zone districts and on land appropriately zoned and only on land located 100' north of Mountain Avenue, south of Bunyan Avenue, east of the rail line and west of 1st Street. The distance of which is measured in a linear (straight line) manner from edge of property to edge of property.
- B. *Where healing centers permitted.* Natural medicine healing centers and micro-healing centers are permitted only in the Commercial C1 and C2, and Suburban and Urban Commercial/Business zone districts except for those located on Mountain Avenue between 6th Street and 1st Street, and in addition, must be at least 1,000 feet from any childcare center, residential childcare center, preschool, elementary school, middle school, or high school. The distance shall be computed by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the building in which natural medicine services are provided, using a route of direct pedestrian access. The distance of which is measured in a linear (straight line) manner from edge of property to edge of property.
- C. *Separation of similar uses.* There shall be a distance of at least 1,000 feet between natural medicine cultivation facilities, natural medicine testing facilities, and natural medicine products manufacturers. The distance shall be computed by direct measurement from the nearest property line of the land used for a facility or manufacturer to the nearest portion of the building in which the facility or manufacturer is housed, using a route of direct pedestrian access.
- D. *Permanent location required.* Natural medicine businesses must be operated from a permanent location. Natural medicine businesses are prohibited from operating from or storing regulated natural medicine or natural medicine products in a moveable, mobile, or transitory location.
 - 1. All storage of natural medicine and natural medicine product shall be in a secured and locked container. Natural medicine cultivation facilities shall ensure that any natural medicine under cultivation is kept in an enclosed locked area.
 - 2. No natural medicine business shall be operated as a home occupation; this does not preclude facilitators from providing natural medicine services at a person's residence in compliance with the Colorado Natural Medicine Rules and other applicable state regulations.
 - 3. Healing centers and micro-healing centers shall not operate outside of the hours of 7 a.m. to 7 p.m., Monday through Saturday.
- E. *Public View.* All doorways, windows and other openings of a natural medicine business shall be located, covered or screened in such a manner as to prevent a view into the interior of said businesses. All activities associated with natural medicine businesses shall occur indoors.

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1. The primary entrance shall face the street.
- F. *Processing.* The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
1. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
 2. The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes.
 3. The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.
- G. *Lighting.* All facility lighting shall comply with the lighting standards of the Berthoud Municipal Code. In addition, primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing lights to provide for after-dark visibility for all patrons, employees and the general public.
- H. *Security.* The following shall apply to all natural medicine healing centers and all other natural medicine businesses.
1. A security plan for the secure storage of natural medicine and natural medicine products approved by the Colorado Natural Medicine Division shall be provided to the Town prior to beginning operation, and shall provide any updated plans to the Town within ten (10) business days.
 2. Video surveillance recordings shall be retained for a minimum of sixty (60) days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as the full unedited version.
 - a. Video surveillance shall provide coverage of all facility entrances and exits.
 - b. Video surveillance recordings shall be maintained in a locked area on the licensed premises.
 - c. Video surveillance recordings shall be duplicated and stored at a secure off-site location or through a network (cloud) service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the Town and updated within seventy-two (72) hours of any change to the location or provider.
 - d. Video surveillance records and recordings must be made available immediately upon request of the state licensing authority, or Town police department.

-
- e. If video surveillance or storage equipment becomes inoperable or storage network service becomes disabled, the natural medicine healing center or other natural medicine business shall cease all transactions and require all patrons to exit the building until the equipment or network service is made operable.
 - 3. A monitored security alarm shall be present to provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with interior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults.
 - I. *Odor from Natural Medicine Business.* An air filtration and ventilation system shall be designed and installed to ensure the odors from a natural medicine business are confined to the premises and are not detectable or discernible beyond the property boundaries of the land on which the licensed premises is located.
 - J. *Nuisance.* It is unlawful and deemed a nuisance under this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer, sanitary sewer, potable water, or non-potable water system in the Town.
 - K. *Waste product, remnants or byproduct.* Natural medicine businesses shall provide for secure disposal of natural medicine waste product, remnants or byproduct. Natural medicine waste, remnants and/or byproduct shall not be placed in the facilities' exterior waste container, nor shall it be in any way accessible to the public.
 - L. *Unlawful conduct.*

It shall be deemed unlawful for any natural medicine business to violate any provision of the Berthoud Natural Medicine Code. It shall further be deemed unlawful for any natural medicine business to administer natural medicine to a minor, a visibly intoxicated person, or anyone who is not otherwise eligible or appropriate for administration of natural medicine under state laws.

M. *Unlawful cultivation of natural medicine*

- 1. It shall be unlawful for any person to knowingly cultivate natural medicine that cumulatively exceeds an area of more than twelve- (12) feet wide by twelve- (12) feet long in one or more cultivation areas on private property.
- 2. It shall be unlawful for any person that owns, occupies, or controls private property to knowingly allow the cultivation of natural medicine that cumulatively exceeds an area of more than twelve- (12) feet wide by twelve- (12) feet long in one or more cultivation areas on such private property.
- 3. It shall be unlawful for any person to knowingly cultivate natural medicine on private property outside of an enclosed and locked space.

4. It shall be unlawful for any person that owns, occupies, or controls private property to knowingly allow the cultivation of natural medicine on such private property outside of an enclosed and locked space.
5. It shall not be a violation off Subsections (c) and (d) above if the person cultivating natural medicine is twenty-one (21) years of age or older, if the cultivation area is locked in a dwelling on the private property; provided that if a person under twenty-one (21) years of age lives at the dwelling, the cultivation area itself is enclosed and locked; or if a person is under twenty-one (21) years of age enters a dwelling that contains external locks, the person cultivating the natural medicine shall ensure that access to the cultivation area is reasonably restricted for the duration of the person under twenty-one (21) years of age's presence in the private property.

N. Severability.

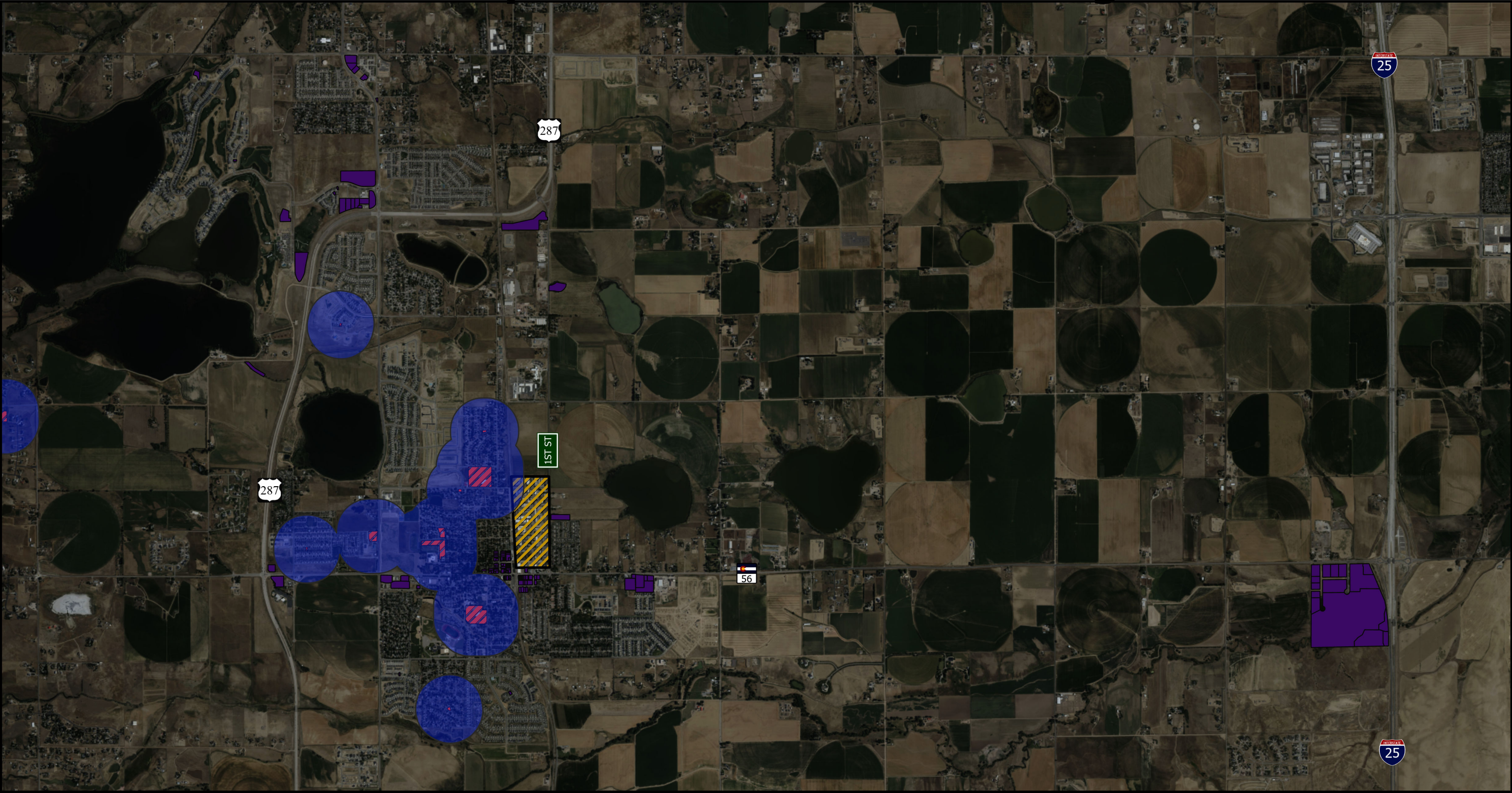
If any clause, sentence, or paragraph, or part of this ordinance shall be held invalid, the validity of the remainder of this ordinance shall not be invalidated or effected thereby.

Table 3.3: LAND USE TABLE

The following uses in red font shall be added to the Land Use Table, Table 3.3 located in Section 3 of Chapter 30 of the Berthoud Municipal Code. The uses of "Movie Theater" and "Manufacturing plants including assembly, sales and service of commodities" are placeholders to provide MuniCode the location where the two new uses should be located. The entire Table 3.3 is not changing other than including the uses listed in red font below.

Land uses contemplated in the Town's Zone Districts are found in the table below. Those uses listed on the table with a "P" require approval of a Site Plan Permit; with a "S" require approval of a Use by Special Review permit; and with a "B" require approval of a Building Permit following land use approval, as may be required. Those Land uses not specifically listed on the Table shall be presumed to be prohibited. A change in land use may necessitate a land use permit as listed below.															
	Ag	CD	SR	SC	UR	UC	R1	R2	R3	R4	R5	C1	C2	M1	M2
<i>Commercial, retail or service land uses</i>															
Movie theater				P						P		P	P	P	
Natural Medicine Healing Center, see Section on Natural Healing Centers and Other Natural Medicine Businesses												P	P		
<i>Industrial land uses</i>															
Manufacturing plants including assembly, sales and service of commodities														P	P
Other Natural Medicine Businesses, see Section on Natural Healing Centers and Other Natural Medicine Businesses														P	P

Potential Properties for Natural Healing Centers



- Potential Properties for Natural Healing Centers
- Industrial Area
- Child Care Locations
- 1000' Buffer

0 6,000 12,000 Feet



Frequently Asked Questions

This resource was prepared by Natural Medicine Division staff as a resource of local jurisdictions as they prepare for licensed natural medicine operations in 2025. This resource should not be construed as legal advice. Local jurisdictions across the state submitted the questions reflected below.

When will licenses start being issued?

- The Division will begin accepting applications on December 31, 2024. We anticipate **issuing** licenses in the first quarter of 2025.

Do the state rules anticipate that localities will have local licensing, or does it imply that local licensing is not allowed?

- The Natural Medicine Code (sections 44-50-101 et seq., C.R.S.) does not contemplate dual licensing or require local licensure. Rather, local jurisdictions have the authority to establish time, place, and manner requirements for Natural Medicine Businesses.

Can you confirm that distance requirements are only from childcare and schools and not residential uses broadly?

- Healing Centers, where natural medicine services will be provided, must be at least 1,000 feet from any **child care center, preschool, elementary, middle, junior, or high school; or a residential child care facility**. See § 44-50-302(1)(d)(I), C.R.S.
- Other types of Natural Medicine Businesses (cultivations, product manufacturers, and testing laboratories) are not subject to this distance restriction.

How will the Natural Medicine Division measure distance requirements for healing centers?

- The Natural Medicine Code requires distances to be computed by direct measurement from the nearest property line of the land used for a school or childcare facility to the nearest portion of the building where the natural medicine services will be provided. See § 44-50-302(1)(d)(II), C.R.S.
- This means **direct pedestrian access** to the business.

Are there distance restrictions between natural medicine businesses?

- **No.** For issuance of the state license, the Natural Medicine Division is not required to evaluate or verify the distance between Natural Medicine Businesses.

When do local zoning requirements need to be implemented to be in effect for a license?

- If the State Licensing Authority confirms the application complies with all state requirements and any existing local requirements, the license will be issued.
- Issuance of the state license is not dependent on local jurisdiction approval; however, licensees must comply with any local time, place, manner requirements the local jurisdiction adopts in accordance with section 44-50-302, C.R.S., and the Natural Medicine Rules.

If our local jurisdiction decides not to pass an ordinance regarding time, place, or manner, how will that affect applicants?

- Prior to issuing a license, the State Licensing Authority must confirm the proposed location complies with the statutory 1,000 feet, or specific local, distance restriction and complies with applicable local zoning ordinances.
- In the absence of local zoning ordinances specifically addressing Natural Medicine Business operations, the state license will be issued if all other requirements, including both the Natural Medicine Code distance restriction and any other local requirements, are met.

Last updated: 12/26/24



SB23-290 Natural Medicine Regulation & Legalization

NOTICE: This document reflects a summary and outline of SB23-290 prepared by the Department of Revenue and is for informational purposes only. The content herein should not be relied upon or construed as legal advice and does not represent the interpretation of any other agency.

I. BACKGROUND - PROPOSITION 122

- A. In November 2022 Colorado voted to pass [Proposition 122](#), the Natural Medicine Health Act, which (a) directed the establishment of a regulatory program for access to natural medicine; and (b) decriminalized personal use for adults
- B. Assigned the Department of Regulatory Agencies (DORA) with all regulatory responsibilities, including establishment of the [Natural Medicine Advisory Board](#)

II. SB23-290 REGULATORY PROGRAM

- A. **DORA** maintains the role of licensing and regulating Facilitators (persons licensed to provide natural medicine and related services). SB290 also maintained and added the following duties for DORA:
 - 1. Natural Medicine Advisory Board
 - 2. Federally Recognized Tribes & Indigenous Community Work Group
 - 3. Annual Reporting (in coordination with DOR)
- B. **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 assigned the following duties to DOR:
 - 1. Testing and certification program (in coordination with CDPHE)
 - 2. Data collection (**LE incidents, adverse health events, healthcare system impacts, consumer protection claims, behavioral health impacts**)
 - 3. Public education campaigns
 - 4. Training materials for first and multi-responders
 - 5. Annual Reporting (in coordination with DORA)
- C. **Natural Medicine** defined to include only Psilocybin & Psilocyn initially

III. SB23-290 PERSONAL USE PROVISIONS

- A. **Natural Medicine** defined to include Psilocybin, Psilocyn, Ibogaine, Mescaline, and Dimethyltryptamine (DMT)
- B. **Personal Cultivation:** Not more than 12x12 feet (can be non-contiguous) on Private Property (defined) in enclosed & locked space
 - 1. Local authority to exceed the space limit
- C. **Personal Possession & Use:** No personal possession limit
 - 1. May share with an adult (21+) in context of counseling, spiritual guidance, community-based use, supported use, or related services
 - 2. No Remuneration (except allowed for bona fide harm reduction or support services used concurrently with sharing, subject to the following:
 - a) No advertisement related to sharing or services
 - b) Person sharing must inform if not a licensed Facilitator
 - 3. No manufacturing with Inherently Dangerous Substances (defined)
 - 4. No open and public display or consumption
 - 5. Personal testing by unlicensed labs allowed, subject to requirements
 - 6. Establishes [offenses](#) for violations

SB23-290 NATURAL MEDICINE REGULATION & LEGALIZATION

Detailed Bill Outline

- IV. **Department of Regulatory Agencies (DORA) - Title 12**
 - A. Definitions
 - B. Powers & Duties - Rulemaking Authority
 - C. Natural Medicine Board - Members & Duties
 - D. American Tribes & Indigenous Community Working Group
 - E. Facilitator Licensing - Requirements & Restrictions
 - F. Grounds for Discipline & Proceedings
 - G. Local Jurisdiction / Preemption
 - H. Protections
- V. **Department of Public Health & Environment (CDPHE) - Title 25**
 - A. Rulemaking - Testing & Certification
- VI. **Department of Revenue (DOR) - Title 44**
 - A. Definitions
 - B. Application Procedures
 - C. Protections - Employer, Schools, Hospitals, Detention Facilities
 - D. Local Jurisdiction Authority & Limitations
 - E. State Licensing Authority - Powers & Duties
 - 1. Licensing & Enforcement
 - 2. Reporting, Data Collection, Public Education, Training
 - F. Rulemaking - Mandatory & Permissive
 - G. Confidentiality
 - H. Application & Distance Restrictions
 - I. Classes of Licenses (Additional Rulemaking)
 - J. Protections
- VII. **Code of Criminal Procedure - Title 16 / Criminal Code - Title 18**
 - A. Class 1 & Class 2 Public Nuisance
 - B. Offenses
 - C. New Personal Use Provisions
- VIII. **Other - Additional Provisions**
 - A. Prohibiting Discrimination for Health Benefit Plan Coverage
 - B. Division of Adult Parole, State Board Parole, Conditions of Probation
 - C. Juvenile Court Jurisdiction
 - D. Child Neglect
 - E. Sealing of Criminal Conviction Records
 - F. Public Assistance Considerations
 - G. Organ Transplants
 - H. Farm Products - Defined (exclusion)
 - I. Income Tax & Net Income of Corporation

Natural Medicine Regulation & Legalization

SB23-290

Summary Based on - 4.24.23 [Version of Bill](#)

Department of Regulatory Agencies (DORA)

[DORA Natural Medicine Health Act Homepage](#)

SECTION 1

12-170-102. Legislative Declaration.

Declares intent and directs state agencies to honor and respect federally recognized tribes and indigenous people in order to prevent natural medicine being overly commodified / commercialized / misappropriated / exploited. Directs agencies to consider potential for direct and indirect harm.

SECTION 2

12-170-103. Applicability of Common Provisions.

