

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0377.03 Alana Rosen x2606

HOUSE BILL 22-1116

HOUSE SPONSORSHIP

Valdez A., Hooton

SENATE SPONSORSHIP

Ginal,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ESTABLISHING A POLICY REVIEW PANEL TO STUDY
102 PLANT-BASED MEDICINES TO SUPPORT MENTAL HEALTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the plant-based medicine policy review panel (policy review panel). The purpose of the policy review panel is to study the use of plant-based medicines to support mental health. The policy review panel operates for one year. The policy review panel shall submit a report on its findings and policy recommendations to the house of representatives public and behavioral health and human services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

committee and the senate health and human services committee, or any successor committees; the governor; and the department of human services.

The bill defines "plant-based medicine" as a naturally occurring hallucinogenic plant-based compound. Forms of plant-based medicine only include psilocybin, psilocyn, dimethyltryptamine, and ibogaine.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-1-143 as
3 follows:

4 **26-1-143. Plant-based medicine policy review panel - created**
5 **- duties - report - definitions - repeal.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "FIRST NATIONS PEOPLE" MEANS ANY INDIGENOUS OR
8 ABORIGINAL GROUP THAT IS OFFICIALLY RECOGNIZED BY THE FEDERAL
9 GOVERNMENT.

10 (b) "PLANT-BASED MEDICINE" MEANS A NATURALLY OCCURRING
11 HALLUCINOGENIC PLANT-BASED COMPOUND. FOR THE PURPOSES OF THIS
12 DEFINITION, "PLANT-BASED MEDICINE" INCLUDES ONLY PSILOCYBIN,
13 PSILOCYN, DIMETHYLTRYPTAMINE (SOME TRADE OR OTHER NAMES:
14 DMT.), AND IBOGAIN (SOME TRADE AND OTHER NAMES:
15 7 - E T H Y L - 6 , 6 B , 7 , 8 , 9 , 1 0 , 1 2 , 1 3 - O C T A H Y D R O - 2 -
16 METHOXY-6,9-METHANO-5H-PYRIDO [1',2':1,2] AZEPINE [5,4- B] INDOLE;
17 TABERNANTHE IBOGA.).

18 (c) "PLANT-BASED MEDICINE POLICY REVIEW PANEL" OR "POLICY
19 REVIEW PANEL" MEANS THE PLANT-BASED MEDICINE POLICY REVIEW
20 PANEL CREATED IN SUBSECTION (2) OF THIS SECTION.

21 (2) THERE IS CREATED THE PLANT-BASED MEDICINE POLICY
22 REVIEW PANEL IN THE STATE DEPARTMENT. THE PURPOSE OF THE POLICY

1 REVIEW PANEL IS TO STUDY THE USE OF PLANT-BASED MEDICINES TO
2 SUPPORT MENTAL HEALTH, REPORT ITS FINDINGS, AND MAKE POLICY
3 RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE GOVERNOR, AND
4 THE STATE DEPARTMENT.

5 (3) (a) THE POLICY REVIEW PANEL CONSISTS OF SEVENTEEN
6 MEMBERS APPOINTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

7 (b) THE MEMBERSHIP OF THE POLICY REVIEW PANEL AND
8 APPOINTING AUTHORITIES ARE AS FOLLOWS:

9 (I) THE GOVERNOR SHALL APPOINT THE FOLLOWING ELEVEN
10 MEMBERS:

11 (A) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION OF
12 PHYSICIANS;

13 (B) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION OF
14 PHARMACISTS;

15 (C) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION OF
16 ALTERNATIVE MEDICINE PHYSICIANS;

17 (D) TWO MEMBERS REPRESENTING ALTERNATIVE PLANT-BASED
18 MEDICINE ADVOCATES;

19 (E) ONE MEMBER REPRESENTING PHYSICIANS WHO USE OR HAVE
20 USED PLANT-BASED MEDICINES IN THE PHYSICIANS' MEDICAL PRACTICES;

21 (F) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
22 SERVING VETERANS;

23 (G) ONE MEMBER REPRESENTING EXPERTS WHO USE PLANT-BASED
24 MEDICINES FOR RELIGIOUS PURPOSES;

25 (H) ONE MEMBER REPRESENTING FIRST NATIONS PEOPLE;

26 (I) ONE MEMBER REPRESENTING CERTIFIED ADDICTION
27 COUNSELORS; AND

1 (J) ONE MEMBER REPRESENTING HARM REDUCTION ADVOCATES;

2 (II) THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE
3 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE
4 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES COLLECTIVELY
5 SHALL APPOINT THE FOLLOWING SIX MEMBERS:

6 (A) ONE MEMBER REPRESENTING LAW ENFORCEMENT AGENCIES;

7 (B) ONE MEMBER REPRESENTING SHERIFF'S DEPARTMENTS;

8 (C) ONE MEMBER REPRESENTING CRIMINAL DEFENSE ATTORNEYS;

9 (D) ONE MEMBER REPRESENTING THE OFFICE OF STATE PUBLIC
10 DEFENDER CREATED IN SECTION 21-1-101;

11 (E) ONE MEMBER REPRESENTING AN OFFICE OF THE DISTRICT
12 ATTORNEY; AND

13 (F) ONE MEMBER REPRESENTING ATTORNEYS WITH A PRACTICE
14 FOCUSED ON PLANT-BASED MEDICINES.

