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SENATE BILL 24-198

BY SENATOR(S) Fenberg and Michaelson Jenet, Gonzales, Jaquez Lewis, Marchman, Priola;
also REPRESENTATIVE(S) Brown and McCormick, Amabile, Garcia, Joseph, Lindsay, Mabrey, Ortiz, Ricks, Snyder, Valdez.

CONCERNING MEASURES TO SUPPORT THE IMPLEMENTATION OF THE STATE'S
REGULATED NATURAL MEDICINE PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 10-16-162, **amend** (4)(b)(I)(E) as follows:

10-16-162. Prohibition on discrimination for coverage based solely on natural medicine consumption - definitions. (4) As used in this section, unless the context otherwise requires:

(b) (I) "Natural medicine" means the following substances:

(E) ~~Psilocyn~~ **PSILOCIN**.

SECTION 2. In Colorado Revised Statutes, 12-170-104, **amend** (8)

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.

and (12)(a)(II) as follows:

12-170-104. Definitions. As used in this article 170, unless the context otherwise requires:

(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.

(12) (a) "Natural medicine" means the following substances:

(II) ~~Psilocyn~~ PSILOCIN.

SECTION 3. In Colorado Revised Statutes, 12-170-105, **amend** (1)(e); **repeal** (1)(h)(I); and **add** (1)(a)(II)(L), (1)(a)(II)(M), (5), (6), (7), and (8) 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:

(II) Requirements for the licensing of facilitators, practice of facilitation, and professional conduct of facilitators, including:

(L) THE APPROVAL OF EDUCATIONAL PROGRAMS IN THE STATE INTENDED TO PREPARE INDIVIDUALS FOR LICENSURE UNDER THIS ARTICLE 170, INCLUDING APPROVING CURRICULA, CONDUCTING SURVEYS, AND ESTABLISHING STANDARDS FOR THE EDUCATIONAL PROGRAMS; DENIAL OF, APPROVAL OF, AND WITHDRAWAL OF APPROVAL FROM AN EDUCATIONAL PROGRAM FOR FAILURE TO MEET REQUIRED STANDARDS ESTABLISHED BY THIS ARTICLE 170 OR RULES ADOPTED BY THE DIRECTOR; ESTABLISHMENT OF STANDARDS TO DETERMINE WHETHER INSTITUTIONS OUTSIDE THIS STATE ARE DEEMED TO HAVE ACCEPTABLE EDUCATIONAL PROGRAMS AND WHETHER GRADUATES OF INSTITUTIONS OUTSIDE THIS STATE ARE DEEMED TO BE GRADUATES OF APPROVED EDUCATIONAL PROGRAMS FOR THE

PURPOSE OF LICENSURE UNDER THIS ARTICLE 170; AND DETERMINATION OF WHEN ACCREDITATION OF AN EDUCATION PROGRAM BY ANOTHER STATE MAY SERVE AS A BASIS FOR APPROVAL OF LICENSURE;

(M) THE APPROVAL OF FACILITATOR EDUCATION AND TRAINING PROGRAMS PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION;

(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~~ A PERSON is violating this article 170 or a rule promulgated pursuant to this article 170, IN ALL MATTERS RELATING TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES VESTED IN THE DIRECTOR;

~~(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;~~

(5)(a) THE DIRECTOR MAY APPROVE A FACILITATOR EDUCATION AND TRAINING PROGRAM AND ADOPT RULES PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

(b) A PERSON SEEKING APPROVAL OF AN EDUCATION AND TRAINING PROGRAM TO PREPARE INDIVIDUALS FOR LICENSURE AS A FACILITATOR SHALL APPLY TO THE DIRECTOR AND SUBMIT EVIDENCE THAT THE PROPOSED EDUCATION AND TRAINING PROGRAM COMPLIES WITH THIS ARTICLE 170 AND RULES ADOPTED BY THE DIRECTOR PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

(c) TO BE APPROVED PURSUANT TO THIS SUBSECTION (5), AN EDUCATION AND TRAINING PROGRAM MUST INCLUDE ALL ITEMS REQUIRED BY SUBSECTION (1)(a)(II)(B) OF THIS SECTION, INCLUDING A CURRICULUM AND MATERIALS THAT WILL PROVIDE A BASIC LEVEL OF BOTH KNOWLEDGE AND DEMONSTRABLE SKILLS FOR EACH INDIVIDUAL COMPLETING THE PROGRAM AND ANY ADDITIONAL CONTENT REQUIRED PURSUANT TO RULES

ADOPTED BY THE DIRECTOR PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

(6) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY INSPECT AND SURVEY EACH APPROVED FACILITATOR EDUCATION AND TRAINING PROGRAM AT THE DIRECTOR'S DISCRETION.

(7) (a) THE DIVISION SHALL CREATE A PROCESS TO REVIEW THE DIRECTOR'S DENIAL OF AN EDUCATION AND TRAINING PROGRAM. THE PROCESS ESTABLISHED PURSUANT TO THIS SUBSECTION (7) MUST REQUIRE THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, DIVISION COUNSEL, AND THE CHAIR OF THE NATURAL MEDICINE ADVISORY BOARD OR THE CHAIR'S DESIGNEE TO REVIEW APPLICATIONS PRIOR TO A DENIAL BEING ISSUED BY THE DIRECTOR.

(b) IF THE APPLICANT IS DENIED APPROVAL AFTER THE REVIEW PROCESS CREATED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE DIRECTOR SHALL DOCUMENT THE GROUNDS FOR DENIAL AND SUBMIT THAT DOCUMENTATION TO THE APPLICANT.