Applies Title 12, Art. 1 (General Provisions) & Art. 20 (Div. of Professions & Occupations) to Article 170.

SECTION 3

12-170-104. Definitions. (P. 3-6)

Defines: Administration Session; Board; Director; Division; Facilitation; Facilitator; Federally Recognized American Tribe; Healing Center; Health-Care Facility; Integration Session; Local Jurisdiction; Natural Medicine; Natural Medicine Product; Natural Medicine Services; Participant; Preparation Session; Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority.

Summary Definition - Natural Medicine:

(12)(a) (I) **Psilocybin**; or (II) **Psilocyn**

(12)(b)(II) **Ibogaine** (if recommended by the Board & agency approved);

(12)(b) **ON OR AFTER JUNE 2026** (if recommended by the Board & agency approved):

(I) **Dimethyltryptamine** (DMT)

(III) **Mescaline** [does NOT include Peyote, meaning all parts of the plant classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts]

(12)(c): Natural Medicine **DOES NOT MEAN** a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.

SECTION 4

12-170-105. DORA - Director Powers & Duties - Rules (P. 6-10)

(1)(a)(I) Rules for safe provision of regulated natural medicine and services, including:

(A) Parameters for a preparation, administration, and integration session;

(B) Health and safety warnings required before each session;

(C) Educational materials that must be provided before each session;

(D) A form a participant, facilitator, and authorized representative of the Healing Center must sign (establishes minimum requirements regarding health information, drug contraindications, participant expectations, parameters for physical contact, and risks of participation);

(E) Proper supervision during the administration session and requirements for a discharge plan or safe transportation;

- (F) Provisions for group administration sessions;
- (G) Provisions to refuse services based on health and safety risks;
- (H) Dosage limits for administration sessions.

(1)(a)(II) Requirements for Facilitator licensing, practice and professional conduct, including:

- (A) Form and procedures for license applications;
- (B) Educational and experiential requirements and qualifications (including education and training on participant safety, drug interactions, contraindications, mental health and state, physical health and state, social and cultural considerations, preparation, administration, integration, and ethics).
Must not require a separate professional license or degree (unless multiple tiers)
- (C) Oversight/supervision requirements, including continuing education
- (D) Professional standards of conduct
- (E) Parameters for physical contact, including informed consent for physical contact
- (F) Permitting remuneration for provision of natural medicine services
- (G) Group administration sessions and participant limits
- (H) Record-keeping, privacy, confidentiality (and exemptions)
- (I) Parameters for permissible and prohibited financial interests in a license
Financial Interest Restriction: A **Facilitator** cannot have a financial interest in more than five (5) NM business licenses.
- (J) Parameters for other authorized locations, including a health-care facility or private residence.
- (K) Standards for advertising and marketing, including to avoid misappropriation and exploitation of tribes and indigenous people, avoiding excessive commercialization, and targeting underage.

(1)(a)(III)-(V) Other Rules:

- (III) Rules necessary to differentiate between types of regulated natural medicine provided during an administration session based on qualities, traditional uses, and safety profile
- (IV)-(V) Other matters determined necessary to implement/administer

SECTION 4 (Continued)

12-170-105. DORA - Director Powers & Duties (P. 10-12)

(1)(b)-(k) DORA Duties Include:

- (1)(b) December 31, 2024 - DORA begins accepting applications/granting licenses
Prioritization of Applications: Shall prioritize review of applications from CO residents
- (c) Establish licenses, registrations, etc.
- (d) Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the Director may consult the Board)
- (e) Conduct investigations and hearings, gather evidence, and pursue disciplinary actions
- (f) Take disciplinary action or limit scope of practice upon proof of violation
- (g) Cease-and-desist orders pursuant to Section 405
- (h) Petition a district court for an investigative subpoena or injunction under certain circumstances
- (i) Maintain an **ONLINE PUBLIC LIST** of licensees, registrants, etc, including whether the person had its credentials limited, suspended, or revoked
- (j) Publish an **ANNUAL REPORT** on the implementation/administration (in coordination with DOR)
- (k) Perform other functions and duties necessary to administer

Other Requirements & Limitations:

- (2) Director shall consult the Board when considering/promulgating rules
- (3) Authority to collect available and relevant data
- (4) Regulators prohibited from pecuniary gain from licensees for 6 months after employment

SECTION 5	12-170-106. DORA - Natural Medicine Advisory Board
<u>Creates Natural Medicine Advisory Board (2 and 4 year terms), Pg. 13</u> At expiration of term, the Governor shall appoint members, without consent of the Senate (4 year term). May serve up to 2 consecutive terms. Can be removed for misconduct, incompetence, neglect of duty, unprofessional conduct. <u>Board Recommendation Subjects, Pg. 14-15:</u> ➤ Accurate public health approaches regarding use, benefits, harms, and risk reduction ➤ Content and scope of educational campaigns ➤ Research related to the efficacy and regulation, including product safety, harm reduction, and cultural responsibility ➤ Facilitator Requirements - Proper content of training programs, educational and experiential requirements, and qualifications. When making recommendations, the Board may consider: (I) Tiered facilitator licensing; (II) Limited waivers of education and training requirements based on experience, training, skills; (III) Removal of unreasonable or logistical barriers ➤ Affordable, equitable, ethical, and culturally responsible access to NM (may consider recommendations on ways to reduce costs of licensure, incentives for reduced costs for services, and incentives for services in geographic and culturally diverse regions) ➤ Regulatory considerations for each type of NM and each type of session ➤ Addition of other types of NM, based on medical, psychological, and scientific studies, research, and other information related to safety and efficacy - Shall prioritize consideration of Ibogaine ➤ All rules to be promulgated by DORA & DOR ➤ Requirements for accurate and complete data collection, reporting, and publication <u>Other Board Duties, Pg. 15:</u> ➤ Shall, on an ongoing basis: ○ Review and evaluate existing and current research, studies, and real-world data related to NM and make recommendations to the GA and agencies regarding coverage under health first Colorado or other insurance programs for various mental health conditions ○ Review and evaluate sustainability issues and impacts on tribal and indigenous cultures and documenting existing reciprocity efforts and continuing support measures needed ➤ Board shall publish an ANNUAL REPORT describing activities	
SECTION 6	12-170-107. American Tribes & Indigenous Working Group (P. 16)
<u>Federally Recognized American Tribes & Indigenous Community Working Group</u> ➤ To avoid misappropriation, exploitation, excessive commercialization, conservation issues (including potential for further depletion of peyote due to it being a source of mescaline), best practices, and open communication to avoid unnecessary burdens. ➤ Shall advise the Board and DORA on findings and recommendations ➤ Encourages DORA To engage with those who have significant experience with traditional use	
SECTION 7	12-170-108. License - Unauthorized Practice - Disclosures (P. 17)
<u>Facilitator License Requirements & Restrictions</u> ➤ Shall not engage in Facilitation or represent self as a Facilitator without a license ➤ Shall conspicuously display license in Healing Center, including info on how to file a complaint ➤ Shall provide specific information in writing prior to each session (P. 18) ○ Name, address, and phone # of the licensee; ○ Explanation of regulations applicable to the licensee; ○ Listing of training, educational and experiential requirements and qualifications satisfied	

- to obtain a license ○ Statement indicating the participant is entitled to receive information about services, may terminate services and may terminate informed consent for physical contact at any time ➤ Nothing prohibits a person from performing a bona fide religious, culturally traditional, or spiritual ceremony, but must inform that they are not a licensed facilitator and so long as the ceremony is not associated with commercial, business, or for-profit activity	
SECTION 8	12-170-109. Grounds for Discipline (P. 19)
<u>DORA Permissive Authority to Take Disciplinary or Other Action Upon Proof of Following:</u> ➤ Violation of this Article 170 or rules, Article 20, or any valid order of DORA ➤ Convicted of or entered plea of nolo contendere to a felony ➤ Misstatement of an application or fraud, deception, or misrepresentation ➤ Act or omission necessary to meet generally accepted professional standards of conduct ➤ Excessive or habitual use or abuse of alcohol or controlled substances ➤ Guilty of unprofessional or dishonest conduct ➤ Advertising by means of false or deceptive statement ➤ Failure to display license as required ➤ Guilty of willful misrepresentation ➤ Failure to disclose within 45 days a conviction for a felony or any crime related to practice ➤ Aids/abets unlicensed practice of facilitation ➤ Fails to timely respond to a complaint end by the Director (DORA) pursuant to 12-170-110	
SECTION 9	12-170-110. Disciplinary Proceedings (P. 20)
Establishes bases and process for disciplinary proceedings, including hearings and judicial review	
SECTION 10	12-170-111. Fees - Cash Fund (P. 21)
Establishes a cash fund. Shall set and adjust fees so revenue approximates the direct and indirect costs of the program. Fees shall not exceed the amount necessary to administer the Article.	
SECTIONS 11 & 14	12-170-112 & 115. Local Jurisdiction (P.21) / Preemption (P.23)
Consistent with Prop 122, local governments cannot prohibit Facilitation of NM Services and can not adopt ordinances/regulations that are unreasonable or in conflict with Article 170.	
SECTION 12	12-170-113. Protections (P. 22)
<u>Protections Include:</u> (1)(a) Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets. (b) Contracts enforceable (federal prohibition does not render a contract unenforceable) (c) Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM. (d) Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee. (2) Professional or occupational license not subject to professional discipline on the basis of federal prohibition, but this does not authorize conduct that violates standards of care or scope of practice.	

SECTIONS 13-16	12-170-114 - 12-170-117. Construction & Repeal (P. 23)
➤ Section 13. 12-170-114. Liberal Construction - Article 170 must be liberally construed ➤ Section 15. 12-170-116. Self-Executing, Severability, Conflicting Provisions - Provisions are self-executing except as specified and supersede conflicting state and local provisions ➤ Section 16. 12-170-117. Repeal & Review - Article 170 subject to review prior to repeal 9/1/2032	
SECTION 17	12-20-407. Unauthorized Practice
Class 2 Misdemeanor if a person practices or offers or attempts to practice/engage in Facilitation	
Department of Revenue (DOR) - DOR Website & Department of Public Health & Environment (CDPHE) - CDPHE Website	
SECTION 18	24-1-117. Department of Revenue - New Division (P. 24)
Creates the DOR Natural Medicine Division, a type 2 entity (as defined in 24-1-105)	
SECTION 19	24-34-104. Review for Repeal or Continuation (P. 25)
September 1, 2032 - Scheduled repeal of Article 170 of Title 12 and Article 50 of Title 44	
SECTION 20	25-1.5-120. CDPHE - Testing and Standards - Rules (P. 25)
CDPHE authority to establish (in coordination with DOR) rules for testing and certification. 44-50-203 also gives permissive authority for DOR to allow for personal use testing. <u>Minimum testing rules must include:</u> ➤ Testing standards and certification requirements ➤ Independent testing and certification program within a timeline established by the DOR, to ensure products do not contain contaminants injurious to health and ensure correct labeling ➤ Quarantine and notification procedures if results indicate substances deemed injurious; ➤ Ensure testing verifies concentration representations and homogeneity for labeling; ➤ Acceptable variance for concentration and procedures to address misrepresentations; and ➤ Protocols and frequency of testing.	
SECTION 21	PART 1: NEW ARTICLE 50 - CO Natural Medicine Code (P. 26)
Establishes Article 50 in Title 44 - The Colorado Natural Medicine Code, 44-50-101 - 102	
SECTION 21	PART 1: 44-50-103. Definitions (P. 27)
44-50-103. Definitions: Consistent with Title 12 (underlined terms are new) Administration Session; Board; Director; Division; Facilitator; Healing Center; Health-Care Facility; Integration Session; <u>License</u>; <u>Licensed Premises</u>; <u>Licensee</u>; Local Jurisdiction; Natural Medicine; <u>Natural Medicine Business</u>; Natural Medicine Product; Natural Medicine Services; Participant; <u>Person</u>; Preparation Session; <u>Principle File</u>; Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority; <u>Transfer</u>	

SECTION 21	PART 1: 44-50-104. Applicability (P. 32)
<u>Application Procedures</u> ➤ Requires SLA to <u>prioritize review</u> of applications from Colorado residents ➤ Application & License fees are credited to the Regulated Natural Medicine Cash Fund <u>Employer, School, Hospital, Detention Facility, Related Protections</u> ➤ Employers are not required to permit or accommodate NM use, consumption, possession, etc., or impairment in the workplace ➤ Employers may have policies restricting use or impairment in the workplace ➤ An employer, school, hospital, detention facility, corporation, or other entity that occupies, owns, or controls property can prohibit/regulate NM activities on such property <u>Local Jurisdiction Authority & Limitations</u> ➤ May enact ordinances/regulations governing time, place, manner of operation of licenses ➤ May NOT prohibit: ○ Establishment or operation of licenses ○ Transportation of NM on public roads by licensed persons ➤ May NOT adopt ordinances/regulations that are unreasonable or in conflict	
SECTION 21	PART 2: 44-50-201. State Licensing Authority (P. 33)
Establishes the DOR Executive Director as the State Licensing Authority (can delegate to NM Division Director), who may employ Department officers and employees as necessary.	
SECTION 21	PART 2: 44-50-202. Powers & Duties of SLA (P. 33)
<u>Licensing & Enforcement: PP. 33-34</u> ➤ December 31, 2024 - DOR begins accepting applications/granting licenses ➤ Authority to suspend, fine, restrict, revoke licenses (active, expired, or surrendered) ➤ Conduct investigations and hearings, gather evidence, and pursue disciplinary actions ➤ Petition a district court for an investigative subpoena to unlicensed persons after reasonable efforts to obtain requested documents/information ➤ Petition a court to temporarily restrain or enjoin action of an unlicensed person when the NM Division director finds sufficient evidence that the person has or is committing a prohibited act and such act (A) threatens public health or safety; or (B) constitutes an unlawful act ➤ Hearing procedures and authority ➤ Develop forms, licenses, ID cards, and applications <u>Reporting, Public Education & Training: PP. 34-36</u> ➤ In coordination with DORA, publish an ANNUAL REPORT on the implementation/administration (must not include information that could disclose the identity of a participant) ○ DATA COLLECTION REQUIREMENT (to include in annual report): In coordination with other agencies, the SLA shall request data concerning LE incidences / adverse health events / impacts to health care systems / consumer protection claims / and behavioral health impacts ➤ Develop and promote PUBLIC EDUCATION CAMPAIGNS (including public service announcements, educational materials, and crisis response materials) ➤ Develop and promote TRAINING MATERIALS for first responders and multi-responders (LE, emergency medical providers, social service providers, fire fighters) <u>Other Duties & Limitations: PP. 35-36</u> ➤ SLA cannot fix prices for regulated NM ➤ Nothing requires LE ability to investigate unlawful activity related to a licensee ➤ LE has authority to run a criminal history record check during an investigation of unlawful activity	

- Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the SLA may consult the Board)

SECTION 21

PART 2: 44-50-203. Rulemaking Authority (P. 37)

DOR MANDATORY RULEMAKING

General Licensing:

- Licensing procedures & requirements (for issuance, denial, renewal, reinstatement, modification, suspension, and revocation)
- Oversight requirements for licensees
- A schedule of application, licensing, and renewal fees

Qualifications and eligibility requirements for licensure

- Tax Compliance: Eligibility includes requirements for timely payment of state taxes, timely filing of returns, and timely curing of tax deficiencies. Authorizes the DOR to have access to licensing information to ensure compliance.

Permitted and prohibited financial interests:

- A Person cannot have a financial interest in more than five (5) NM business licenses

Testing Program: DOR rules in coordination with CDPHE

- Establishment of a natural medicine independent testing and certification program.
- At a minimum, to ensure product does not contain contaminants injurious to health and to ensure correct labeling
- Certification requirements and requirements that results cannot be used unless the lab is certified
- Testing procedures and frequency
- Whether to allow unlicensed persons to request/utilize testing services of regulated labs
- Definitions, permissions, and prohibitions concerning conflicts of interest
- Procedures and requirements necessary for coordination with CDPHE duties

Regulation of Licensed Premises:

- Co-location of a Healing Center with another Healing Center or Health-Care Facility

Transportation Requirements:

- Security requirements
- Vehicle requirements, including surveillance
- Limits on amounts that may be carried in a vehicle
- Record keeping
- Transport manifest

Production Management

- Limits on the amount of NM allowed for production by licensees based on metrics
- Shall consider total current and anticipated demand

Record Keeping

- Records licensees are required to maintain and make available for inspection by the SLA

Other

- Requirements to prevent diversion
- Requirements to prevent underage access
- Permitted and prohibited transfers of NM between licensees
- Standards for advertising/marketing (including avoiding misappropriation and exploitation of tribes and indigenous people / avoiding excessive commercialization)

DOR PERMISSIVE RULEMAKING (P. 40)

- Establishment of licenses
- Principle file process
- Product requirements and restrictions
- Packaging and labeling requirements, including warning labels, serving and per-package serving amounts; and concentration of product
- Security and surveillance, among other minimum procedures for internal control
- Reporting requirements for changes
- Health and safety standards and sanitary requirements
- Waste handling/disposal
- Storage and transportation
- Inventory tracking/management
- Procedures for disciplinary actions
- Penalties schedule
- Specifications of duties of officers/employees of SLA
- Guidance for law enforcement
- Inspections and investigations (including searches, seizures, forfeitures, embargo, quarantine, recalls, and such additional activities as may become necessary)
- Prohibition on misrepresentation and unfair practices
- Other matters as necessary

Other Requirements & Limitations (P. 43)

- Shall consult the advisory board when considering and promulgating rules
- May establish procedures for conditional issuance of an employee license and ID at time of application (remains subject to denial pending results of criminal history check)
- Fingerprint requirements - by local LE agency or third party approved by CBI (requirement for SLA to send fingerprints to CBI for processing)

SECTION 21

PART 2: 44-50-204. Confidentiality (P. 43)

Gives similar protections and exemptions as in the Marijuana Code. Certain licensee information must be maintained as confidential (e.g. financial records, security plans) with limited exceptions

SECTION 21

PART 3: 44-50-301. Classes of Licenses (P. 44)

- Creates licenses issued by DOR: Healing Center, Cultivation, Manufacturer, Testing Facility, Occupational license (with authority to establish other licenses as necessary for implementation)
- Authorizes a state chartered bank or credit union to loan money to licensees
- Prohibits operation of a license at the same location as a license or permit issued under Articles 3, 4, 5, or 10 of Art. 44 (alcohol, fermented malt beverages, special event liquor permits; marijuana)

SECTION 21

PART 3: 44-50-302. Application & Distance Restrictions (P. 45)

- Distance restrictions, including within 1,000 feet of a child care center, preschool, elementary, middle, junior, or high school, or residential child care facility or if not permitted by local zoning.
- Local jurisdictions may vary the distance restrictions or may eliminate facilities from restrictions.
- Application approval requires the applicant to demonstrate it is or will be entitled to possession of premises via lease, rental agreement, ownership, or other arrangement.

CONTINUES TO NEXT PAGE

SECTION 21	PART 4: 44-50-401. Healing Center (P. 47)
<u>General Requirements & Restrictions</u> ➤ License may be issued only to a person that employs or contracts with a Facilitator ➤ May transfer regulated NM to another HC ➤ Prior to initiating NM Services, a Facilitator shall verify the Participant is 21+ ➤ Shall comply with all provisions of Article 34, Title 24, as related to persons with disabilities <u>Additional Rulemaking Authority</u> ➤ Shall not transfer more than amount permitted by rule in a single Administration Session ➤ SLA may establish exemptions to the above administration limitations and may establish record-keeping requirements for HCs pursuant to any such exemption	
SECTION 21	PART 4: 44-50-402. Cultivation Facility (P. 48)
<u>Transfer Allowances/Restrictions</u> ➤ License may be issued only to a person who cultivates regulated NM for transfer and distribution to NM healing centers, manufacturers, or other cultivations <u>Activities Restricted on Premises</u> ➤ NM cannot be consumed on the premises unless co-located with HC premises	
SECTION 21	PART 4: 44-50-403. Product Manufacturer (P. 48)
<u>General Requirements & Restrictions</u> ➤ License may be issued only to a person who manufactures regulated NM products ➤ Licensee shall NOT: ○ Add regulated NM to a food product that holds a trademark, unless it's used only as a component or as part of the recipe and only if the licensee does not state or advertise to the consumer that the final product contains a trademarked product ○ Intentionally or knowingly label or package in a manner that would cause reasonable confusion as to whether the product was trademarked ○ Label or package in a manner that violates federal trademark law/regs <u>Activities Restricted on Premises</u> ➤ NM cannot be consumed on premises unless co-located with HC premises	
SECTION 21	PART 4: 44-50-404. Testing Facility (P. 49)
<u>General Requirements & Restrictions</u> ➤ License may be issued only to a person who performs testing and research on NM ➤ Testing is a matter of statewide concern ➤ A testing licensee cannot have an interest in another NM business license <u>Additional Rulemaking Authority</u> ➤ Acceptable testing and research practices, including but not limited to: ○ Standards ○ Quality control analysis ○ Equipment certification and calibration ○ Identification of chemicals and other substances used in bona fide research methods ○ Whether to allow persons 21+ to request and use testing services for personal use	

SECTION 21	PART 5: 44-50-501. Unlawful Acts (P. 50)
➤ Knowingly transfer to person under 21 ➤ Knowingly adulterate or alter test samples (or attempt to do so)	
SECTION 21	PART 6: 44-50-601 - 602. Fees (P. 50)
<u>Establishes the Regulated Natural Medicine Division Cash Fund</u> ➤ Fees must cover direct and indirect costs of agency operations to implement and administer ➤ May charge for the cost of each fingerprint analysis and background investigation to qualify new officers, directors, managers, or employees ➤ Shall annually review and, if necessary, adjust fees to reflect direct and indirect costs ➤ Fees must not exceed the amount necessary to administer ➤ Shall also establish a subpoena fee (not applicable to government agencies)	
SECTION 21	PARTS 7 - 8: 44-50-701 - 801. Disciplinary Actions (P. 52)
Establishes process for disciplinary actions with notice, hearing, and judicial review.	
SECTION 21	PART 9: 44-50-901. Protections, Construction, Preemption, Severability (P. 53)
<u>44-50-901. Protections (PP. 53-54)</u> ➤ Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets. ➤ Contracts enforceable (federal prohibition does not render a contract unenforceable) ➤ Licenses under this Article are not subject to professional discipline for providing advice or services related to NM on the basis of federal prohibition, but does not authorize malpractice. ➤ Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM. ➤ Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee. <u>44-50-902 - 904. Construction, Preemption, Severability (P. 55)</u> Article 50 must be liberally construed to effectuate its purpose; local jurisdictions cannot adopt any ordinance, rule, or resolution in conflict with this Article; If any provision of this Article is found to be unconstitutional, the remaining provisions are valid.	
SECTION 21	PART 10: 44-50-1001. Sunset Review & Repeal (P. 55)
Effective September 1, 2032 ; Scheduled for Sunset Review under 24-32-104(5)	
TITLE 16 CODE OF CRIMINAL PROCEDURE	
SECTIONS 22 -23	PART 10: 16-13-303 - 304. Class 1 & 2 Public Nuisance (P. 55)
Not a Class 1 or 2 public nuisance if in compliance with 18-18-434, Title 12, or Title 44	

TITLE 18 CRIMINAL CODE	
SECTIONS 24 - 26	18-18-403.5. Unlawful Possession of Controlled Substance 18-18-404. Unlawful Use of Controlled Substance 18-18-405. Unlawful Distro, Manufacturing, Dispense, Sale
Exemptions if in compliance with Title 12, Title 27, Title 18, and Title 44	
SECTION 27	18-18-410. Declaration of Class 1 Public Nuisance (P. 57)
Exemptions regarding use of places for storage, manufacture, sale, or distribution	
SECTION 28	18-18-411. Property & Controlled Substances (P. 57)
Exemptions for persons (keeping, controlling, renting, making property available for distribution or manufacture) if in compliance with 18-18-434, Article 170 of Title 12, or Article 50 of Title 44	
SECTION 29	18-18-412.7. Sale or Distribution of Materials to Manufacture CS
Exemptions if in compliance with 18-18-434, Title 12, and Title 44	
SECTION 30	18-18-430.5. Drug Paraphernalia - Exemption (P. 58)
Exemptions from 18-18-425 - 18-18-430 if using equipment, products, or materials in compliance	
SECTION 31	NEW 18-18-434. Offenses Relating to Natural Medicine (P. 58)
<u>NEW PERSONAL USE PROVISIONS FOR NATURAL MEDICINE</u> OFFENSES P. 58 <u>(1) Persons under 21 Years of Age - Knowingly Possess or Consume</u> P. 58 <i>*Aligns with 18-13-122 for MJ</i> ➤ Drug petty offense - subject to: ○ Fine of not more than \$100; OR ○ Not more than four (4) hours of substance use education or counseling ➤ Second or subsequent conviction: ○ Fine of not more than \$100 ○ Not more than four (4) hours of substance use education or counseling; AND ○ Not more than twenty-four (24) hours of useful public service <u>(2) Open and Public Display or Consumption:</u> P. 58 <i>*Aligns with 18-18-406(5)(b) for MJ</i> ➤ Drug petty offense - subject to: ○ Fine of not more than \$1,000; AND ○ Not more than twenty-four (24) hours of useful public service. <u>(3)(a) Knowing Cultivation (or allowance) - Private Property Exceeding 12x12 (non-contiguous)</u> P. 59 <i>*Aligns with lowest level penalty in 18-18-406(3) for MJ</i> ➤ Drug petty offense - subject to: Fine of not more than \$1,000	

(3)(b) Knowing Cultivation (or allowance) - Private Property Enclosed & Locked Space P. 59

**Aligns with lowest level penalty in 18-18-406(3) for MJ*

- **Drug petty offense** - subject to: Fine of not more than \$1,000

(4) Knowing Manufacture w/Inherently Hazardous Substances P. 60

**Aligns with 18-18-406.6 for MJ*

- **Level 2 Drug Felony** - Unlawful to knowingly manufacture or allow manufacture of NM Product using an **Inherently Hazardous Substance**
- **Defined:** Any liquid, chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees celsius or 100 degrees fahrenheit, including butane, propane, and diethyl ether, and excluding all forms of alcohol and ethanol)

PERSONAL USE P. 59

Personal Cultivation

- Limited to an area not more than **12x12 feet** on Private Property
- 12x12 space not required to be contiguous
- A local jurisdiction may allow cultivation exceeding the space limit
- Defines **“Private Property”**
 - A dwelling, its curtilage, and a structure within the curtilage being used for habitation and that is not open to the public.
- 18-18-434(3)(b)(II) - Not a violation if:
 - The person is 21+; AND
 - The cultivation area is located in a dwelling on the Private Property; AND
 - If an underage person lives at the dwelling, the cultivation is enclosed and locked.
 - If no underage person lives at the dwelling, the external locks on the dwelling constitute an enclosed and locked space, **BUT**
 - If a person underage lives at the dwelling, shall ensure access is reasonably restricted

(5)(b) Personal Use Testing Allowances - via Unlicensed Labs P. 60

- Allows a person to perform testing for persons 21+ (for personal use) if:
 - The person gives written notice that they are not licensed by the state to conduct testing; &
 - The person who submits samples gives a signed statement that the natural medicine is for personal use only

(5)(c) Nothing in this Section Permits the Following P. 61

- Underage access
- Remuneration except as allowed
- Engage in personal use actions related to natural medicine other than as allowed
- Engage in action as part of a business promotion or commercial activity except as allowed
- Dispense, sell, or distribute, or possess Ibogaine w/intent to distribute except as allowed

(5)(d) - (10) Law Enforcement & Local Jurisdiction Limitations P. 61

- Shall not arrest or charge or prosecute for an offense involving natural medicine except as expressly provided in this Section (may arrest, charge, or prosecute for an offense not expressly lawful under Titles 12 and 44)
- A lawful action cannot be the sole reason to
 - (a) subject a person to a civil fine, penalty, or sanction
 - (b) deny a person a right or privilege; or
 - (c) seize or forfeit assets
- A lawful action cannot be the sole factor in a probable cause determination. Such action can be

used as a factor IF:

- The original stop or search was lawful; AND
- Other factors are present to support a PC determination
- Entitlement to consume does not constitute a defense against a charge for violation related to operation of a vehicle, aircraft, boat, machinery, or other device
- A local jurisdiction shall not impose any greater criminal or civil penalty

(11) Exceptions for Living Plants for Ornamental Purposes

Offenses do not apply to a living plant for ornamental purposes (plants commonly and lawfully sold prior to this Act). A living plant does not include mushrooms or other fungal matter

Defines Natural Medicine P. 63

- Means: (A) Dimethyltryptamine (B) Mescaline; (C) Ibogaine; (D) Psilocybin; or (E) Psilocyn
- Exclusions:
 - Natural Medicine does **NOT** mean a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.
 - Mescaline does **NOT** include Peyote, meaning all parts of the plant classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts.

Defines Personal Use P. 64

- Consumption or use of Natural Medicine or Natural Medicine Product; or
- The amount a person may lawfully possess, cultivate, or manufacture that is necessary to share with another person 21+ within the context of:
 - Counseling
 - Spiritual guidance
 - Beneficial community-based use and healing; or
 - Supported use or related services
- Does NOT mean:
 - Remuneration;
 - Possession, cultivation, or manufacture with intent to sell for remuneration;
 - Possession, cultivation, manufacture, or distribution for business or commercial purposes
- Does not preclude Remuneration for bona fide harm reduction or support services used concurrently with sharing. IF:
 - No advertisement related to sharing or the services AND
 - The individual giving services informs they are not a licensed Facilitator

OTHER

SECTION 32

10-16-158. Prohibiting Discrimination for Coverage (P. 65)

- Carriers shall not, solely on the basis of consumption, decline or limit health benefit plan coverage of a person or penalize covered persons or reduce or limit coverage; shall not deny, decline, or limit coverage for an organ transplant or related service; shall not decline or limit coverage for the purpose of avoiding the requirements of this section; shall not penalize, reduce, or limit coverage for healthcare services related to organ transplantation.
- However, does not require a plan to provide coverage for the donation of an anatomical gift, transplant, or related treatment or services

SECTION 33 - 35	17-2-102. Division of Adult Parole (P. 66) 17-2-201. State Board Parole (P. 67) 18-1.3-204. Conditions of Probation (P. 67)
➤ Exempts subsection (8.5)(d) from a parolee who possesses or uses NM as authorized ➤ Possession or use authorized under this law cannot be considered a violation of parole conditions	
SECTION 36	19-2.5-103. Juvenile Court Jurisdiction (P. 67)
Juvenile court exclusive original jurisdiction concerning a juvenile 10 yrs + involving natural medicine	
SECTION 37	19-3-103. Child Neglect (P. 68)
Actions lawful in Titles 12, 18, 44 do not constitute neglect and a court shall not restrict or prohibit family time or make similar determinations, UNLESS a court determines family time would endanger the child's physical health or significantly impair the child's emotional development.	
SECTION 38	24-72-706. Sealing of Criminal Conviction Records
(1)(f.5) Can file a motion for the sealing of conviction records for an offense that is no longer unlawful. If a motion is filed, the defendant shall provide notice to the DA, who (within 42 days from receipt of the motion) may object after considering specific factors. ➤ If no DA objection, the court may grant with or without a hearing ➤ If DA objection, shall set the matter for hearing ➤ Burden is on the defendant - preponderance of evidence standard ➤ The defendant's motion is NOT required to include a verified copy of a criminal history ➤ Must not be charged fees/costs for filing a motion pursuant to this section	
SECTION 39	24-76.5-104. Public Assistance Considerations (P. 70)
Eligibility does not require consideration related to natural medicine unless required by federal law	
SECTION 40	25-56-104.5. Discrimination for Organ Transplants (P. 70)
➤ Limitations and requirements for covered entities that provide coverage related to the organ transplant process. Requirements for covered entities include: (a) making reasonable modifications to policies, practices, and procedures; (b) take reasonable and necessary steps to ensure consumption is not the reason for denial of services, unless the entity demonstrates such steps would fundamentally alter the nature of services or result in undue burden for the entity. ➤ Does not require the entity to make a referral or perform a medically inappropriate transplant.	
SECTION 41	35-36-102. Rules - Definitions (P. 72)
Amends the definition of "Farm Products" to exclude NM as defined under Title 12 (<i>similar to MJ</i>)	
SECTIONS 42-43	39-22-104 & 304. Income Tax & Net Income of Corporation (P. 72)
For tax years commencing on or after Jan. 1, 2024, a Title 44 licensee can subtract expenditures eligible to be claimed as a federal income tax deduction, but is disallowed by 280E of the IRS Code	
SECTIONS 44	Appropriation (P. 73)

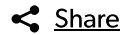
Appropriates funding to agencies for purposes of implementation

SECTION 45

Effective Date and Safety Clause (P. 74)

Effective July 1, 2023, applies to offenses committed on or after July 1, 2023

END



SB23-290

Natural Medicine Regulation And Legalization

Concerning natural medicine, and, in connection therewith, making an appropriation.

SESSION: 2023 Regular Session

SUBJECT: Liquor, Tobacco, & Marijuana

BILL SUMMARY

The act amends the regulatory framework for natural medicine and natural medicine product.

The act 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
- Perform duties necessary for the implementation and administration of the “Natural Medicine Health Act of 2022”, including investigatory and disciplinary authority.

The act 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 act creates the federally recognized American tribes and Indigenous community working group (working group). The working group’s duties include studying issues related to legalizing and regulating natural medicine and natural medicine product, the effect of legalization and regulation on federally recognized American tribes and Indigenous people and communities, and making recommendations to the director of the division of professions and occupations and the board.

The act creates within the department of revenue the natural medicine division 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 act requires the natural medicine division 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

The act 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 act 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 act 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 knowingly cultivates natural medicine is required to 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;
- Unless expressly limited, a person who performs testing on natural medicine or natural medicine product for another person who is 21 years of age or older who submits for testing natural medicine or natural medicine product intended for personal use does not violate state or local law;
- A peace officer is prohibited from arresting, and a district attorney is prohibited from charging or prosecuting, a person for a criminal offense pursuant to part 4 of article 18 of title 18 involving natural medicine or natural medicine product, unless expressly provided by the act;
- 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 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 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; and

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- A person who occupies, owns, or controls property may prohibit or otherwise regulate the cultivation or manufacture of natural medicine or natural medicine product on or in that property.

The act states that the juvenile court has exclusive original jurisdiction in proceedings concerning a juvenile 10 years of age or older who has violated an offense concerning natural medicine or natural medicine product. Furthermore, the juvenile court and county court have concurrent jurisdiction over a juvenile who is 10 years of age or older who has violated an offense concerning natural medicine product; except that if the juvenile court accepts jurisdiction, the county court jurisdiction terminates.

The act 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 constitute an offense such that its possession or use constitutes a violation of conditions of probation or parole;
- 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 act makes a person eligible to file a motion to have conviction records related to natural medicine or natural medicine product sealed.

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 act expands this permission to taxpayers who are licensed under the "Colorado Natural Medicine Code".

For the 2023-24 state fiscal year, the act appropriates:

- \$733,658 from the general fund to the department of revenue, of which, \$190,332 is reappropriated to the department of law;
- \$101,150 from the legal services cash fund to the department of law; and
- \$838,402 from the general fund to the department of public health and environment.

APPROVED by Governor May 23, 2023

EFFECTIVE July 1, 2023

(Note: This summary applies to this bill as enacted.)

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All Versions (7)



DATE	BILL TYPE	DOCUMENTS
05/23/2023	Signed Act	PDF (https://leg.colorado.gov/sites/default/files/2023a_290_signed.pdf)
05/08/2023	Final Act	PDF (https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_290_enr.pdf)
04/29/2023	Rerevised	PDF (https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_290_rer.pdf)
04/28/2023	Revised	PDF (https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_290_rev.pdf)
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An Act

SENATE BILL 23-290

BY SENATOR(S) Fenberg, Bridges, Ginal, Jaquez Lewis, Marchman,
Priola;
also REPRESENTATIVE(S) Amabile, Garcia, McCormick, Valdez.

CONCERNING NATURAL MEDICINE, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-170-102, **amend**
(1)(b); and **add** (2) as follows:

12-170-102. Legislative declaration. (1) The voters of the state of
Colorado find and declare that:

(b) Coloradans are experiencing problematic mental health issues,
including but not limited to suicidality, addiction, END-OF-LIFE DISTRESS,
depression, and anxiety.

(2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) CONSIDERABLE HARM MAY OCCUR TO THE FEDERALLY

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes
through words or numbers indicate deletions from existing law and such material is not part of
the act.*

RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS IF NATURAL MEDICINE IS OVERLY COMMODIFIED, COMMERCIALIZED, AND EXPLOITED IN A MANNER THAT RESULTS IN THE ERASURE OF IMPORTANT CULTURAL AND RELIGIOUS CONTEXT;

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

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

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

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 12-170-103 as follows:

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

SECTION 3. In Colorado Revised Statutes, **repeal and reenact**,

with amendments, 12-170-104 as follows:

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

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

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

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

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

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

(6) "FACILITATOR" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR OLDER; HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE, AND KNOWLEDGE, AS REQUIRED PURSUANT TO THIS ARTICLE 170 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 170, TO PERFORM AND SUPERVISE NATURAL MEDICINE SERVICES FOR A PARTICIPANT; AND IS LICENSED BY THE DIRECTOR TO ENGAGE IN THE PRACTICE OF FACILITATION.

(7) "FEDERALLY RECOGNIZED AMERICAN TRIBE" HAS THE SAME MEANING AS "INDIAN TRIBE" AS DEFINED BY THE FEDERAL "FEDERALLY RECOGNIZED INDIAN TRIBE LIST ACT OF 1994", AS AMENDED.

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

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

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

(11) "LOCAL JURISDICTION" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

(12)(a) "NATURAL MEDICINE" MEANS THE FOLLOWING SUBSTANCES:

(I) PSILOCYBIN; OR

(II) PSILOCYN.

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

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

(II) IBOGAINE, IF RECOMMENDED BY THE BOARD AND APPROVED BY THE DIRECTOR AND THE EXECUTIVE DIRECTOR OF THE STATE LICENSING AUTHORITY; OR

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

(c) "NATURAL MEDICINE" DOES NOT MEAN A SYNTHETIC OR SYNTHETIC ANALOG OF THE SUBSTANCES LISTED IN SUBSECTIONS (12)(a) AND (12)(b) OF THIS SECTION, INCLUDING A DERIVATIVE OF A NATURALLY

OCCURRING COMPOUND OF NATURAL MEDICINE THAT IS PRODUCED USING CHEMICAL SYNTHESIS, CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION.

(d) NOTWITHSTANDING SUBSECTION (12)(b)(III) OF THIS SECTION, "MESCALINE" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE PLANT CLASSIFIED BOTANICALLY AS *LOPHOPHORA WILLIAMSII* LEMAIRE, WHETHER GROWING OR NOT; ITS SEED; ANY EXTRACT FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

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

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

(15) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND WHO RECEIVES NATURAL MEDICINE SERVICES PERFORMED BY AND UNDER THE SUPERVISION OF A FACILITATOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) EDUCATIONAL MATERIALS THAT MUST BE PROVIDED TO A PARTICIPANT BEFORE THE PREPARATION SESSION, ADMINISTRATION SESSION,

AND INTEGRATION SESSION BEGIN;

(D) A FORM THAT A PARTICIPANT, FACILITATOR, AND AN AUTHORIZED REPRESENTATIVE OF THE HEALING CENTER MUST SIGN, UNLESS THE FACILITATOR IS A SOLE PRACTITIONER, THEN ONLY THE PARTICIPANT AND FACILITATOR MUST SIGN, BEFORE THE PREPARATION SESSION, ADMINISTRATION SESSION, AND INTEGRATION SESSION BEGIN. AT A MINIMUM, THE FORM MUST PROVIDE THAT THE PARTICIPANT PROVIDED THE PARTICIPANT'S COMPLETE AND ACCURATE HEALTH INFORMATION TO THE FACILITATOR AND THAT THE FACILITATOR PROVIDED TO THE PARTICIPANT IDENTIFIED RISK FACTORS BASED UPON THE PARTICIPANT'S PROVIDED HEALTH INFORMATION AND DRUG CONTRAINDICATIONS; PARTICIPANT EXPECTATIONS OF THE NATURAL MEDICINE SERVICES; PARAMETERS FOR PHYSICAL CONTACT DURING NATURAL MEDICINE SERVICES, THE REQUIREMENT OF INFORMED CONSENT PERMITTING PHYSICAL CONTACT, AND THE RIGHT TO WITHDRAW CONSENT FOR PHYSICAL CONTACT; AND RISKS OF PARTICIPATING IN NATURAL MEDICINE SERVICES.

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

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

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

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

(II) REQUIREMENTS FOR THE LICENSING OF FACILITATORS, PRACTICE OF FACILITATION, AND PROFESSIONAL CONDUCT OF FACILITATORS, INCLUDING:

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

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

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

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

(E) PARAMETERS FOR PHYSICAL CONTACT WITH A PARTICIPANT DURING NATURAL MEDICINE SERVICES, INCLUDING REQUIREMENTS FOR OBTAINING SIGNED INFORMED CONSENT FOR PERMISSIBLE PHYSICAL CONTACT AND PERMITTING A PARTICIPANT TO WITHDRAW CONSENT FOR PERMISSIBLE PHYSICAL CONTACT WITH A PARTICIPANT IN ANY MANNER AND AT ANY TIME;

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

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

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

(I) PARAMETERS FOR A FACILITATOR'S PERMISSIBLE AND PROHIBITED FINANCIAL INTERESTS IN A HEALING CENTER, LICENSE PURSUANT TO THIS ARTICLE 170, OR LICENSE PURSUANT TO ARTICLE 50 OF TITLE 44; EXCEPT THAT A FACILITATOR MAY NOT HAVE A FINANCIAL INTEREST IN MORE THAN FIVE NATURAL MEDICINE BUSINESS LICENSES PURSUANT TO ARTICLE 50 OF TITLE 44.

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

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

(III) ANY RULES NECESSARY TO DIFFERENTIATE BETWEEN THE TYPES

OF REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT PROVIDED FOR PARTICIPANT CONSUMPTION DURING AN ADMINISTRATION SESSION BASED ON QUALITIES, TRADITIONAL USES, AND SAFETY PROFILE;

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

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

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

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

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

(e) TO CONDUCT INVESTIGATIONS AND HEARINGS, GATHER EVIDENCE, AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTIONS 12-20-403, 12-20-404, AND 24-4-105, AND THIS ARTICLE 170, WITH RESPECT TO LICENSES, REGISTRATIONS, PERMITS, OR CERTIFICATES WHEN THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT AN INDIVIDUAL OR ENTITY IS VIOLATING THIS ARTICLE 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 170;

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

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

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

(II) TO APPLY TO ANY COURT OF COMPETENT JURISDICTION TO TEMPORARILY RESTRAIN OR PRELIMINARILY OR PERMANENTLY ENJOIN THE ACT IN QUESTION OF AN INDIVIDUAL WHO OR ENTITY THAT IS NOT LICENSED, REGISTERED, PERMITTED, OR CERTIFIED PURSUANT TO THIS ARTICLE 170 AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 170 WHENEVER IT APPEARS TO THE DIRECTOR UPON SUFFICIENT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT AN INDIVIDUAL OR ENTITY HAS BEEN OR IS COMMITTING AN ACT PROHIBITED BY THIS ARTICLE 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 170, AND THE ACT:

(A) THREATENS PUBLIC HEALTH OR SAFETY; OR

(B) CONSTITUTES AN UNLAWFUL ACT FOR WHICH THE INDIVIDUAL OR

ENTITY DOES NOT HOLD THE REQUIRED LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE PURSUANT TO THIS ARTICLE 170 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 170;

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

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

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

(2) THE DIRECTOR SHALL CONSULT THE BOARD WHEN CONSIDERING AND PROMULGATING RULES PURSUANT TO THIS ARTICLE 170.

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

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

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

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

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

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

(a) 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; LICENSEE QUALIFICATIONS; EMERGENCY MEDICAL SERVICES AND SERVICES PROVIDED BY FIRST RESPONDERS; MENTAL AND BEHAVIORAL HEALTH CARE; HEALTH-CARE INSURANCE AND HEALTH-CARE POLICY; AND PUBLIC HEALTH, DRUG POLICY, AND HARM REDUCTION; AND

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

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

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

(b) AT THE EXPIRATION OF THE TERMS OF THE MEMBERS OF THE

INITIAL BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE GOVERNOR SHALL APPOINT MEMBERS TO THE BOARD, WITHOUT CONSENT OF THE SENATE. EACH MEMBER APPOINTED BY THE GOVERNOR IS APPOINTED TO A TERM OF FOUR YEARS.

(c) EXCEPT FOR THE EXECUTIVE DIRECTOR OF THE STATE LICENSING AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MEMBERS OF THE BOARD MAY SERVE UP TO TWO CONSECUTIVE TERMS. MEMBERS ARE SUBJECT TO REMOVAL FOR MISCONDUCT, INCOMPETENCE, NEGLECT OF DUTY, OR UNPROFESSIONAL CONDUCT.

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

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

(b) RESEARCH RELATED TO THE EFFICACY AND REGULATION OF NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT, 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. WHEN CONSIDERING RECOMMENDATIONS MADE PURSUANT TO THIS SUBSECTION (5)(c), THE BOARD MAY CONSIDER:

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

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

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

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

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

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

(g) ALL RULES TO BE PROMULGATED BY THE DIRECTOR PURSUANT TO THIS ARTICLE 170, AND THE STATE LICENSING AUTHORITY PURSUANT TO ARTICLE 50 OF TITLE 44; AND

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

(6) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND EVALUATE EXISTING AND CURRENT RESEARCH, STUDIES, AND REAL-WORLD DATA RELATED TO NATURAL MEDICINE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND OTHER RELEVANT STATE AGENCIES AS TO

WHETHER NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, NATURAL MEDICINE SERVICES, AND ASSOCIATED SERVICES SHOULD BE COVERED UNDER HEALTH FIRST COLORADO OR OTHER INSURANCE PROGRAMS AS A COST-EFFECTIVE INTERVENTION FOR VARIOUS MENTAL HEALTH CONDITIONS, INCLUDING, BUT NOT LIMITED TO, END-OF-LIFE DISTRESS, SUBSTANCE USE DISORDER, ALCOHOL USE DISORDER, DEPRESSIVE DISORDERS, NEUROLOGICAL DISORDERS, CLUSTER HEADACHES, AND POST-TRAUMATIC STRESS DISORDER.

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

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

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

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

12-170-107. Federally recognized American tribes and Indigenous community working group - creation - duties. (1) THE 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 GROUP SHALL STUDY THE FOLLOWING:

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

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

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

(d) BEST PRACTICES AND OPEN COMMUNICATION TO BUILD TRUST AND UNDERSTANDING BETWEEN THE FEDERALLY RECOGNIZED AMERICAN TRIBES AND INDIGENOUS PEOPLE AND COMMUNITIES, THE BOARD, THE DIVISION, THE STATE LICENSING AUTHORITY, AND LAW ENFORCEMENT AGENCIES, FOR THE PURPOSE OF AVOIDING UNNECESSARY BURDENS AND CRIMINALIZATION OF TRADITIONAL TRIBAL AND INDIGENOUS USES OF NATURAL MEDICINE.

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

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

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

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

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

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

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

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

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

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

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

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

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

12-170-109. Grounds for discipline. (1) THE DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404

UPON PROOF THAT THE LICENSEE, PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER:

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

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

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

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

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

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

(g) IS GUILTY OF UNPROFESSIONAL OR DISHONEST CONDUCT;

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

(i) FAILS TO DISPLAY THE LICENSE AS PROVIDED IN SECTION 12-170-108 (2);

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

(k) IS GUILTY OF WILLFUL MISREPRESENTATION;

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

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

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

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

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

(2) A PROCEEDING FOR DISCIPLINE OF A LICENSEE, PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER MUST BE COMMENCED WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A LICENSEE, PERMITTEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED ACTS THAT MAY VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 170. THE GROUNDS MAY BE ESTABLISHED BY AN INVESTIGATION BEGUN BY THE DIRECTOR ON THE DIRECTOR'S OWN MOTION OR BY AN INVESTIGATION PURSUANT TO A WRITTEN COMPLAINT. SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24 GOVERN PROCEEDINGS BROUGHT PURSUANT TO THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

12-170-113. Protections. (1) SUBJECT TO THE LIMITATIONS IN THIS

ARTICLE 170 AND ARTICLE 50 OF TITLE 44, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

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

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

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

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

(2) A PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE HOLDER IS NOT SUBJECT TO PROFESSIONAL DISCIPLINE OR LOSS OF A PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE FOR PROVIDING ADVICE OR

SERVICES ARISING OUT OF OR RELATED TO A NATURAL MEDICINE LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE 170 OR ARTICLE 50 OF TITLE 44 OR APPLICATION FOR LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE 170 OR ARTICLE 50 OF TITLE 44 ON THE BASIS THAT NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT ARE PROHIBITED BY FEDERAL LAW, OR FOR PERSONAL USE OF NATURAL MEDICINE OR NATURAL MEDICINE ALLOWED PURSUANT TO THIS ARTICLE 170. THIS ARTICLE 170 DOES NOT AUTHORIZE AN INDIVIDUAL TO ENGAGE IN CONDUCT THAT IN THE COURSE OF PRACTICING UNDER THE INDIVIDUAL'S LICENSE, REGISTRATION, PERMIT, OR CERTIFICATE WOULD VIOLATE STANDARDS OF CARE OR SCOPE OF PRACTICE OF THE INDIVIDUAL'S PROFESSION OR OCCUPATION AS REQUIRED BY ANY PROVISION OF LAW OR RULE.

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

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

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

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

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

12-170-116. Self-executing, severability, conflicting provisions. ALL PROVISIONS OF THIS ARTICLE 170 ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHEN OTHERWISE INDICATED, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION PROVISIONS, AND OTHER STATE AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ARTICLE 170 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE 170 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE 170

ARE SEVERABLE.

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

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

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

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

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

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

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

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

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

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

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

revenue; and

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

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

SECTION 19. In Colorado Revised Statutes, 24-34-104, **add** (33)(a)(VII) and (33)(a)(VIII) as follows:

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

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

(VIII) THE "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44.

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

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

(1) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN COORDINATION WITH THE DEPARTMENT OF REVENUE, TO ENSURE CONSISTENCY BETWEEN RULES, SHALL PROMULGATE RULES CONCERNING TESTING STANDARDS AND CERTIFICATION REQUIREMENTS OF NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT REGULATED BY THE DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 50 OF TITLE 44.

(2) AT A MINIMUM, THE RULES MUST:

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

(b) ESTABLISH A NATURAL MEDICINE INDEPENDENT TESTING AND CERTIFICATION PROGRAM FOR LICENSEES PURSUANT TO ARTICLE 50 OF TITLE 44, WITHIN AN IMPLEMENTATION TIME FRAME ESTABLISHED BY THE

DEPARTMENT OF REVENUE, REQUIRING LICENSEES TO TEST NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT TO ENSURE, AT A MINIMUM, THAT PRODUCTS TRANSFERRED FOR HUMAN CONSUMPTION BY NATURAL PERSONS OR ENTITIES LICENSED PURSUANT TO ARTICLE 50 OF TITLE 44 DO NOT CONTAIN CONTAMINANTS THAT ARE INJURIOUS TO HEALTH AND TO ENSURE CORRECT LABELING;

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

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

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

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

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

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

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

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

(1) "ADMINISTRATION SESSION" MEANS A SESSION CONDUCTED AT A HEALING CENTER, OR OTHER LOCATION IF PERMITTED BY THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 50, DURING WHICH A PARTICIPANT CONSUMES AND EXPERIENCES THE EFFECTS OF NATURAL

MEDICINE UNDER THE SUPERVISION OF A FACILITATOR.

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

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

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

(5) "FACILITATOR" MEANS A NATURAL PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER, HAS THE NECESSARY QUALIFICATIONS, TRAINING, EXPERIENCE, AND KNOWLEDGE TO PERFORM AND SUPERVISE NATURAL MEDICINE SERVICES FOR A PARTICIPANT, AND IS LICENSED BY THE DIRECTOR TO ENGAGE IN THE PRACTICE OF FACILITATION.

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

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

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

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

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

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

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

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

(I) PSILOCYBIN; OR

(II) PSILOCYN.

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

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

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

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

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

CONVERSION.

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

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

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

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

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

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

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

(20) "PRINCIPLE FILE" MEANS A FILE THAT IS ESTABLISHED BY THE STATE LICENSING AUTHORITY AND CONTAINS LICENSING AND BACKGROUND INFORMATION FOR AN APPLICANT SEEKING LICENSES PURSUANT TO THIS ARTICLE 50.

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

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

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

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

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

44-50-104. Applicability. (1) ALL BUSINESSES, FOR THE PURPOSE OF CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT, AS DEFINED IN THIS ARTICLE 50, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THIS ARTICLE 50 AND RULES PROMULGATED PURSUANT TO THIS ARTICLE 50.

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

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

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

(b) NOTHING IN THIS ARTICLE 50 PROHIBITS A PERSON, EMPLOYER, SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION, OR ANY OTHER ENTITY THAT OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT ON OR IN THAT PROPERTY.

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

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

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

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

PART 2 STATE LICENSING AUTHORITY

44-50-201. State licensing authority - creation. (1) FOR THE PURPOSE OF REGULATING AND LICENSING THE CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT BY AND BETWEEN NATURAL MEDICINE LICENSEES IN THIS STATE, THERE IS CREATED THE STATE LICENSING AUTHORITY, WHICH IS THE EXECUTIVE DIRECTOR, OR THE DIRECTOR OF THE NATURAL MEDICINE DIVISION IF DESIGNATED BY THE EXECUTIVE DIRECTOR.

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

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

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

(a) BEGINNING ON OR BEFORE DECEMBER 31, 2024, GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION, MANUFACTURING, TESTING, STORAGE, DISTRIBUTION, TRANSPORT, TRANSFER, AND DISPENSATION OF REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT; SUSPEND, FINE, RESTRICT, OR REVOKE SUCH LICENSES, WHETHER ACTIVE, EXPIRED, OR SURRENDERED, UPON A VIOLATION OF THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50; AND IMPOSE ANY PENALTY AUTHORIZED BY THIS ARTICLE 50 OR A RULE PROMULGATED

PURSUANT TO THIS ARTICLE 50. THE STATE LICENSING AUTHORITY MAY TAKE ANY ACTION WITH RESPECT TO A REGISTRATION OR PERMIT PURSUANT TO THIS ARTICLE 50 AS IT MAY WITH RESPECT TO A LICENSE ISSUED PURSUANT TO THIS ARTICLE 50, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE 50.

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

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

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

(II) APPLY TO ANY COURT OF COMPETENT JURISDICTION TO TEMPORARILY RESTRAIN OR PRELIMINARILY OR PERMANENTLY ENJOIN THE ACT IN QUESTION OF A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE 50 AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50 WHENEVER IT APPEARS TO THE DIRECTOR OF THE NATURAL MEDICINE DIVISION UPON SUFFICIENT EVIDENCE SATISFACTORY TO THE DIRECTOR OF THE NATURAL MEDICINE DIVISION THAT A PERSON HAS BEEN OR IS COMMITTING AN ACT PROHIBITED BY THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50, AND THE ACT:

(A) THREATENS PUBLIC HEALTH OR SAFETY; OR

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

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

(f) DEVELOP FORMS, LICENSES, IDENTIFICATION CARDS, AND APPLICATIONS AS NECESSARY OR CONVENIENT IN THE DISCRETION OF THE STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50;

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

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

(2) NOTHING IN THIS ARTICLE 50 DELEGATES TO THE STATE

LICENSING AUTHORITY THE POWER TO FIX PRICES FOR REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT.

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

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

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

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

(7) THE STATE LICENSING AUTHORITY, IN COORDINATION WITH OTHER RELEVANT AGENCIES, SHALL REQUEST AVAILABLE AND RELEVANT DATA CONCERNING LAW ENFORCEMENT INCIDENCES, ADVERSE HEALTH EVENTS, IMPACTS TO HEALTH CARE SYSTEMS, CONSUMER PROTECTION

CLAIMS, AND BEHAVIORAL HEALTH IMPACTS RELATED TO NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, AND NATURAL MEDICINE BUSINESSES. THE STATE LICENSING AUTHORITY SHALL INCLUDE THE AVAILABLE AND RELEVANT DATA IN THE REPORT REQUIRED PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION.

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

44-50-203. State licensing authority - rules - legislative declaration. (1) **Mandatory rule-making.** RULES PROMULGATED PURSUANT TO SECTION 44-50-202 (1)(b) MUST INCLUDE THE FOLLOWING SUBJECTS:

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

(b) OVERSIGHT REQUIREMENTS FOR LICENSEES;

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

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

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

(f) (I) ESTABLISHMENT OF A NATURAL MEDICINE INDEPENDENT TESTING AND CERTIFICATION PROGRAM FOR LICENSEES WITHIN AN IMPLEMENTATION TIME FRAME ESTABLISHED BY THE DIVISION, REQUIRING

LICENSEES TO TEST REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT TO ENSURE, AT A MINIMUM, THAT REGULATED NATURAL MEDICINE AND REGULATED NATURAL MEDICINE PRODUCT TRANSFERRED FOR HUMAN CONSUMPTION BY PERSONS LICENSED PURSUANT TO THIS ARTICLE 50 DO NOT CONTAIN CONTAMINANTS THAT ARE INJURIOUS TO HEALTH AND TO ENSURE CORRECT LABELING, AS WELL AS:

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

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

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

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

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

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

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

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

(I) SECURITY REQUIREMENTS;

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

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

(IV) RECORD-KEEPING REQUIREMENTS; AND

(V) TRANSPORTATION MANIFEST REQUIREMENTS;

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

(j) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED AVAILABILITY OF THE RECORDS FOR INSPECTION BY THE STATE LICENSING AUTHORITY;

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

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

(m) STANDARDS FOR ADVERTISING AND MARKETING A LICENSEE'S SERVICES, INCLUDING: AVOIDING THE MISAPPROPRIATION AND EXPLOITATION OF THE FEDERALLY RECOGNIZED AMERICAN TRIBES, AS DEFINED IN SECTION 12-170-104 (7), AND INDIGENOUS PEOPLE, COMMUNITIES, CULTURES, AND RELIGIONS; AVOIDING THE EXCESSIVE COMMERCIALIZATION OF NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES; PROHIBITING ADVERTISING AND MARKETING OF NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, AND NATURAL MEDICINE SERVICES DIRECTED TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE; AND OTHER PARAMETERS DETERMINED NECESSARY BY THE STATE LICENSING AUTHORITY.

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

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

(a) ESTABLISHMENT OF LICENSES, AND THE PRIVILEGES AND RESTRICTIONS PURSUANT TO SUCH LICENSES, DETERMINED NECESSARY BY THE STATE LICENSING AUTHORITY TO IMPLEMENT OR ADMINISTER THIS ARTICLE 50;

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

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

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

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

(I) WARNING LABELS;

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

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

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

(g) HEALTH AND SAFETY REGULATIONS AND STANDARDS;

(h) SANITARY REQUIREMENTS;

(i) WASTE, DISPOSAL, AND DESTRUCTION REQUIREMENTS OF
REGULATED NATURAL MEDICINE OR REGULATED NATURAL MEDICINE
PRODUCT, INCLUDING RECORD-KEEPING REQUIREMENTS;

(j) STORAGE AND TRANSPORTATION OF REGULATED NATURAL
MEDICINE OR REGULATED NATURAL MEDICINE PRODUCT;

(k) REQUIREMENTS OF LICENSEES TO TRACK AND MANAGE
INVENTORY;

(l) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF ANY
PROVISION OF THIS ARTICLE 50, ARTICLE 18 OF TITLE 18, OR ANY RULE
PROMULGATED PURSUANT TO THIS ARTICLE 50, INCLUDING PROCEDURES AND
GROUNDS FOR DENYING, SUSPENDING, FINING, MODIFYING, RESTRICTING, OR
REVOKING A STATE LICENSE ISSUED PURSUANT TO THIS ARTICLE 50 OR ANY
RULE PROMULGATED PURSUANT TO THIS ARTICLE 50;

(m) ESTABLISHING A SCHEDULE OF PENALTIES FOR ALLEGED
VIOLATIONS OF STATUTES AND RULES;

(n) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF THE STATE LICENSING AUTHORITY;

(o) GUIDANCE FOR LAW ENFORCEMENT OFFICERS;

(p) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS, SEARCHES, SEIZURES, FORFEITURES, EMBARGO, QUARANTINE, RECALLS, AND SUCH ADDITIONAL ACTIVITIES AS MAY BECOME NECESSARY;

(q) PROHIBITION OF MISREPRESENTATION AND UNFAIR PRACTICES;
AND

(r) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR, IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS ARTICLE 50.

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

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

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

(II) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THAT DEMONSTRATE THAT AN APPLICANT POSSESSING AN EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION (4) IS NOT QUALIFIED TO HOLD A LICENSE ISSUED PURSUANT TO THIS ARTICLE 50 ARE GROUNDS FOR DENIAL OF THE EMPLOYEE LICENSE APPLICATION. IF THE EMPLOYEE LICENSE APPLICATION IS DENIED, THE APPLICANT SHALL RETURN

THE EMPLOYEE LICENSE IDENTIFICATION CARD TO THE STATE LICENSING AUTHORITY WITHIN A TIME PERIOD THAT THE STATE LICENSING AUTHORITY ESTABLISHES BY RULE.

(III) THE STATE LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING THE COLORADO BUREAU OF INVESTIGATION'S APPROVED LIFESCAN EQUIPMENT. A THIRD PARTY SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED BY THE APPLICANT. THE STATE LICENSING AUTHORITY SHALL SEND THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF FINGERPRINT PROCESSING BY UTILIZING THE FILES AND RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

44-50-204. Confidentiality. (1) THE STATE LICENSING AUTHORITY SHALL MAINTAIN THE CONFIDENTIALITY OF:

(a) REPORTS OR OTHER INFORMATION OBTAINED FROM A LICENSEE OR A LICENSE APPLICANT CONTAINING ANY INDIVIDUALIZED DATA, INFORMATION, OR RECORDS RELATED TO THE APPLICANT; LICENSEE; LICENSEE'S OPERATION, INCLUDING SALES INFORMATION, LEASES, BUSINESS ORGANIZATION RECORDS, FINANCIAL RECORDS, TAX RETURNS, CREDIT REPORTS, CULTIVATION INFORMATION, TESTING RESULTS, AND SECURITY INFORMATION AND PLANS; ANY PARTICIPANT INFORMATION; OR ANY OTHER RECORDS THAT ARE EXEMPT FROM PUBLIC INSPECTION PURSUANT TO STATE LAW. SUCH REPORTS OR OTHER INFORMATION MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50 OR A RULE PROMULGATED PURSUANT TO THIS ARTICLE 50 FOR INVESTIGATION OR ENFORCEMENT OF ANY INTERNATIONAL, FEDERAL, STATE, OR LOCAL SECURITIES LAW OR REGULATION, OR FOR ANY OTHER STATE OR LOCAL LAW ENFORCEMENT PURPOSE. ANY INFORMATION RELEASED RELATED TO A PARTICIPANT MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50, AS A PART OF AN ACTIVE INVESTIGATION, AS A PART OF A PROCEEDING AUTHORIZED BY THIS ARTICLE 50, OR FOR ANY STATE OR LOCAL LAW ENFORCEMENT PURPOSE INVOLVING EVIDENCE OF SALES TRANSACTIONS IN VIOLATION OF THIS ARTICLE 50 OR EVIDENCE OF CRIMINAL ACTIVITY. THE INFORMATION OR

RECORDS RELATED TO A PARTICIPANT CONSTITUTE MEDICAL DATA AS DESCRIBED BY SECTION 24-72-204 (3)(a)(I), AND THE INFORMATION OR RECORDS MAY ONLY BE DISCLOSED TO THOSE PERSONS DIRECTLY INVOLVED WITH AN ACTIVE INVESTIGATION OR PROCEEDING.

(b) INVESTIGATIVE RECORDS AND DOCUMENTS RELATED TO ONGOING INVESTIGATIONS. THOSE RECORDS AND DOCUMENTS MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE 50 OR RULES PROMULGATED BY THIS ARTICLE 50, OR FOR ANY OTHER STATE OR LOCAL LAW ENFORCEMENT PURPOSE.

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

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

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

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

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

(d) ENFORCEMENT FORMS AND COMPLIANCE CHECKLISTS.

PART 3 LICENSE TYPES

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

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

(I) NATURAL MEDICINE HEALING CENTER LICENSE;

(II) NATURAL MEDICINE CULTIVATION FACILITY LICENSE;

(III) NATURAL MEDICINE PRODUCT MANUFACTURER LICENSE;

(IV) NATURAL MEDICINE TESTING FACILITY LICENSE; AND

(V) ANY NATURAL MEDICINE BUSINESS LICENSE DETERMINED NECESSARY BY THE STATE LICENSING AUTHORITY.

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

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

(4) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO THIS ARTICLE 50 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, 5, OR 10 OF THIS TITLE 44.

44-50-302. Restrictions for applications for new licenses. (1) THE STATE LICENSING AUTHORITY SHALL NOT RECEIVE OR ACT UPON AN APPLICATION FOR THE ISSUANCE OF A NATURAL MEDICINE BUSINESS LICENSE PURSUANT TO THIS ARTICLE 50:

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

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

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

(d) (I) IF THE BUILDING WHERE NATURAL MEDICINE SERVICES ARE PROVIDED IS WITHIN ONE THOUSAND FEET OF A CHILD CARE CENTER; PRESCHOOL; ELEMENTARY, MIDDLE, JUNIOR, OR HIGH SCHOOL; OR A RESIDENTIAL CHILD CARE FACILITY. THE PROVISIONS OF THIS SECTION DO NOT AFFECT THE RENEWAL OR REISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY, NOR DO THE PROVISIONS OF THIS SECTION APPLY TO AN EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE OR APPLY TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE THE SCHOOL OR FACILITY WAS CONSTRUCTED. THE GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE; AND THE GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY VARY THE DISTANCE RESTRICTIONS IMPOSED BY THIS SUBSECTION (1)(d)(I) FOR A LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR FACILITIES FROM THE APPLICATION OF A DISTANCE RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS SUBSECTION (1)(d)(I).

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

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

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

PART 4

NATURAL MEDICINE LICENSE TYPES

44-50-401. Natural medicine healing center license - rules. (1) A NATURAL MEDICINE HEALING CENTER LICENSE MAY BE ISSUED ONLY TO A PERSON THAT EMPLOYS OR CONTRACTS WITH A FACILITATOR WHO PROVIDES NATURAL MEDICINE SERVICES PURSUANT TO THE TERMS AND CONDITIONS OF ARTICLE 170 OF TITLE 12.

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

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

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

(5)(a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, A NATURAL MEDICINE HEALING CENTER LICENSEE SHALL NOT TRANSFER, INDIVIDUALLY OR IN ANY COMBINATION, MORE THAN AN AMOUNT PROMULGATED BY RULE OF NATURAL MEDICINE AND NATURAL MEDICINE

PRODUCT TO A PARTICIPANT IN A SINGLE ADMINISTRATION SESSION.

(b) THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES TO ESTABLISH CERTAIN EXEMPTIONS TO THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT LIMITATION AND MAY ESTABLISH RECORD-KEEPING REQUIREMENTS FOR NATURAL MEDICINE HEALING CENTER LICENSEES PURSUANT TO ANY EXEMPTION TO THE ADMINISTRATION LIMITATION.

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

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

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

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

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

(I) ADD ANY REGULATED NATURAL MEDICINE TO A FOOD PRODUCT IF THE MANUFACTURER OF THE FOOD PRODUCT HOLDS A TRADEMARK TO THE FOOD PRODUCT'S NAME; EXCEPT THAT A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEE MAY USE A TRADEMARKED FOOD PRODUCT IF THE MANUFACTURER USES THE PRODUCT AS A COMPONENT OR AS PART OF A RECIPE AND IF THE NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEE

DOES NOT STATE OR ADVERTISE TO THE CONSUMER THAT THE FINAL NATURAL MEDICINE PRODUCT CONTAINS A TRADEMARKED FOOD PRODUCT;

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

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

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

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

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

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

(2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING BUT NOT LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS, EQUIPMENT CERTIFICATION AND CALIBRATION, IDENTIFICATION OF CHEMICALS AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH METHODS, AND WHETHER TO ALLOW A NATURAL PERSON TO REQUEST AND UTILIZE TESTING SERVICES OF NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT IF THE NATURAL PERSON IS TWENTY-ONE YEARS OF AGE OR OLDER.

(3) A PERSON WHO HAS AN INTEREST IN A NATURAL MEDICINE TESTING FACILITY LICENSE SHALL NOT HAVE ANY INTEREST IN A LICENSED NATURAL MEDICINE HEALING CENTER, A LICENSED NATURAL MEDICINE CULTIVATION FACILITY, A LICENSED NATURAL MEDICINE PRODUCT MANUFACTURER, OR A NATURAL MEDICINE LICENSE ISSUED BY THE STATE

LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 50.

PART 5

UNLAWFUL ACTS

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

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

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

PART 6

FEES

44-50-601. Regulated natural medicine cash fund - created - rules. (1) (a) ALL MONEY COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 50 MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE REGULATED NATURAL MEDICINE DIVISION CASH FUND, WHICH IS HEREBY CREATED. THE REGULATED NATURAL MEDICINE DIVISION CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTS OF:

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

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

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

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

(2) THE EXECUTIVE DIRECTOR BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION 24-75-402 (3) TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE EXECUTIVE DIRECTOR BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE FEES AS PROVIDED IN SECTION 24-75-402 (4).

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

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

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

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

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

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

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

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

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

PART 7

DISCIPLINARY ACTIONS

44-50-701. Suspension - revocation - fines. (1) IN ADDITION TO ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE 50 OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 50, THE STATE LICENSING AUTHORITY HAS THE POWER, ON ITS OWN MOTION OR ON COMPLAINT, AFTER INVESTIGATION AND OPPORTUNITY FOR A PUBLIC HEARING AT WHICH THE

LICENSEE MUST BE AFFORDED AN OPPORTUNITY TO BE HEARD, TO FINE A LICENSEE OR TO SUSPEND OR REVOKE A LICENSE ISSUED BY THE AUTHORITY FOR A VIOLATION BY THE LICENSEE OR BY ANY OF THE AGENTS OR EMPLOYEES OF THE LICENSEE OF THE PROVISIONS OF THIS ARTICLE 50, OR ANY OF THE RULES PROMULGATED PURSUANT TO THIS ARTICLE 50, OR OF ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THE LICENSE ISSUED BY THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY HAS THE POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE DETERMINATION OF A HEARING THAT THE STATE LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT.

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

PART 8 JUDICIAL REVIEW

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

PART 9 PROTECTIONS, CONSTRUCTION, PREEMPTION, AND SEVERABILITY

44-50-901. Protections. (1) SUBJECT TO THE LIMITATIONS IN THIS ARTICLE 50 AND ARTICLE 170 OF TITLE 12, BUT NOTWITHSTANDING ANY

OTHER PROVISION OF LAW:

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

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

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

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

(e) NOTHING IN THIS SECTION MAY BE CONSTRUED OR INTERPRETED TO PREVENT THE DIRECTOR OF THE NATURAL MEDICINE DIVISION FROM ENFORCING ITS RULES AGAINST A LICENSEE OR TO LIMIT A STATE OR LOCAL

LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO A LICENSEE.

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

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

44-50-904. Severability. IF ANY PROVISION OF THIS ARTICLE 50 IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ARTICLE 50 ARE VALID, UNLESS IT APPEARS TO THE COURT THAT THE VALID PROVISIONS OF THE STATUTE ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE PRESUMED THAT THE GENERAL ASSEMBLY WOULD HAVE ENACTED THE VALID PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

PART 10 SUNSET REVIEW - ARTICLE REPEAL

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

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

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

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

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

16-13-304. Class 2 public nuisance. (2) ~~A person acting in compliance with the "Natural Medicine Health Act of 2022", article 170 of title 12 does not violate this section~~ IT IS NOT A VIOLATION OF THIS SECTION IF A PERSON IS ACTING IN COMPLIANCE WITH SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

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

18-18-403.5. Unlawful possession of a controlled substance - notice to revisor of statutes - repeal. (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), part 2 or 3 of this article 18, ~~or the "Natural Medicine Health Act of 2022", article 170 of title 12~~ SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, it is unlawful for a person knowingly to possess a controlled substance.

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

18-18-404. Unlawful use of a controlled substance. (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 Health Act of 2022", article 170 of title 12~~ OR FOR NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IN SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, 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 26. In Colorado Revised Statutes, 18-18-405, **amend** (1)(a) as follows:

18-18-405. Unlawful distribution, manufacturing, dispensing, or sale. (1) (a) Except as authorized by part 1 of article 280 of title 12, part 2 of article 80 of title 27, part 2 or 3 of this article 18, ~~or by the "Natural~~

~~Medicine Health Act of 2022", article 170 of title 12~~ SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, 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 27. In Colorado Revised Statutes, **amend** 18-18-410 as follows:

18-18-410. Declaration of class 1 public nuisance. Except as permitted by the ~~"Natural Medicine Health Act of 2022", article 170 of title 12~~ AUTHORIZED BY SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, any store, shop, warehouse, dwelling house, building, vehicle, boat, or aircraft or any place whatsoever ~~which~~ THAT 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~~ THAT 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 28. In Colorado Revised Statutes, 18-18-411, **repeal** (5); and **add** (3.5) as follows:

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

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

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

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

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

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

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

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

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

18-18-434. Offenses relating to natural medicine and natural medicine product - definitions. (1) A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE WHO KNOWINGLY POSSESSES OR CONSUMES NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG PETTY OFFENSE AND, UPON CONVICTION THEREOF, **IS SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR NOT MORE THAN FOUR HOURS OF SUBSTANCE USE EDUCATION OR COUNSELING**; EXCEPT THAT A SECOND OR SUBSEQUENT CONVICTION FOR A VIOLATION OF THIS SUBSECTION (1) IS SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, NOT MORE THAN FOUR HOURS OF SUBSTANCE USE EDUCATION OR COUNSELING, AND NOT MORE THAN TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

(2) **A PERSON WHO OPENLY AND PUBLICLY DISPLAYS OR CONSUMES NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT COMMITS A DRUG PETTY OFFENSE AND, UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND NOT MORE THAN**

TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE.

(3)(a) A PERSON WHO KNOWINGLY CULTIVATES NATURAL MEDICINE THAT CUMULATIVELY EXCEEDS AN AREA OF MORE THAN TWELVE FEET WIDE BY TWELVE FEET LONG IN ONE OR MORE CULTIVATION AREAS ON THE PRIVATE PROPERTY, OR KNOWINGLY ALLOWS SUCH CULTIVATION ON PRIVATE PROPERTY THAT THE PERSON OWNS, OCCUPIES, OR CONTROLS, COMMITS A DRUG PETTY OFFENSE, AND UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, A PERSON WHO KNOWINGLY CULTIVATES NATURAL MEDICINE ON THE PRIVATE PROPERTY OUTSIDE OF AN ENCLOSED AND LOCKED SPACE, OR KNOWINGLY ALLOWS SUCH CULTIVATION ON THE PRIVATE PROPERTY OUTSIDE OF AN ENCLOSED AND LOCKED SPACE, THAT THE PERSON OWNS, OCCUPIES, OR CONTROLS, COMMITS A DRUG PETTY OFFENSE, AND UPON CONVICTION THEREOF, IS SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

(II) IT IS NOT A VIOLATION OF THIS SUBSECTION (3)(b) IF THE PERSON WHO IS CULTIVATING NATURAL MEDICINE IS TWENTY-ONE YEARS OF AGE OR OLDER, IF THE CULTIVATION AREA IS LOCATED IN A DWELLING ON THE PRIVATE PROPERTY, AND:

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

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

(c) IT IS NOT A VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION IF A COUNTY, MUNICIPALITY, OR CITY AND COUNTY LAW EXPRESSLY PERMITS THE CULTIVATION OF NATURAL MEDICINE THAT CUMULATIVELY EXCEEDS AN AREA OF MORE THAN TWELVE FEET WIDE BY TWELVE FEET LONG IN ONE OR MORE CULTIVATION AREAS ON THE PRIVATE PROPERTY AND THE PERSON

CULTIVATES THE NATURAL MEDICINE IN AN ENCLOSED AND LOCKED SPACE WITHIN THE LIMIT SET BY THE COUNTY, MUNICIPALITY, OR CITY AND COUNTY WHERE THE NATURAL MEDICINE IS LOCATED.

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

(b) IT IS UNLAWFUL FOR A PERSON WHO IS NOT LICENSED PURSUANT TO ARTICLE 50 OF TITLE 44 WHO OWNS, MANAGES, OPERATES, OR OTHERWISE CONTROLS THE USE OF A PROPERTY TO KNOWINGLY ALLOW NATURAL MEDICINE PRODUCT TO BE MANUFACTURED ON THE PREMISES USING AN INHERENTLY HAZARDOUS SUBSTANCE.

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

(5) (a) UNLESS EXPRESSLY LIMITED BY THIS SECTION, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, 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 LAW, OR COUNTY, MUNICIPALITY, OR CITY AND COUNTY ORDINANCE, RULE, OR RESOLUTION.

(b) UNLESS EXPRESSLY LIMITED BY THIS SECTION, A PERSON WHO PERFORMS TESTING ON NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AND POSSESSES NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IN CONJUNCTION THEREWITH, FOR ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER WHO SUBMITS FOR TESTING NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT INTENDED FOR PERSONAL USE, DOES NOT VIOLATE STATE LAW, OR COUNTY, MUNICIPALITY, OR CITY AND COUNTY ORDINANCE, RULE, OR RESOLUTION, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, IF:

(I) THE PERSON PERFORMING THE TESTING PROVIDES WRITTEN NOTICE TO THE PERSON SUBMITTING FOR TESTING NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT INTENDED FOR PERSONAL USE, THAT THE PERSON IS NOT LICENSED BY THE STATE TO CONDUCT TESTING; AND

(II) THE PERSON WHO SUBMITS FOR TESTING NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT PROVIDES A SIGNED STATEMENT THAT THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IS INTENDED FOR PERSONAL USE ONLY.

(c) NOTHING IN THIS SECTION PERMITS A PERSON TO:

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

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

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

(IV) DISPENSE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISPENSE OR DISTRIBUTE, NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT AS A PART OF A BUSINESS PROMOTION OR COMMERCIAL ACTIVITY, EXCEPT AS PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44; OR

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

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

(e) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

CONTRARY, A PEACE OFFICER MAY ARREST A PERSON, OR A DISTRICT ATTORNEY MAY CHARGE OR PROSECUTE A PERSON FOR A CRIMINAL OFFENSE THAT IS NOT EXPRESSLY LAWFUL PURSUANT TO THIS SECTION OR ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44.

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

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

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

(c) SEIZE OR FORFEIT ASSETS.

(7) (a) EXCEPT AS PROVIDED IN SUBSECTION (7)(b) OF THIS SECTION, AN ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION, INDIVIDUALLY OR IN COMBINATION WITH ANOTHER ACTION THAT IS LAWFUL PURSUANT TO THIS SECTION, MUST NOT SOLELY BE USED AS A FACTOR IN A PROBABLE CAUSE DETERMINATION OF ANY CRIMINAL OFFENSE.

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

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

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

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

(11) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE OFFENSES PROVIDED FOR IN THIS SECTION DO NOT APPLY TO A PERSON POSSESSING, DISPLAYING, CULTIVATING, PURCHASING, OR SELLING A LIVING PLANT FOR ORNAMENTAL PURPOSES ONLY THAT WAS COMMONLY AND LAWFULLY SOLD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION. FOR PURPOSES OF THIS SECTION, A "LIVING PLANT" DOES NOT INCLUDE MUSHROOMS OR OTHER FUNGAL MATTER.

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

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

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

(A) DIMETHYLTRYPTAMINE;

(B) Mescaline;

(C) IBOGAINE;

(D) PSILOCYBIN; OR

(E) PSILOCYN.

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

(III) NOTWITHSTANDING SUBSECTION (12)(b)(I) OF THIS SECTION, "MESCALINE" DOES NOT INCLUDE PEYOTE, MEANING ALL PARTS OF THE PLANT CLASSIFIED BOTANICALLY AS *LOPHOPHORA WILLIAMSII* LEMAIRE, WHETHER GROWING OR NOT; ITS SEEDS; ANY EXTRACT FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT; OR ITS SEEDS OR EXTRACTS.

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

(d) "PERSONAL USE" MEANS THE CONSUMPTION OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT; OR THE AMOUNT OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT A PERSON MAY LAWFULLY POSSESS, CULTIVATE, OR MANUFACTURE THAT IS NECESSARY TO SHARE WITH ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER WITHIN THE CONTEXT OF COUNSELING, SPIRITUAL GUIDANCE, BENEFICIAL COMMUNITY-BASED USE AND HEALING, SUPPORTED USE, OR RELATED SERVICES. "PERSONAL USE" DOES NOT MEAN THE SALE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR REMUNERATION; THE POSSESSION, CULTIVATION, OR MANUFACTURE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT WITH INTENT TO SELL THE NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR REMUNERATION; OR THE POSSESSION, CULTIVATION, MANUFACTURE, OR DISTRIBUTION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT FOR BUSINESS OR COMMERCIAL PURPOSES, EXCEPT AS PROVIDED BY ARTICLE 170 OF TITLE 12 AND ARTICLE 50 OF TITLE 44. NOTHING IN THIS SECTION PRECLUDES REMUNERATION FOR BONA FIDE HARM REDUCTION SERVICES OR BONA FIDE SUPPORT SERVICES USED CONCURRENTLY WITH THE SHARING OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, PROVIDED THAT THERE IS NO ADVERTISEMENT RELATED TO THE SHARING OF NATURAL MEDICINE, NATURAL MEDICINE PRODUCT, OR THE SERVICES PROVIDED, AND PROVIDED THAT THE INDIVIDUAL PROVIDING THE SERVICES INFORMS AN INDIVIDUAL ENGAGING IN THE SERVICES THAT THE INDIVIDUAL IS NOT A LICENSED FACILITATOR PURSUANT TO ARTICLE 170 OF TITLE 12.

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

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

SECTION 32. In Colorado Revised Statutes, **add** 10-16-162 as follows:

10-16-162. Prohibition on discrimination for coverage based solely on natural medicine consumption - definitions. (1) A CARRIER THAT OFFERS, ISSUES, OR RENEWS A HEALTH BENEFIT PLAN SHALL NOT, SOLELY ON THE BASIS OF A PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT:

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

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

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

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

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

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

(3) THIS SECTION DOES NOT REQUIRE A HEALTH BENEFIT PLAN TO PROVIDE COVERAGE FOR THE DONATION OF AN ANATOMICAL GIFT, AN ORGAN

TRANSPLANT, OR RELATED TREATMENT OR SERVICES.

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

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

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

(A) DIMETHYLTRYPTAMINE;

(B) Mescaline;

(C) IBOGAINE;

(D) PSILOCYBIN; OR

(E) PSILOCYN.

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

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

SECTION 33. In Colorado Revised Statutes, 17-2-102, **add** (8.5)(d) as follows:

17-2-102. Division of adult parole - general powers, duties, and functions - definition. (8.5)(d) THIS SUBSECTION (8.5) DOES NOT APPLY TO A PAROLEE WHO POSSESSES OR USES NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT AS AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44.

SECTION 34. In Colorado Revised Statutes, 17-2-201, **add** (5.3) as follows:

17-2-201. State board of parole - duties - definitions.
(5.3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE POSSESSION OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, MUST NOT BE CONSIDERED AN OFFENSE SUCH THAT ITS POSSESSION OR USE CONSTITUTES A VIOLATION OF CONDITIONS OF PAROLE.

SECTION 35. In Colorado Revised Statutes, 18-1.3-204, **amend** (2)(a)(VIII) introductory portion; and **add** (1)(c) as follows:

18-1.3-204. Conditions of probation - interstate compact probation transfer cash fund - creation. (1) (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION, THE POSSESSION OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, MUST NOT BE CONSIDERED ANOTHER OFFENSE SUCH THAT ITS USE CONSTITUTES A VIOLATION OF THE TERMS OF PROBATION.

(2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(VIII) Refrain from excessive use of alcohol or any unlawful use of controlled substances, as defined in section 18-18-102 (5), or of any other dangerous or abusable drug without a prescription; except that the court shall not, as a condition of probation, PROHIBIT THE POSSESSION OR USE OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT, AS AUTHORIZED PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44. FURTHERMORE, THE COURT SHALL NOT, AS A CONDITION OF PROBATION, prohibit the possession or use of medical marijuana, as authorized pursuant to section 14 of article XVIII of the state constitution, unless:

SECTION 36. In Colorado Revised Statutes, 19-2.5-103, **amend** (1)(a)(I) and (5) as follows:

19-2.5-103. Jurisdiction. (1) Except as otherwise provided by law, the juvenile court has exclusive original jurisdiction in proceedings:

(a) Concerning any juvenile ten years of age or older who has

violated:

(I) Any federal or state law, except nonfelony state traffic, game and fish, and parks and recreation laws or rules; the offense specified in section 18-13-122, concerning the illegal possession or consumption of ethyl alcohol or marijuana by an underage person or illegal possession of marijuana paraphernalia by an underage person; the offenses specified in section 18-18-406 (5)(b)(I) and (5)(b)(II), concerning marijuana and marijuana concentrate; THE OFFENSES SPECIFIED IN SECTION 18-18-434 CONCERNING NATURAL MEDICINE AND NATURAL MEDICINE PRODUCT; and the civil infraction in section 18-7-109 (3), concerning exchange of a private image by a juvenile;

(5) Notwithstanding any other provision of this section to the contrary, the juvenile court and the county court have concurrent jurisdiction over a juvenile who is under eighteen years of age and who is charged with a violation of section 18-13-122, 18-18-406 (5)(b)(I) and (5)(b)(II), 18-18-428, 18-18-429, 18-18-430, ~~18-18-434~~, or 42-4-1301; except that, if the juvenile court accepts jurisdiction over such a juvenile, the county court jurisdiction terminates.

SECTION 37. In Colorado Revised Statutes, 19-3-103, **add** (4) as follows:

19-3-103. Child not neglected - when. (4) (a) A PERSON WHO PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44 DOES NOT CONSTITUTE CHILD ABUSE OR NEGLECT BY A PARENT OR LEGAL GUARDIAN FOR PURPOSES OF THIS ARTICLE 3, UNLESS IT THREATENS THE HEALTH OR WELFARE OF A CHILD.

(b) THE COURT SHALL NOT RESTRICT OR PROHIBIT FAMILY TIME, OR DETERMINE THAT FAMILY TIME IS NOT IN THE CHILD'S BEST INTERESTS, BASED SOLELY ON THE FACT THAT A PERSON PERFORMS OR HAS PERFORMED AN ACTION THAT IS LAWFUL PURSUANT TO SECTION 18-18-434, ARTICLE 170 OF TITLE 12, OR ARTICLE 50 OF TITLE 44, UNLESS THE COURT FINDS THAT THE CHILD'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH IS AT RISK AS A RESULT OF THE FAMILY TIME.

SECTION 38. In Colorado Revised Statutes, 24-72-706, **amend**

(1)(h); and **add** (1)(f.5) as follows:

24-72-706. Sealing of criminal conviction and criminal justice records - processing fee. (1) Sealing of conviction records.

(f.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS PART 7 TO THE CONTRARY, A MOTION FILED FOR THE SEALING OF CONVICTION RECORDS FOR AN OFFENSE THAT WAS UNLAWFUL AT THE TIME OF CONVICTION, BUT IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434, MAY BE FILED AT ANY TIME. THE COURT SHALL ORDER THE RECORDS SEALED UNLESS THE DISTRICT ATTORNEY OBJECTS PURSUANT TO SUBSECTION (1)(f.5)(II) OF THIS SECTION.

(II) IF A MOTION IS FILED FOR THE SEALING OF AN OFFENSE DESCRIBED IN THIS SUBSECTION (1)(f.5), THE DEFENDANT SHALL PROVIDE NOTICE OF THE MOTION TO THE DISTRICT ATTORNEY, WHO MAY OBJECT. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE MOTION BASED ON WHETHER THE UNDERLYING CONVICTION FOR AN OFFENSE IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT AND PROVIDE NOTICE TO THE COURT WITHIN FORTY-TWO DAYS OF RECEIPT OF THE MOTION. IF THE DISTRICT ATTORNEY OBJECTS TO THE MOTION, THE COURT SHALL SET THE MATTER FOR HEARING AND THE BURDEN IS ON THE DEFENDANT TO SHOW BY A PREPONDERANCE OF THE EVIDENCE THAT THE UNDERLYING FACTUAL BASIS OF THE CONVICTION SOUGHT TO BE SEALED IS NO LONGER UNLAWFUL PURSUANT TO SECTION 18-18-434.

(III) (A) A DEFENDANT WHO FILES A MOTION PURSUANT TO THIS SUBSECTION (1)(f.5) MUST NOT BE CHARGED FEES OR COSTS.

(B) NOTWITHSTANDING SUBSECTION (1)(c) OF THIS SECTION, A DEFENDANT WHO FILES A MOTION PURSUANT TO THIS SUBSECTION (1)(f.5) IS NOT REQUIRED TO SUBMIT A VERIFIED COPY OF THE DEFENDANT'S CRIMINAL HISTORY WITH A FILED MOTION.

(C) SECTION 24-72-703 (2)(a)(V) DOES NOT APPLY TO CONVICTION RECORDS SEALED PURSUANT TO THIS SUBSECTION (1)(f.5).

(h) A defendant who files a motion to seal criminal justice records pursuant to this section shall pay a processing fee of sixty-five dollars to cover the actual costs related to the sealing of the criminal justice records.

The defendant shall pay to the Colorado bureau of investigation any costs related to the sealing of the defendant's criminal justice records in the custody of the bureau. The court shall waive the processing fee upon a determination that:

(I) The defendant is indigent; ~~or~~

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

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

SECTION 39. In Colorado Revised Statutes, **add** 24-76.5-104 as follows:

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

SECTION 40. In Colorado Revised Statutes, **add** 25-56-104.5 as follows:

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

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

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

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

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

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

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

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

(4) A COVERED ENTITY SHALL:

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

(b) TAKE REASONABLE AND NECESSARY STEPS TO ENSURE THAT A PERSON'S CONSUMPTION OF NATURAL MEDICINE OR NATURAL MEDICINE PRODUCT IS NOT THE REASON THE PERSON IS DENIED MEDICAL SERVICES OR OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION, INCLUDING DIAGNOSTIC SERVICES, SURGERY, POST-OPERATIVE TREATMENT, OR COUNSELING, DUE TO THE ABSENCE OF AUXILIARY AIDS OR SERVICES, UNLESS THE COVERED ENTITY DEMONSTRATES THAT TAKING SUCH STEPS WOULD FUNDAMENTALLY ALTER THE NATURE OF THE MEDICAL SERVICES OR

OTHER SERVICES RELATED TO ORGAN TRANSPLANTATION OR WOULD RESULT IN AN UNDUE BURDEN FOR THE COVERED ENTITY.

