

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0782.02 Chelsea Princell x4335

HOUSE BILL 26-1325

HOUSE SPONSORSHIP

Caldwell and Feret,

SENATE SPONSORSHIP

Ball,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING NATURAL MEDICINE.

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 establishes the ibogaine research pilot program (pilot program) in the behavioral health administration (BHA) to research the safety and effectiveness of using ibogaine to treat mental health conditions and substance use disorders.

The bill requires the BHA to establish a committee to review pilot program site applications and make recommendations to the BHA on which applicants to accept. The BHA may select up to 5 ibogaine pilot sites.

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

The bill allows the BHA to seek, accept, and expend gifts, grants, and donations and establishes the ibogaine research pilot program cash fund (cash fund). Money from the cash fund may be used to administer the pilot program and award grants to the selected ibogaine pilot sites to help with financing needs.

The bill allows the state licensing authority for natural medicine or natural medicine product (state licensing authority) to adopt rules related to the administration, manufacturing, and use of ibogaine.

Under current law, the division of natural medicine advisory board consists of 15 voting members; 8 of whom must have general expertise and experience related to natural medicine and 7 of whom must have specialized expertise and experience in various areas of natural medicine. The bill amends the expertise and experience requirements to apply equally to all 15 voting members.

The bill adds that a facilitator of natural medicine services is not liable for a physical or psychological injury that a participant may experience as a result of the facilitator's performance or supervision of the natural medicine services that a participant receives, unless the injury is the result of the facilitator's intentional misconduct, gross negligence, or a deviation from the recognized standard of care.

The bill sets requirements for how the state licensing authority must prioritize reviewing applications for licensure to facilitate natural medicine services and allows the state licensing authority to set different licensing fees depending on the type of natural medicine the applicant is seeking licensure for.

The bill allows the state licensing authority to accept gifts, grants, and donations from public or private sources and requires gifts, grants, or donations received to be deposited in the regulated natural medicine division cash fund.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado is facing a severe and worsening mental health crisis
5 due to high rates of mental health conditions and substance use disorders,
6 including opioid use disorder;

7 (b) Existing treatment approaches for treating mental health
8 conditions and substance use disorders are often inadequate for long-term

1 remission and recovery, necessitating the exploration of innovative
2 options;

3 (c) Ibogaine is a psychoactive indole alkaloid derived from the
4 root bark of the tabernanthe iboga plant and other plants, such as the
5 voacanga africana plant, that have shown significant potential as
6 life-saving treatment options for substance use disorders and mental
7 health conditions;

8 (d) A carefully regulated, medically supervised, and therapeutic
9 framework for administering ibogaine is necessary to make ibogaine
10 accessible, facilitate rigorous research, and ensure patient safety;

11 (e) The mental health and well-being of veterans is a priority of
12 the general assembly, and ibogaine treatment has shown promise in
13 treating severe service-related post-traumatic stress disorder and other
14 mental health conditions related to combat deployments; and

15 (f) Establishing a research pilot program to explore the therapeutic
16 uses of ibogaine, better understand potential risks of ibogaine use, and lay
17 the groundwork for a future comprehensive regulatory program is
18 necessary to find additional treatment options for people suffering from
19 a mental health condition or a substance use disorder.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 27-60-207 as
21 follows:

22 **27-60-207. Ibogaine research pilot program - creation - federal**
23 **approval - fund - rules - reporting - definitions.**

24 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "FUND" MEANS THE IBOGAIN RESEARCH PILOT PROGRAM CASH
27 FUND CREATED IN SUBSECTION (10) OF THIS SECTION.

1 (b) "IBOGAINE PILOT SITE" MEANS A FACILITATION SITE SELECTED
2 AND AUTHORIZED BY THE BHA TO ADMINISTER THE PILOT PROGRAM.

3 (c) "PILOT PROGRAM" MEANS THE IBOGAINE RESEARCH PILOT
4 PROGRAM ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

5 (2) THERE IS ESTABLISHED IN THE BHA THE IBOGAINE RESEARCH
6 PILOT PROGRAM FOR THE PURPOSE OF SUPPORTING RESEARCH ON THE
7 SAFETY AND EFFECTIVENESS OF USING IBOGAINE TO TREAT MENTAL
8 HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS.