(8) THE DIVISION SHALL REGULARLY REVIEW THE NATURAL MEDICINE PROGRAM, INCLUDING THE APPROVAL PROCESS FOR FACILITATOR EDUCATION AND TRAINING PROGRAMS. THE DIVISION SHALL INCLUDE THE REVIEW IN THE ANNUAL REPORTING REQUIRED IN SUBSECTION (1)(j) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 18-18-434, **amend** (12)(b)(I)(E) as follows:

18-18-434. Offenses relating to natural medicine and natural medicine product - definitions. (12) As used in this section, unless the context otherwise requires:

(b) (I) "Natural medicine" means the following substances:

(E) ~~Psilocyn~~ PSILOCIN.

SECTION 5. In Colorado Revised Statutes, 23-64-104, **amend** (1)(p) and (1)(q); and **add** (1)(r) as follows:

23-64-104. Exemptions. (1) The following educational institutions and educational services are exempt from this article 64:

(p) Yoga teacher training courses, programs, and schools; ~~and~~

(q) Training of guides, trip leaders, and guide instructors by river outfitters licensed pursuant to section 33-32-104; AND

(r) EDUCATION AND TRAINING PROGRAMS APPROVED BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES UNDER ARTICLE 170 OF TITLE 12.

SECTION 6. In Colorado Revised Statutes, 25-1.5-120, **amend** (1), (2)(a), (2)(b), and (2)(c) 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 LABORATORY 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 LABORATORY testing standards and ~~certification~~ requirements;

(b) Establish a natural medicine independent LABORATORY 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~~ REQUIRE notification procedures TO THE STATE LICENSING AUTHORITY if test results indicate the presence of quantities of any substance determined to be injurious to health;

SECTION 7. In Colorado Revised Statutes, 25-56-104.5, **add** (6) as follows:

25-56-104.5. Prohibition on discrimination for organ transplants based solely on natural medicine consumption - applicability - definitions. (6) AS USED IN THIS SECTION:

(a) "NATURAL MEDICINE" HAS THE SAME MEANING AS SET FORTH IN SECTION 44-50-103 (13).

(b) "NATURAL MEDICINE PRODUCT" HAS THE SAME MEANING AS SET FORTH IN SECTION 44-50-103 (15).

SECTION 8. In Colorado Revised Statutes, 44-50-103, **amend** (3), (4), (5), (6), and (13)(a)(II) as follows:

44-50-103. Definitions. As used in this article 50, unless the context otherwise requires:

(3) "Director" means the director of the NATURAL MEDICINE division of ~~professions and occupations~~ or the director's designee.

(4) "Division" means the NATURAL MEDICINE 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 TO ENGAGE IN THE PRACTICE OF FACILITATION by the director ~~to engage in the practice of facilitation~~ OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO ARTICLE 170 OF TITLE 12.

(6) "Healing center" means a facility ~~where an entity~~ is licensed by the state licensing authority PURSUANT TO THIS ARTICLE 50 that permits a facilitator to provide and supervise natural medicine services for a participant.

(13) (a) "Natural medicine" means the following substances:

(II) ~~Psilocybin~~ PSILOCIN.

SECTION 9. In Colorado Revised Statutes, 44-50-203, **amend** (1)(e), (1)(f)(I)(B), and (2)(p) as follows:

44-50-203. State licensing authority - rules. (1) **Mandatory rule-making.** Rules promulgated pursuant to section 44-50-202 (1)(b) must include the following subjects:

(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~~ AN INDIVIDUAL SHALL 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:

(B) ~~Testing procedures and frequency of~~ REQUIREMENTS FOR regulated natural medicine and regulated natural medicine product by licensees;

(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:

(p) Requirements for inspections, investigations, searches, seizures, forfeitures, embargoes, quarantines, recalls, DESTRUCTION, and such additional activities as may become necessary;

SECTION 10. In Colorado Revised Statutes, 44-50-301, **amend** (4) as follows:

44-50-301. Classes of licenses. (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, a person ~~may~~ SHALL 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.

(b) A PERSON MAY OPERATE A NATURAL MEDICINE TESTING FACILITY LICENSE ISSUED PURSUANT TO SECTION 44-50-404 AT THE SAME LOCATION AS A REGULATED MARIJUANA TESTING FACILITY LICENSE ISSUED PURSUANT TO ARTICLE 10 OF THIS TITLE 44.

SECTION 11. In Colorado Revised Statutes, 44-50-401, **amend** (2) as follows:

44-50-401. Natural medicine healing center license - rules. (2) A natural medicine healing center licensee may transfer regulated natural medicine or regulated natural medicine product to another natural medicine healing center licensee OR A FACILITATOR pursuant to rules promulgated by the state licensing authority.

SECTION 12. In Colorado Revised Statutes, 44-50-402, **amend** (1) as follows:

44-50-402. Natural medicine cultivation facility license. (1) A natural medicine cultivation facility license may be issued PURSUANT TO STATE LICENSING AUTHORITY RULES AND 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, OR OTHER PERSONS LICENSED UNDER ARTICLE 170 OF TITLE 12 OR THIS ARTICLE 50.

SECTION 13. In Colorado Revised Statutes, 44-50-403, **add** (3) as follows:

44-50-403. Natural medicine product manufacturer license. (3) PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING AUTHORITY, A NATURAL MEDICINE PRODUCT MANUFACTURER LICENSEE MAY TRANSFER AND DISTRIBUTE REGULATED NATURAL MEDICINE AND A REGULATED NATURAL MEDICINE PRODUCT TO ANOTHER PERSON LICENSED UNDER ARTICLE 170 OF TITLE 12 OR ANOTHER PERSON LICENSED UNDER THIS ARTICLE 50.

SECTION 14. Safety clause. The general assembly finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

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 _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO