



Council Communication

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In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING SECTIONS 21-5200, 21-5239.5, AND 21-11200 OF THE LAND DEVELOPMENT CODE PERTAINING TO THE REGULATION OF NATURAL MEDICINE HEALING CENTERS AND NATURAL MEDICINE CULTIVATION, MANUFACTURE, AND TESTING FACILITIES

Summary and Background Information:

At the November 2022 general election, Proposition 122 was on the ballot to ask voters whether or not to decriminalize and provide for regulated access of certain psychedelic plants and fungi. Colorado voters approved Proposition 122 by over 53% and the licensing and regulating of "natural medicine" will begin on December 31, 2024.

Over the past two years, Governor Polis and the Colorado State Legislature have passed amendments to the Colorado Revised Statutes to provide for the regulation of natural medicine. The Colorado Department of Revenue (DOR) and the Department of Regulator Agencies (DORA) have recently approved the final rules and regulations for the licensing of natural medicine facilities and facilitators.

To start, natural medicine will not mirror the state's marijuana regulatory framework. A person will not be able to walk into a retail store and purchase natural medicine to take home or off-site to recreationally consume at their home or elsewhere. Instead, natural medicine will function similar to any other medical or therapeutic treatment that is administered by a licensed professional. Natural medicine can only be administered by a state licensed "facilitator" at a state licensed facility.

Facilitators, regulated by DORA, must have at least 150 training hours from state approved training courses on a variety of topics. A facilitator may be a "clinical facilitator" which is a state licensed therapist, doctor, or other already licensed professional that can administer natural medicine to patients in the course of their existing practice. A "training facilitator" is someone that is working towards facilitator certification and administering natural medicine to patients under the supervision of an already licensed facilitator.

Facilities, regulated by DOR, are any locations which natural medicine is cultivated, processed, tested, or administered. "Healing centers" are facilities where a facilitator intakes patients, administers natural medicine to a patient, or conducts "integration sessions" with patients. Intake sessions are when the facilitator and patient meet to discuss the use and effects of natural medicine and plan for an administration session.

Administration session is when a facilitator provides natural medicine to the patient and is present during the effects of natural medicine to ensure patient safety. An integration session is when the facilitator and patient meet after the administration session to process the effects of the administration session. Facilities may also be a natural medicine cultivation, natural medicine products manufacturer, or a natural medicine testing facility. Facilities may not be within 1,000 feet of any licensed child care facility, preschool, elementary, middle, or high school, or any residential child care facility.

The language in Proposition 122 specifically states that local jurisdictions cannot prohibit or otherwise adopt "unreasonable regulations" regarding natural medicine. The only regulatory role for local jurisdictions is the regulations of "time, place, or manner" of natural medicine. Local jurisdictions may opt to not regulate natural medicine at all and therefore rely on the state's 1,000ft setback from the above facilities.

Staff is recommending the City regulate the natural medicine cultivation, product manufacturer, and testing facilities in the same manner the City currently regulates marijuana facilities of similar uses in the I-1, I-1S, I-2, I-3 zoning areas. Staff recommends regulating healing centers in the same manner the City currently regulates other doctors offices and medical centers in the C-1, C-2, C-3, MU-1, and I-1 zoning areas. Finally staff recommends limiting operations from 8am to 8pm.

City Council heard a presentation on natural medicine on October 14, 2024 and did not oppose the draft regulations. The City Clerk presented the draft Land Development Code changes to Planning Commission to receive an official recommendation from the body pursuant to Charter sec. 10.3 on December 3, 2024 and received a recommendation for approval by a vote of 5 Aye and 0 Nays.

Staff Responsible (Department Head): Dylan A. Gibson, City Clerk

Staff Member Presenting: Dylan A. Gibson, City Clerk

Financial Impact: None.

Funding Source: N/A

Staff Recommendation: Move to approve the ordinance.

Suggested Motion: I move to introduce Ordinance 2656 by Council as seated and approve on first reading.