9 (3) THE BHA SHALL OPERATE THE PILOT PROGRAM. IN OPERATING
10 THE PILOT PROGRAM, THE BHA:

11 (a) MAY APPROVE UP TO FIVE IBOGAINE PILOT SITES;

12 (b) MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
13 EACH PILOT SITE TO ENSURE PROPER ADMINISTRATION OF THE PILOT
14 PROGRAM;

15 (c) IN PARTNERSHIP WITH THE IBOGAINE PILOT SITES, AND IN
16 COORDINATION WITH OTHER APPROPRIATE STATE AGENCIES, MAY SEEK
17 FEDERAL AUTHORIZATION PURSUANT TO 21 U.S.C. SEC. 872(e) OR OTHER
18 APPLICABLE FEDERAL LAW FOR PURPOSES OF EXPANDING OR ADVANCING
19 IBOGAINE RESEARCH EFFORTS;

20 (d) SHALL ASSIST THE IBOGAINE PILOT SITES TO COMPLETE AND
21 SUBMIT AN INVESTIGATIONAL NEW DRUG APPLICATION, OR REVISE AND
22 EXPAND UPON AN EXISTING INVESTIGATIONAL NEW DRUG APPLICATION
23 WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN
24 ACCORDANCE WITH 21 CFR PART 312;

25 (e) SHALL CONSIDER WHETHER TO OBTAIN FEDERAL RESEARCH
26 PROGRAM STATUS UNDER 21 U.S.C. SEC. 872 OR OTHER APPLICABLE
27 FEDERAL LAW FOR THE PURPOSES OF EXPANDING OR ADVANCING

1 RESEARCH EFFORTS OF THE PILOT SITES;

2 (f) MAY NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH
3 THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, UNITED
4 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES
5 FOOD AND DRUG ADMINISTRATION, UNITED STATES ATTORNEY GENERAL,
6 OR ANY OTHER APPROPRIATE FEDERAL AGENCY, AS NECESSARY TO ENSURE
7 FEDERAL COMPLIANCE AND PROPER ADMINISTRATION OF THE PILOT
8 PROGRAM;

9 (g) MAY CONTRACT WITH INDIVIDUALS WITH EXPERTISE IN
10 BEHAVIORAL HEALTH, NURSING, RESEARCHING A SCHEDULE I CONTROLLED
11 SUBSTANCE, DRUG DEVELOPMENT, INSTITUTIONAL REVIEW BOARD AND
12 UNITED STATES FOOD AND DRUG ADMINISTRATION REGULATORY
13 COMPLIANCE, AND PHYSICIAN CONSULTATION SERVICES TO ASSIST IN THE
14 ADMINISTRATION OF THE PILOT PROGRAM;

15 (h) MAY ASSIST IBOGAINE PILOT SITES WITH FUNDING
16 OPPORTUNITIES, INCLUDING IDENTIFYING AND APPLYING FOR STATE,
17 FEDERAL, OR PRIVATE GRANTS; AND

18 (i) MAY AWARD GRANTS TO SELECTED IBOGAINE PILOT SITES TO
19 ASSIST WITH OPERATIONAL COSTS.

20 (4) (a) THE BHA SHALL ESTABLISH A PROCESS TO SOLICIT AND
21 SELECT IBOGAINE PILOT SITES.

22 (b) THE BHA SHALL ESTABLISH A PILOT PROPOSAL REVIEW
23 COMMITTEE TO REVIEW APPLICATIONS RECEIVED FROM THE SOLICITATION
24 PROCESS REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION AND MAKE A
25 RECOMMENDATION TO THE BHA ON THE SELECTION OR DENIAL OF EACH
26 APPLICATION. THE BHA SHALL NOTIFY EACH APPLICANT OF THE
27 SELECTION DECISION WITHIN NINETY DAYS AFTER THE APPLICATION

1 DEADLINE SET BY THE BHA.

2 (5) TO BE ELIGIBLE AS AN IBOGAIN PILOT SITE, AN APPLICANT
3 MUST:

4 (a) DEMONSTRATE AN INTENT TO PURSUE THE FEDERAL APPROVAL
5 TO OPERATE AN IBOGAIN PILOT SITE TO STUDY SAFETY AND TREATMENT
6 EFFECTIVENESS OF THE USE OF IBOGAIN TO TREAT MENTAL HEALTH
7 CONDITIONS AND SUBSTANCE USE DISORDERS; AND

8 (b) ESTABLISH A BENEFIT-SHARING PLAN THAT BENEFITS THE
9 INDIGENOUS PEOPLE AND CULTURES THAT HAVE TRADITIONALLY WORKED
10 WITH IBOGAIN OR THE TABERNANTHE IBOGA PLANT.

11 (6) (a) THE COMMISSIONER SHALL ADOPT RULES THAT ARE
12 NECESSARY TO ESTABLISH AND ADMINISTER THE IBOGAIN PILOT
13 PROGRAM. AT A MINIMUM, THE COMMISSIONER SHALL ADOPT RULES ON
14 THE FOLLOWING:

15 (I) THE APPLICATION PROCESS FOR PROSPECTIVE IBOGAIN PILOT
16 SITE APPLICANTS;

17 (II) CRITERIA FOR AWARDING GRANTS TO IBOGAIN PILOT SITES TO
18 ASSIST THE IBOGAIN PILOT SITE WITH FUNDING;

19 (III) DATA AND RESEARCH COLLECTION BY THE IBOGAIN PILOT
20 SITES ON THE USE AND EFFECTIVENESS OF IBOGAIN IN TREATING MENTAL
21 HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS;

22 (IV) INFORMATION SHARING BETWEEN THE IBOGAIN PILOT SITES
23 AND THE BHA;

24 (V) ADVERSE EVENT REPORTING; AND

25 (VI) OTHER RULES THAT ARE NECESSARY FOR THE SAFE AND
26 EFFECTIVE OPERATION OF THE IBOGAIN PILOT SITES AND ADMINISTRATION
27 OF THE IBOGAIN RESEARCH PILOT PROGRAM ESTABLISHED BY THIS

1 SECTION.

2 (b) WITH THE EXCEPTION OF THE REQUIREMENTS OF SUBSECTION
3 (6)(a) OF THIS SECTION, THE COMMISSIONER SHALL NOT ADOPT RULES
4 THAT ARE DUPLICATIVE OF FEDERAL LAW.

