

HB1325\_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB26-1325 be amended as follows:

1 Amend printed bill, page 13, strike line 1 and substitute: "(3) (a) A  
2 FACILITATOR IS NOT LIABLE FOR MONEY DAMAGES IN A CIVIL  
3 MALPRACTICE ACTION FOR A PHYSICAL OR".

4 Page 13, strike line 7 and substitute "GENERALLY ACCEPTED STANDARDS  
5 OF PRACTICE."

6 Page 13, after line 7 insert:

7 "(b) THIS SUBSECTION (3) DOES NOT APPLY TO ADMINISTRATIVE  
8 PROCEEDINGS."

9 Page 13, strike lines 18 through 21 and substitute:

10 "(a) APPLICANTS WHO PARTICIPATE IN THE PILOT PROGRAM TO  
11 ADMINISTER IBOGAIN PURSUANT TO SECTION 27-60-207;"

12 Page 13, line 27, strike "and (5)" and substitute "(5), and (6)".

13 Page 15, line 9 and 10, strike "ADMINISTER OR DISPENSE." and substitute  
14 "CULTIVATE, MANUFACTURE, TEST, OR DISPENSE."

15 Page 15, strike lines 11 through 16 and substitute:

16 "(5)(a) A LICENSEE SEEKING TO CULTIVATE, MANUFACTURE, TEST,  
17 DISPENSE, OR ADMINISTER IBOGAIN SHALL, IN CONSULTATION WITH  
18 INDIGENOUS COMMUNITIES OR THEIR AUTHORIZED REPRESENTATIVE,  
19 ESTABLISH A BENEFIT-SHARING PLAN THAT DIRECTLY BENEFITS THOSE  
20 COMMUNITIES. A LICENSEE MAY USE OR RELY ON A THIRD PARTY FOR  
21 CONSULTATION.

22 (b) A LICENSEE SHALL MAINTAIN DOCUMENTATION  
23 DEMONSTRATING THE CONSULTATION PROCESS AND THE DEVELOPMENT OF  
24 THE BENEFIT-SHARING PLAN AND MAKE THE DOCUMENTATION PUBLICLY  
25 AVAILABLE UPON REQUEST.

26 (6) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE  
27 INDIGENOUS COMMUNITIES TO DISCLOSE OR SHARE TRADITIONAL  
28 KNOWLEDGE, CEREMONIAL PRACTICES, OR CULTURAL EXPRESSIONS."

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