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

SECTION 41. In Colorado Revised Statutes, 35-36-102, **amend** (14)(b) as follows:

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

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

SECTION 42. In Colorado Revised Statutes, 39-22-104, **add** (4)(r.5) as follows:

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

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

SECTION 43. In Colorado Revised Statutes, 39-22-304, **add** (3)(m.5) as follows:

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

(m.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY

1, 2024, IF A TAXPAYER IS LICENSED PURSUANT TO THE "COLORADO NATURAL MEDICINE CODE", ARTICLE 50 OF TITLE 44, AN AMOUNT EQUAL TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED AS A FEDERAL INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION 280E OF THE INTERNAL REVENUE CODE BECAUSE NATURAL MEDICINE IS A CONTROLLED SUBSTANCE UNDER FEDERAL LAW;

SECTION 44. Appropriation. (1) For the 2023-24 state fiscal year, \$733,658 General Fund is appropriated to the department of revenue. To implement this act, the department may use this appropriation as follows:

(a) \$536,826 for use by the natural medicine division for the enforcement and regulation of natural medicines, which amount is based on an assumption that the department will require an additional 4.7 FTE;

(b) \$6,500 for tax administration IT system (GenTax) support; and

(c) \$190,332 for the purchase of legal services.

(2) For the 2023-24 state fiscal year, \$190,332 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 1.0 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

(3) For the 2023-24 state fiscal year, \$101,150 is appropriated to the department of law. This appropriation is from the legal services cash fund created in section 24-31-108 (4), C.R.S., from revenue received from the department of regulatory agencies that is continuously appropriated to the department of regulatory agencies from the regulated natural medicine access program fund created in section 12-170-106 (1), C.R.S. The appropriation to the department of law is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

(4) For the 2023-24 state fiscal year, \$838,402 General Fund is appropriated to the department of public health and environment for use by the division of disease control and public health response. This

appropriation is based on an assumption that division will require an additional 4.1 FTE. To implement this act, the division may use this appropriation for the natural medicine program related to laboratory services.

SECTION 45. Effective date. This act takes effect July 1, 2023, and applies to offenses committed on or after July 1, 2023.

SECTION 46. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Steve Fenberg
PRESIDENT OF
THE SENATE



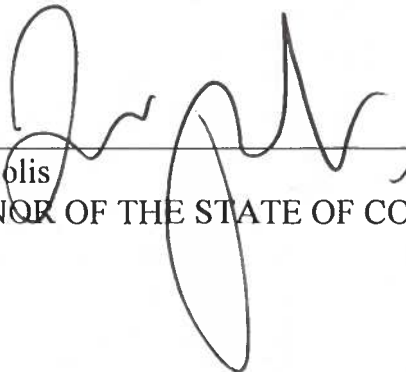
Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



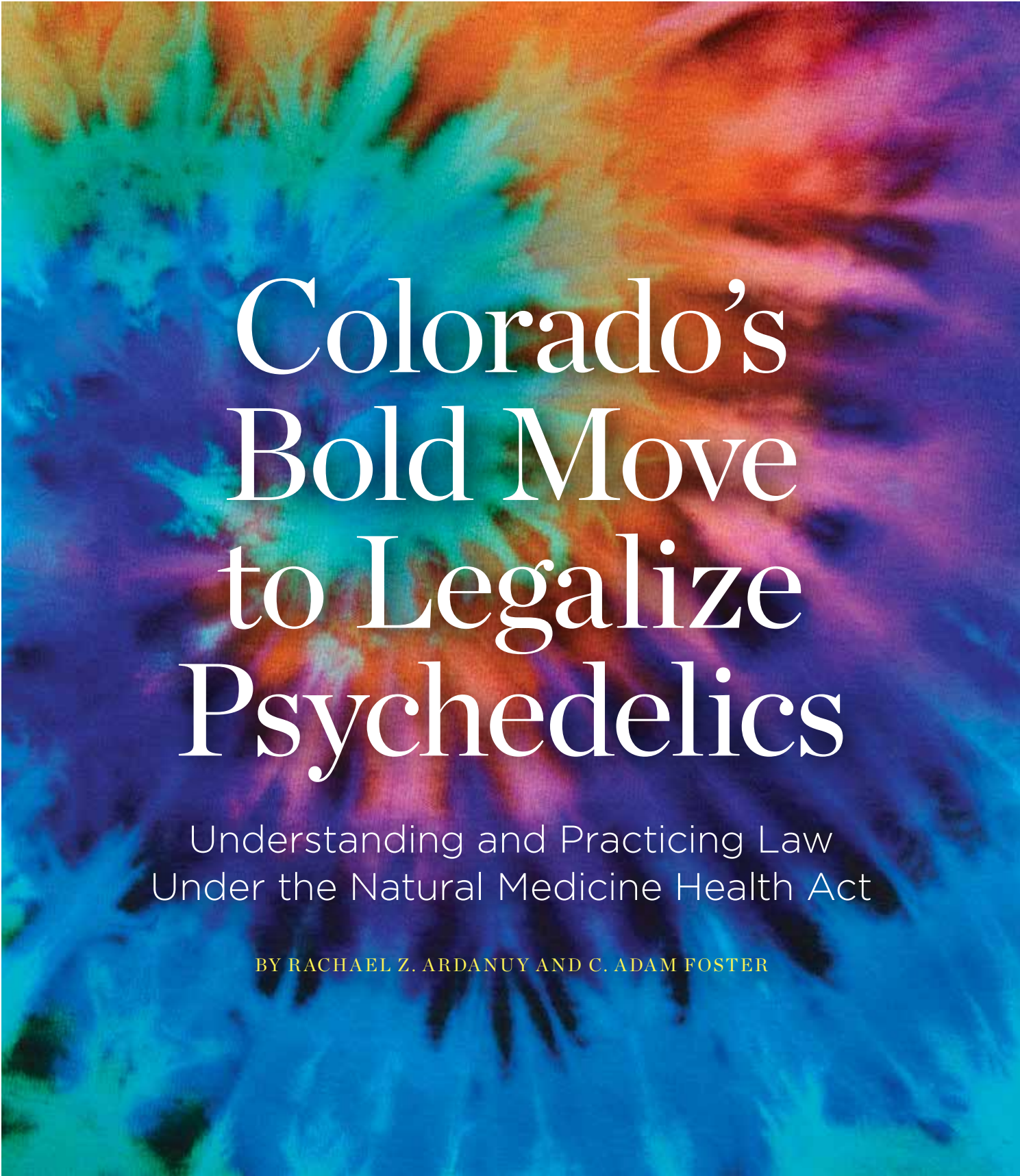
Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Tuesday May 23rd 2023 at 3:30 PM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



Colorado's Bold Move to Legalize Psychedelics

Understanding and Practicing Law
Under the Natural Medicine Health Act

BY RACHAEL Z. ARDANUY AND C. ADAM FOSTER

This article summarizes key provisions of the Natural Medicine Health Act and explains how natural medicine services will be regulated in Colorado.

Psychedelics¹ are a class of drugs that trigger changes in perception and altered states of consciousness. In November 2020, Oregon voters passed ballot measure 109, the Oregon Psilocybin Services Act (Oregon PSA),² which was the first state law to create a state-legal, regulated market for psychedelic psilocybin products. Colorado voters followed suit in November 2022 by approving Proposition 122, the Colorado Natural Medicine Health Act of 2022 (NMHA). The NMHA contains two important prongs. First, it defines certain psychedelics, including psilocybin mushrooms, as decriminalized “natural medicine” that is legal to cultivate and possess in personal quantities but not to produce at commercial scale or to sell or exchange for any other type of valuable consideration. Second, the NMHA creates a relatively narrow and tightly regulated therapeutic path for adults to legally purchase psilocybin³ products and consume them at a licensed healing center under the supervision of a licensed facilitator. As of the date of this article, Colorado and Oregon are the only two US states that have legalized psychedelics at the state level, but other states appear likely to pass similar provisions.⁴

Archeological evidence indicates that people have been using psilocybin mushrooms for spiritual purposes for thousands of years.⁵ And most psychedelics have relatively few side effects and a comparatively low potential for abuse.⁶ Yet most psychedelics are illegal to possess or use for medical or recreational purposes in the United States under the Controlled Substances Act (CSA), 21 USC §§ 801 et seq., and analogous state law provisions. Many well-known psychedelics, including psilocybin mushrooms, are classified as schedule I controlled substances under the CSA. This means that, as far as federal law is concerned, these drugs “have no currently

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accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse.”⁷ But like marijuana,⁸ another scheduled drug under the CSA,⁹ new research is demonstrating that many psychedelics likely have far greater

medicinal value, and far lower risks to health and safety, than the current classification of these substances would indicate.¹⁰

This article briefly describes key provisions of federal law governing psychedelics, provides a high-level overview of the NMHA, and highlights key areas of law affected by the NMHA. It also offers practical tips for Colorado attorneys and flags some key implementation and business planning considerations for natural medicine services.

Current US Federal Law and the Pharmaceutical Model

Existing US federal law permits research involving schedule I drugs under certain narrowly defined circumstances. The Food, Drug, and Cosmetics Act (FD&C Act), 21 USC §§ 301 et seq., gives the US Food and Drug Administration (FDA) the authority to oversee the safety and approval of new drugs in general. Additionally, researchers working with schedule I controlled substances must be licensed by the US Drug Enforcement Agency (DEA) and follow rigorous security protocols.¹¹ Thus, although it is possible to legally perform research on schedule I controlled substances under federal law, the process is expensive and time consuming.

For example, in 2018, COMPASS Pathways plc (Compass) received Breakthrough Therapy designation from the FDA¹² to research the use of a proprietary crystalline psilocybin formulation as a potential treatment for treatment resistant depression. Importantly, Compass acknowledges that for a product containing psilocybin or psilocyn to be legally marketed in the US, either those substances would have to be removed from schedule I and placed under a less restrictive schedule under the CSA, or its psilocybin-containing pharmaceutical drugs would have to be specifically scheduled by the DEA to fall somewhere under schedules II through IV.¹³

The FD&C Act contains no exemption for state laws that purport to legalize or decriminalize drugs that the FDA has not recognized as safe or otherwise approved for human use. Similarly, neither the NMHA nor the Oregon PSA comply with the CSA because both decriminalize under state law a schedule I controlled substance—psilocyn—and offer a legal path to access it under state law. This creates significant regulatory uncertainty because the federal government’s tolerance of state-legal activities that violate federal law is dependent on the law enforcement priorities articulated by the current presidential administration and attorney general.

State laws legalizing marijuana provide a useful analogy. Although marijuana is currently a schedule I controlled substance under the CSA, 38 US states have now authorized its medical use, and 24 states have authorized its recreational use by adults aged 21 or older. Thus, there is precedent for the widespread legalization and use of a schedule I controlled substance under state law despite its continued illegality under federal law. That said, there are significant differences between psilocybin and marijuana in terms of the drug’s effects and how people use it, the public’s perception of it, and the number of states where the substance is legal. Although psilocybin may very well follow a similar path to widespread public acceptance and legalization at the state level, this is far from inevitable.

NMHA Overview

During the 2023 legislative session, the Colorado General Assembly enacted Senate Bill 290, which amended and clarified key provisions of the citizen-enacted NMHA. This section provides an overview of the NMHA, as amended by SB 290. The NMHA makes an important distinction between the personal use of natural medicine, which was broadly decriminalized in November 2022, and the regulated, therapeutic use of natural medicine, which is legalized under certain narrow circumstances.

Personal Use

The NMHA broadly decriminalizes the cultivation, possession, consumption, and sharing

NMHA: KEY DICHOTOMIES

The NMHA sets forth two key dichotomies: (1) between unregulated decriminalized natural medicine and licensed natural medicine products and services; and (2) allocation of regulatory authority between DORA and DOR in the context of state-licensed natural medicine products and services. Tables 1 and 2 expand on these points.

of natural medicine in quantities appropriate for “personal use” for adults aged 21 and older, so long as no money or other consideration is involved. Notably, the definition of “personal use” permits sharing within the context of counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services, and does not prohibit receiving remuneration only for such related services, provided that certain notice is provided and no advertising is made regarding the natural medicine offered.¹⁴ In contrast, money—or any other valuable consideration—can only change hands in connection with the therapeutic use of natural medicine at a state-licensed healing center¹⁵ under the supervision of a licensed facilitator.

Legislative Declaration

The NMHA’s legislative declaration opens by stating that Colorado voters “find and declare that”:

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.¹⁶

The declaration expands on these concepts by finding that:

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, end-of-life distress, and other conditions.¹⁷

Thus, Colorado voters concluded that Colorado should reduce its focus on punishing those who suffer from mental health disorders and instead permit the use of natural medicine with a focus on education and harm reduction. In SB 290, the General Assembly supplemented these findings by adding that care must be taken to protect the indigenous use of natural medicine and prevent the further exploitation or appropriation of indigenous practices by unscrupulous actors.¹⁸ The General Assembly also found that natural medicine’s “potential must be appropriately balanced with the health and safety risks that it could pose to consumers.”¹⁹

Definitions

The definitions section²⁰ is a good jumping off point for describing the NMHA’s overall regulatory structure. Importantly, SB 290 amended the NMHA by limiting the current definition of “natural medicine” in the context of licensed natural medicine services to psilocybin and psilocyn only. Dimethyltryptamine (DMT) and mescaline²¹ are eligible to be added to the definition of legal natural medicine if recommended by the new state natural medicine advisory board (board) and approved by the director and the executive director of the state licensing authority for inclusion on or after June 1, 2026. There is no time limitation on when the board may add ibogaine to the definition of natural medicine.²²

Note that psilocybin, ibogaine, DMT, and mescaline are all currently included under the definition of decriminalized natural medicine under CRS § 12-170-104(12). The definition of natural medicine excludes synthetic forms or synthetic analogs of these substances in both the NMHA’s decriminalization provisions and its natural medicine services provisions.

Licensed Natural Medicine Services

Natural medicine services are defined as “a preparation session, administration session, and integration session” provided in compliance with the NMHA.²³ Thus, a “participant”²⁴ will

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Before the participant consumes natural medicine, the participant and facilitator must meet for a ‘preparation session.’ The preparation session will include a screening component to determine whether the participant is an appropriate candidate to consume natural medicine and, if so, to educate the participant on what to expect and what to do if they experience health problems or psychological distress during the administration session.

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engage in three distinct, statutorily defined sessions with a facilitator. Before the participant consumes natural medicine, the participant and facilitator must meet for a “preparation session.”²⁵ The preparation session will include a screening component to determine whether the participant is an appropriate candidate to consume natural medicine and, if so, to educate the participant on what to expect and what to do if they experience health problems or psychological distress during the administration session.²⁶ During the “administration session” the participant will consume the natural medicine under the facilitator’s supervision at a licensed healing center.²⁷ The last of the three sessions is the “integration session,” during which the facilitator and participant meet to discuss the participant’s experience.²⁸

Natural medicine services can be provided at either a “healing center”²⁹ licensed by the state specifically for provision of natural medicine services, or a “health-care facility,” such as a hospital, doctor’s office, or long-term care facility that is licensed or otherwise permitted by

law to offer medical treatment.³⁰ In other words, natural medicine services may be lawfully provided at either a healing center under the supervision of a licensed facilitator, or at a healthcare facility under the supervision of a medical doctor or other qualified health professional.³¹

Dual Regulatory Structure

Proposition 122 initially placed licensing of both facilitators and healing centers under the purview of the Colorado Department of Regulatory Agencies (DORA). Although DORA has deep experience managing professional licensing programs, it lacks institutional experience regulating the manufacture or sale of products. SB 290 addressed this issue by moving authority to regulate and tax healing centers and natural medicine products to the Colorado Department of Revenue (DOR) Natural Medicine Division.

CRS § 12-170-105 delegates various powers to the director of DORA’s division of professions and occupations (the division), including

requirements for the safe provision of natural medicine services and natural medicine products. These administrative rules will cover a wide variety of topics including, at a minimum:

- “parameters for a preparation session, an administration session, and an integration session”;
- warnings or disclaimers and educational materials that must be provided to a participant prior to an administration session;
- requirements for participant consent forms;
- requirements for facilitator supervision of individual and group administration sessions;
- facilitator licensing requirements;
- natural medicine dosage limits;
- rules governing remuneration for natural medicine products and services;
- rules governing permitted ownership and financial interests in healing centers; and
- marketing and advertising standards and recordkeeping requirements.³²

The division must begin accepting new license applications on or before December 31, 2024, and will initially prioritize applications submitted by Colorado residents.³³ The NMHA also mandates that, where financially feasible, administrative rules should minimize barriers to “persons from communities that have been disproportionately harmed by high rates of arrest for controlled substances, persons who face barriers to health-care access, persons who have traditional, tribal, or Indigenous history with natural medicine” and veterans who wish to become licensed as facilitators, operate a licensed healing center, or access natural medicine as a participant.³⁴

The Board

The NMHA created a 15-member advisory board appointed by the governor to advise the division on implementation of the NMHA and rulemaking.³⁵ The statute also provides that certain members of the board must possess training and experience in various areas of medical, scientific, and cultural competency.³⁶ In addition to the topics for administrative rulemaking outlined above, the board is tasked

with advising the division and the state licensing authority on issues related to public health and public education regarding natural medicine. Additionally, the board will, on an ongoing basis, review pertinent studies and evidence to provide recommendations regarding whether natural medicine services “should be covered under health first Colorado or other insurance programs as a cost-effective intervention for various mental health conditions, including, but not limited to, end-of-life distress, substance use disorder, alcohol use disorder, depressive disorders, neurological disorders, cluster headaches, and posttraumatic stress disorder.”³⁷

Social Equity

The NMHA focuses on social equity and sustainability concerns in a way that is relatively new for a Colorado statute but may be a harbinger of concepts that will be included in future legislation covering a variety of subjects. In the context of the NMHA, the board is tasked with evaluating the sustainability of Colorado’s natural medicine program and its impact on indigenous practitioners and cultures.³⁸ It is also required to make recommendations regarding removing barriers to licensure for low-income individuals and “[a]ffordable, equitable, ethical, and culturally responsible access to natural medicine” and to ensure that implementation and administration of the NMHA is “equitable and inclusive.”³⁹

Indigenous Rights

The NMHA is unique among Colorado business and occupational licensing statutes in terms of its focus on protecting and promoting the rights of both federally registered American Indian tribes and indigenous practitioners more generally.⁴⁰ CRS § 12-170-107 orders the division director to establish a working group to coordinate with tribes and indigenous people and study issues related to the commercialization of natural medicine, including avoiding the commercialization and misappropriation of indigenous culture and preventing overharvesting of the endangered peyote cactus, which some native people regard as a religious sacrament. The working group will also examine best practices for coordinating