15 (c) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS ON
16 OR BEFORE AUGUST 1, 2022. THE TERM OF THE APPOINTMENT IS FOR THE
17 DURATION OF THE POLICY REVIEW PANEL. THE APPOINTING AUTHORITIES
18 SHALL FILL ANY VACANCY SUBJECT TO THE SAME QUALIFICATIONS AS THE
19 INITIAL APPOINTMENT. IN MAKING APPOINTMENTS TO THE POLICY REVIEW
20 PANEL, THE APPOINTING AUTHORITIES SHALL ENSURE THAT THE
21 MEMBERSHIP OF THE POLICY REVIEW PANEL REFLECTS THE RACIAL,
22 ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE, INCLUDING
23 REPRESENTATION OF ALL AREAS OF THE STATE.

24 (d) EACH MEMBER OF THE POLICY REVIEW PANEL SERVES WITHOUT
25 COMPENSATION BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FOR
26 ACTUAL AND NECESSARY EXPENSES THE MEMBER INCURS IN THE
27 PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE POLICY

1 REVIEW PANEL.

2 (4) THE MEMBERS OF THE POLICY REVIEW PANEL SHALL SELECT A
3 CHAIR AND A VICE-CHAIR FROM AMONG ITS MEMBERS. THE CHAIR AND
4 VICE-CHAIR SHALL SERVE FOR THE DURATION OF THE POLICY REVIEW
5 PANEL.

6 (5) THE POLICY REVIEW PANEL SHALL CONVENE THE FIRST
7 MEETING OF THE POLICY REVIEW PANEL NO LATER THAN OCTOBER 1, 2022.
8 THE POLICY REVIEW PANEL SHALL MEET UNTIL OCTOBER 1, 2023, WITH
9 THE NUMBER OF MEETINGS SET AT THE DISCRETION OF THE POLICY REVIEW
10 PANEL. THE CHAIR MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR
11 THE POLICY REVIEW PANEL TO FULFILL ITS DUTIES. THE POLICY REVIEW
12 PANEL SHALL ESTABLISH PROCEDURES TO ALLOW MEMBERS OF THE POLICY
13 REVIEW PANEL TO PARTICIPATE IN MEETINGS REMOTELY.

14 (6) (a) PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE POLICY
15 REVIEW PANEL SHALL STUDY THE USE OF PLANT-BASED MEDICINES TO
16 SUPPORT MENTAL HEALTH, REPORT ITS FINDINGS, AND MAKE POLICY
17 RECOMMENDATIONS. THE POLICY REVIEW PANEL SHALL, AT A MINIMUM,
18 STUDY THE FOLLOWING:

19 (I) ANALYZING AND RECOMMENDING THE RECLASSIFICATION OF
20 THE CONTROLLED SUBSTANCES SCHEDULE, AS DESCRIBED IN PART 2 OF
21 ARTICLE 18 OF TITLE 18, FOR PLANT-BASED MEDICINES;

22 (II) ANALYZING AND RECOMMENDING WHETHER TO
23 DECRIMINALIZE PLANT-BASED MEDICINES;

24 (III) ANALYZING THE WEIGHT AND MEASUREMENTS OF
25 PLANT-BASED MEDICINES;

26 (IV) ANALYZING AND RECOMMENDING A NEW DEFINITION FOR
27 PLANT-BASED MEDICINES;

1 (V) PRODUCING, DISTRIBUTING, AND ACCESSING PLANT-BASED
2 MEDICINES SAFELY;

3 (VI) TESTING PLANT-BASED MEDICINES FOR CONTAMINANTS;

4 (VII) DETERMINING THE PROPER DOSAGE OF PLANT-BASED
5 MEDICINES;

6 (VIII) DETERMINING THE PROPER DOSAGE FOR PATIENTS,
7 INCLUDING THOSE WITH MENTAL HEALTH DISORDERS;

8 (IX) DEVELOPING OVERSIGHT AND REGULATION FOR THE USE OF
9 PLANT-BASED MEDICINES IN MEDICAL PRACTICES;

10 (X) UNDERSTANDING THE TRADITIONAL USES OF PLANT-BASED
11 MEDICINES;

12 (XI) ANALYZING THE IMPACT OF PLANT-BASED MEDICINES ON
13 EMPLOYMENT POLICIES;

14 (XII) ANALYZING THE IMPACT OF PLANT-BASED MEDICINES ON A
15 PHYSICIAN'S PRACTICE AND LICENSE; AND

16 (XIII) RECOMMENDING ADDITIONAL LEGISLATION TO THE
17 GENERAL ASSEMBLY CONCERNING PLANT-BASED MEDICINES.

18 (b) THE POLICY REVIEW PANEL SHALL CONSULT WITH ADDITIONAL
19 STAKEHOLDERS AS NEEDED TO ADDRESS ALL QUESTIONS NECESSARY TO
20 FINALIZE ITS FINDINGS AND POLICY RECOMMENDATIONS ON THE USE OF
21 PLANT-BASED MEDICINES TO SUPPORT MENTAL HEALTH.

22 (7) ON OR BEFORE JANUARY 1, 2024, THE POLICY REVIEW PANEL
23 SHALL SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS ON
24 ISSUES IDENTIFIED IN SUBSECTION (6) OF THIS SECTION TO THE HOUSE OF
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
26 SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES
27 COMMITTEE, OR ANY SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE

1 STATE DEPARTMENT.

2 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.