TABLE 1. DECRIMINALIZATION PRONG VERSUS LICENSING PRONG	
DECRIMINALIZED PERSONAL USE	LICENSED USE
includes psilocybin/psilocyn, ibogaine, DMT, and mescaline (but not from a peyote cactus)	includes only psilocybin and psilocyn
Decriminalized natural medicine* may be produced, consumed, and gifted in personal use amounts, but no exchange of money or other valuable consideration is allowed.	Payment for licensed natural medicine* products and licensed facilitator services is permitted.
Unlicensed: Adults aged 21 and older have fairly broad rights to produce and use natural medicine in personal quantities as long as money does not change hands and there is no public consumption.	Licensed: Use and supply chain is strictly regulated by DORA and DOR.
exemption from criminal prosecution; essentially no economic or contract rights	statutory right to engage in licensed professions; enforceable business contracts
Unregulated: There is no government oversight of production or distribution. Laboratories can test personal use natural medicine, but no testing is required.	Tightly regulated: Licensed psilocybin products are tested** for contaminants and potency; the supply chain is closely monitored; products must be administered by licensed facilitators; and participants cannot take licensed products home.
CRS § 18-18-434	CRS §§ 12-170-101 et seq. (DORA); CRS §§ 44-50-101 et seq. (DOR)

* Natural medicine must be derived from a plant or fungus; chemical synthesis is not permitted.
** CDPHE coordinates with DOR to establish testing standards under CRS § 25-1.5-120.

and fostering communication between those state agencies that regulate natural medicine and tribes and other indigenous stakeholders and communities.⁴¹

Personal Use Protections

The legalized personal use of natural medicine will affect various areas of law, including criminal defense and law enforcement, real estate, family law, and municipal law. In the context of criminal defense and law enforcement, personal use of natural medicine under CRS

§ 18-18-434 cannot alone be the basis for detention, search, or arrest; cannot be the basis to support a probable cause determination of criminal activity;⁴² and cannot be the basis for a child abuse or neglect finding (absent independent findings including all relevant factors).⁴³ Natural medicine is not subject to seizure and cannot be harmed or destroyed by law enforcement. While possession of natural medicine is generally legal in Colorado, some new criminal violations have been established, including the petty drug offenses for minors

under 21 possessing or consuming natural medicines,⁴⁴ open and public consumption,⁴⁵ violations related to personal cultivation of natural medicines,⁴⁶ and unlicensed manufacturing and sales.⁴⁷

In the context of real estate, property owners are allowed to regulate and prohibit the cultivation or manufacture of natural medicine⁴⁸ but not the possession of natural medicine. In the context of family law, the courts shall not restrict or prohibit family time or determine that family time with a family member who is acting lawfully with respect to use or possession of natural medicine is not in the best interests of the child unless the court finds that the child's safety or mental, emotional, or physical health is at risk as a result of the family time.⁴⁹

In contrast to the decriminalized personal use of natural medicine in the absence of any exchange of valuable consideration, natural medicine can only be provided in exchange for remuneration⁵⁰ in connection with statutorily defined "natural medicine services." Two state agencies are involved with the oversight of therapeutic use of natural medicine at licensed healing centers. DORA is responsible for regulating and licensing facilitators (individuals aged 21 or older who possess the requisite skill, training, and experience and have been licensed by the director of the division).⁵¹ The DOR Natural Medicine Division is responsible for licensing and regulating healing centers and facilities that commercially produce, manufacture, and test natural medicine and natural medicine products that are administered by facilitators.⁵²

Limits on Local Regulation of Healing Centers

Municipalities may not ban or completely prohibit the establishment or operation of licensed healing centers or licensed healthcare facilities from providing natural medicine.⁵³ Nor may localities ban transportation of natural medicine through their boundaries on public roads by licensees, or adopt ordinances or regulations that are "unreasonable or in conflict with" the NMHA. This means that local governments are limited to reasonably regulating the time, place, and manner of operation of health centers.

TABLE 2. REGULATORY AUTHORITY OF DOR VERSUS DORA

DEPARTMENT OF REVENUE (DOR)	DEPARTMENT OF REGULATORY AGENCIES (DORA)
CRS §§ 44-50-101 et seq.	CRS §§ 12-170-101 et seq.
new Natural Medicine Division	new Office of Natural Medicine within the Division of Professions and Occupations
licenses healing centers and production facilities	oversees training program and professional (facilitator) licensing
oversight of natural medicine products (likely similar to "seed to sale" oversight and monitoring of licensed marijuana supply chain)	parallels with licensing for other health professionals; training exemptions for traditional and indigenous practitioners with requisite experience
regulates natural medicine product advertising	regulates facilitator/services advertising (including setting standards to avoid exploitation of indigenous cultures)

Thus, municipalities that intend to impose reasonable regulations on the location and operating hours for healing centers will need to enact pertinent local regulations, including updating zoning codes.

Importantly, the NMHA does not require local licensing of healing centers. This is an important contrast with Colorado's regulatory scheme for medical and retail marijuana, which requires operators to obtain a local marijuana business license and also grants municipalities the authority to enact an outright ban on marijuana businesses.⁵⁴ Many municipalities have begun exploring how they will manage healing centers, including whether they will require any permitting or licensing, while weighing the authority granted and limitations cast upon municipalities by the NMHA.

Time and Place Regulations

CRS § 12-170-112 mandates that "[a] local jurisdiction shall not prohibit" a state-licensed facilitator "from providing natural medicine services within its boundaries."⁵⁵ Additionally, CRS § 12-170-116 clarifies that, except where otherwise specified within the NMHA itself, the

NMHA supersedes any conflicting provision of state or local law.

CRS § 44-50-104(5) sets out very similar limits on municipalities' authority to restrict the operation of healing centers and state-licensed businesses that cultivate, manufacture, test, store, or distribute natural medicine. Specifically, although the "local jurisdiction may enact ordinances or regulations governing the time, place and manner"⁵⁶ in which natural medicine businesses can operate, it "may not prohibit" operation of natural medicine businesses⁵⁷ or adopt local ordinances that are unreasonable or conflict with state law regarding licensing and operation of natural medicine businesses.⁵⁸

Thus, it is not within municipalities' purview to enact any local law whose purpose or effect is to unreasonably restrict the operation of healing centers or access to natural medicine. As part of the 2024 rulemaking process, the DOR Natural Medicine Division is adopting extensive administrative regulations governing the licensing and operation of various types of natural medicine businesses that will have a significant practical impact on where and how natural medicine businesses can operate.

KEY BUSINESS PLANNING CONSIDERATIONS FOR NATURAL MEDICINE SERVICES

- **The size of the market for licensed services is unknown.** It is not clear how many adults will want to use a licensed psilocybin product at a licensed healing center under the supervision of a facilitator. This is particularly true since the personal cultivation and use of psilocybin mushrooms has been decriminalized in Colorado. But novice users or adults seeking a therapeutic experience will be willing to pay to use a tested, regulated product in a safe environment under the supervision of a licensed facilitator.
- **Pricing for licensed services is uncertain.** Pricing will depend on various factors, including how many facilitators and healing centers are licensed. The rulemaking process is ongoing as of the date of this article, and rules governing facilitator training, and production facility and healing center licensing will affect cost. It is also unclear whether other states will adopt similar statutes, which would presumably decrease the number of participants traveling to Colorado from out of state for natural medicine services.
- **Federal enforcement priorities could change.** As of the date of this article, the Biden administration has not indicated that it considers licensed natural medicine services to be a key law enforcement priority, but concerns regarding implementation or a different presidential administration could lead to enhanced scrutiny and enforcement from federal law enforcement authorities.

DORA is adopting similar regulations governing natural medicine facilitators.

The main practical questions that local governments must consider are where to allow various types of natural medicine businesses to operate and whether to restrict operating hours for natural medicine businesses or facilitators. Zoning provisions seeking to relegate natural medicine businesses or healing centers to areas where operations are impractical would likely violate the NMHA, as would restrictions on operating hours that make it impractical for facilitators to offer the full range of services that the NMHA and its implementing regulations authorize. In this regard it may be useful to look at ordinances governing analogous uses, such as operation of medical offices or counseling centers in the case of facilitators, or light manufacturing facilities in the case of businesses that manufacture, test, or distribute natural medicine products. Appellate holdings balancing time and place restrictions in the

context of various types of protected speech may also offer some guidance.⁵⁹

Facilitators or natural medicine business owners seeking to challenge the overall reasonableness of local ordinances restricting natural medicine activities may seek de novo district court review of the local ordinance by filing a declaratory judgment action. Specifically, Colorado Rule of Civil Procedure 57(b) permits a person “whose rights, status, or other

legal relations are affected by a . . . municipal ordinance” to ask the district court to enter a declaratory judgment regarding the construction or validity of the local ordinance. CRCP 57 review will generally only be appropriate if the local ordinance conflicts with state law or unreasonably restricts natural medicine activities on its face.

In contrast, facilitators or business owners alleging that local officials have applied a facially valid local ordinance in an unreasonable manner will generally be obliged to seek district court review under CRCP 106(a)(4), which provides the normal means to challenge local officials’ quasi-judicial acts. CRCP 106(a)(4) grants significant deference to local officials and requires a showing that the official or agency acted in an arbitrary or capricious matter for the district court to reverse their decision.

Conclusion

In recent years, Colorado has been an innovative laboratory of democracy in terms of drug policy. Colorado law now allows adults aged 21 and older to explore new cognitive vistas through the use and administration of psychedelics for healing, spiritual, and recreational purposes. The NMHA both decriminalized the personal use of natural medicine without remuneration and created an entirely new sphere of business activity where licensed facilitators can charge a fee to administer regulated natural medicine products to clients during facilitation sessions. Colorado indigenous natural medicine practitioners, lawyers, and entrepreneurs will continue to shape this movement and its enacting laws and regulations. 



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NOTES

1. Many advocates prefer the term “entheogen” to refer to this class of substances. An entheogen is a substance—typically of plant origin—that is ingested to achieve an altered state of consciousness for religious or spiritual purposes.

2. The full text of the Act and updates regarding its implementation are available at <https://www.oregon.gov/oha/ph/preventionwellness/pages/oregon-psilocybin-services.aspx>.

3. The NMHA regulates both psilocybin and psilocyn. See, e.g., CRS § 12-170-104(12)(a). After ingestion, the body converts psilocybin to psychoactive psilocyn. As used in this article, the term “psilocybin” includes psilocyn.

4. Clark, “Move Over Cannabis, the Movement to Legalize Psychedelic Mushrooms Is Ready to Share the Spotlight,” *Natl. L. Rev.* (May 11, 2023), <https://www.natlawreview.com/article/move-over-cannabis-movement-to-legalize-psychedelic-mushrooms-ready-to-share>.

5. Samorini, “The Oldest Archeological Data Evidencing the Relationship of *Homo Sapiens* With Psychoactive Plants: A Worldwide Overview,” 3 *J. of Psychedelic Stud.* 63 (June 1, 2019).

6. Nutt et al., “Drug Harms in the UK: A Multicriteria Decision Analysis,” 376 *Lancet* 1558–65 (Nov. 6, 2010). Out of the 20 substances the authors analyzed, psychedelic mushrooms scored the lowest for individual and societal harm.

7. DEA Controlled Substance Schedules, <https://www.deadiversion.usdoj.gov/schedules/schedules.html>.

8. The correct scientific name for the plant is “cannabis,” but Colorado state and US federal law use “marijuana” to refer to psychoactive cannabis. The 2018 Farm Bill legalized hemp, a non-psychoactive form of the cannabis plant with less than 0.3% THC on a dry weight basis.

9. On April 30, 2024, the Associated Press first reported that the DEA will propose to reclassify cannabis to schedule III from its current schedule I classification. Miller et al., “US Poised to Ease Restrictions on Marijuana in Historic Shift, but It’ll Remain Controlled Substance,” AP (Apr. 30, 2024), <https://apnews.com/article/marijuana-biden-dea-criminal-justice-pot-f833a8dae6ceb31a8658a5d65832a3b8>.

10. See, e.g., Abbas et al. (Oregon Psilocybin Evidence Review Writing Group), *Oregon Psilocybin Advisory Board Rapid Evidence Review and Recommendations* (July 30, 2021) (compiling key medical and scientific studies and publications regarding psilocybin), <https://www.oregon.gov/oha/PH/PreventionWellness/Documents/Oregon%20Psilocybin%20Advisory%20Board%20Rapid%20Evidence%20Review.pdf>.

11. The DEA’s Diversion Control Division website sets out requirements for obtaining licenses to perform research on controlled substances and associated safety and security protocols. <https://www.deadiversion.usdoj.gov/drugreg/registration.html>.

12. According to the FDA, “Breakthrough

Therapy designation is a process designed to expedite the development and review of drugs that are intended to treat a serious condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over available therapy on a clinically significant endpoint(s).” <https://www.fda.gov/patients/fast-track-breakthrough-therapy-accelerated-approval-priority-review/breakthrough-therapy>.

13. At page 21 of its September 21, 2020, prospectus filed with the US Securities Exchange Commission, Compass asserts: “Scheduling determinations by the DEA are dependent on FDA approval of a substance or a specific formulation of a substance. Therefore, while psilocybin and psilocyn are Schedule I controlled substances, products approved by the FDA for medical use in the United States that contain psilocybin or psilocyn should be placed in Schedules II–V, since approval by the FDA satisfies the ‘accepted medical use’ requirement.” https://www.sec.gov/Archives/edgar/data/1816590/000162828020013779/compass424b4.htm#icfe282745ece49ac803f1aee527e8fa0_89.

14. CRS § 18-18-434(12)(d).

15. Final DORA regulations may also permit facilitators to administer natural medicine to certain participants at the participant’s home, but as of the date of this article DORA has not promulgated final regulations for facilitators.

16. CRS § 12-170-102(1)(a).

17. CRS § 12-170-102(1)(c).

18. CRS § 12-170-102(2)(a)–(c).

19. CRS § 12-170-102(2)(d).

20. CRS § 12-170-104.

21. The definition of “mescaline” specifically excludes *Lophophora williamsii*—the peyote cactus—because peyote is used by some Native American practitioners as a religious sacrament and the proponents of the NMHA were worried about the overharvesting of naturally-occurring peyote.

22. Ibogaine is psychoactive indole alkaloid derived from a perennial shrub native to north Africa.

23. CRS § 12-170-104(14).

24. CRS § 12-170-104(15).

25. CRS § 12-170-104(16).

26. CRS § 12-170-105 sets out basic parameters for the preparation session, administration session, and integration session. As of the date of this article, DORA is finalizing administrative rules that will provide detailed guidance for facilitators and participants regarding the conduct of these sessions.

27. CRS § 12-170-104(1).

28. CRS § 12-170-104(10).

29. CRS § 12-170-104(8).

30. CRS § 12-170-104(9).

31. The board will adopt administrative regulations setting forth specific qualifications.

32. Current administrative rules and rulemaking updates can be found on DORA’s natural medicine website, <https://dpo.colorado.gov/NaturalMedicine>, and also on the DOR Natural

Medicine Division website, <https://dnm.colorado.gov>.

33. CRS § 12-170-105(1)(b).

34. CRS § 12-170-105(1)(d).

35. CRS § 12-170-106.

36. CRS § 12-170-106(2).

37. CRS § 12-170-106(6).

38. CRS § 12-170-106(7).

39. CRS § 12-170-106(5)(d).

40. CRS § 12-170-107. Under the NMHA, “‘Federally recognized American tribe’ has the same meaning as ‘Indian Tribe’ as defined by the federal ‘Federally Recognized Indian Tribe List Act of 1994,’ as amended.” CRS § 12-170-104(7).

41. CRS § 12-170-107(1)(d).

42. CRS § 18-18-434(7)(a).

43. CRS § 19-3-103(4).

44. CRS § 18-18-434(1).

45. CRS § 18-18-434(2).

46. CRS § 18-18-434(3).

47. CRS § 18-18-434(4).

48. CRS § 18-18-434(10).

49. CRS § 19-3-103(4)(b).

50. CRS § 12-170-104(19) defines “remuneration” to effectively include any type of valuable consideration.

51. CRS § 12-170-104(6).

52. CRS § 44-50-201.

53. CRS § 44-50-104(5).

54. CRS § 44-10-301.

55. CRS § 44-50-104(5) further clarifies that the NMHA preempts conflicting local ordinances regarding the activities of natural medicine facilitators.

56. CRS § 44-50-104(5)(a).

57. CRS § 44-50-104(5)(b).

58. CRS § 44-50-104(5)(d).

59. *Cf. Reed v. Town of Gilbert*, 576 U.S. 155 (2015) (municipal sign regulations); Tisdale, “Regulating Sexually Oriented Businesses in Small Towns: Practical Tips and Preventive Medicine,” 29 *Colo. Law.* 85 (Oct. 2000).

TOWN OF BERTHOUD, COLORADO

**NOTICE OF PUBLIC HEARING
Amendments to the Berthoud Development Code**

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Planning Commission on April 10, 2025 at 7 p.m. and the Town Board on both April 22, 2025 and May 13, 2025 at 6:30 p.m. All public hearings will be to consider amendments to Chapter 30 inclusive of adding Section 14 of the Berthoud Municipal Code, specifically adding Regulations for Natural Medicine Healing Centers and other Natural Medicine Businesses. The public hearings will be held at Town Hall 807 Mountain Avenue in Berthoud 80513.

Given and posted on this ____ day of March, 2025.

Published: Loveland Reporter Herald March 21, 2025-2105066

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

**County of Larimer
State of Colorado**

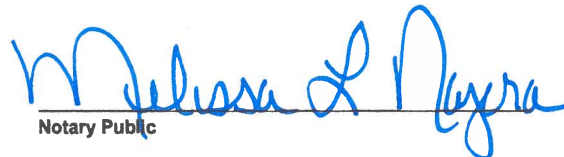
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of **Prairie Mountain Media LLC**, publisher of the **Loveland Reporter Herald**.
2. The **Loveland Reporter Herald** is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Larimer County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the **Loveland Reporter Herald** in Larimer County on the following date(s):

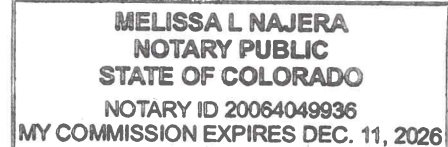
Mar 21, 2025


Signature

Subscribed and sworn to me before me this
21st day of March, 2025.


Notary Public

(SEAL)



Account: 1051549
Ad Number: 2105066
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