5 (7) ON OR BEFORE A DATE SET BY THE BHA AND ANNUALLY
6 THEREAFTER THAT THE PILOT PROGRAM IS OPERATIONAL, EACH IBOGAINÉ
7 PILOT SITE MUST SUBMIT THE DATA AND RESEARCH AS REQUIRED
8 PURSUANT TO SUBSECTION (6)(a)(III) OF THIS SECTION FOR THE
9 PROCEEDING YEAR TO THE BHA.

10 (8) AT LEAST ANNUALLY, BUT NOT MORE THAN QUARTERLY,
11 BEGINNING ONE MONTH AFTER THE DATE SET BY THE BHA DESCRIBED IN
12 SUBSECTION (7) OF THIS SECTION WHILE THE PILOT PROGRAM IS
13 OPERATIONAL, THE BHA MUST REVIEW THE DATA AND RESEARCH
14 SUBMITTED BY THE IBOGAINÉ PILOT SITES, AS REQUIRED BY SUBSECTION
15 (7) OF THIS SECTION, AND POST A REPORT DETAILING THE IBOGAINÉ PILOT
16 SITE FINDINGS ON THE BHA'S WEBSITE.

17 (9) THE BHA MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
18 DONATIONS RECEIVED FROM PRIVATE OR PUBLIC SOURCES FOR THE
19 PURPOSES OF THIS SECTION. THE BHA SHALL TRANSMIT ALL MONEY
20 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
21 TREASURER, WHO SHALL CREDIT THE MONEY TO THE IBOGAINÉ RESEARCH
22 PILOT PROGRAM CASH FUND CREATED IN SUBSECTION (10) OF THIS
23 SECTION. THE BHA MAY ACCEPT DONATIONS OF IN-KIND SERVICES FOR
24 PURPOSES OF THIS SECTION.

25 (10) THE IBOGAINÉ RESEARCH PILOT PROGRAM CASH FUND IS
26 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS,
27 AND DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (9) OF

1 THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
2 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
3 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
4 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
5 IS CONTINUOUSLY APPROPRIATED TO THE BHA FOR THE PURPOSE OF
6 ADMINISTERING THE IBOGAIN RESEARCH PILOT PROGRAM AND AWARDDING
7 GRANTS TO SELECTED IBOGAIN PILOT SITES.

8 (11) THE OPERATION OF AN IBOGAIN PILOT SITE IN ACCORDANCE
9 WITH THIS SECTION IS CONTINGENT ON FEDERAL APPROVAL.

10 (12) THIS SECTION DOES NOT PRECLUDE A PERSON FROM
11 ADMINISTERING IBOGAIN OUTSIDE OF THE PILOT PROGRAM IN
12 COMPLIANCE WITH FEDERAL LAW OR AS PERMITTED PURSUANT TO THE
13 "NATURAL MEDICINE HEALTH ACT OF 2022", ARTICLE 170 OF TITLE 12.

14 (13) AN INDIVIDUAL OR ENTITY PARTICIPATING IN THE PILOT
15 PROGRAM MUST NOT BE PROSECUTED OR OTHERWISE DISCIPLINED FOR
16 ACTIONS OR CONDUCT PERMITTED PURSUANT TO THIS SECTION.

17 (14) A PHYSICIAN OR HEALTH-CARE PROFESSIONAL
18 ADMINISTERING IBOGAIN TO PARTICIPANTS AS PART OF THE PILOT
19 PROGRAM, OR AN IBOGAIN PILOT SITE, IS NOT LIABLE FOR A PHYSICAL OR
20 PSYCHOLOGICAL INJURY THAT A PARTICIPANT MAY EXPERIENCE AS A
21 RESULT OF BEING ADMINISTERED IBOGAIN AS A PARTICIPANT IN THE PILOT
22 PROGRAM, UNLESS THE INJURY WAS THE DIRECT RESULT OF THE
23 PHYSICIAN'S OR HEALTH-CARE PROFESSIONAL'S INTENTIONAL
24 MISCONDUCT, GROSS NEGLIGENCE, OR A DEVIATION FROM THE
25 RECOGNIZED STANDARD OF CARE.

26 **SECTION 3.** In Colorado Revised Statutes, 12-170-104, **amend**
27 (12)(b)(II) and (12)(c) as follows:

1 **12-170-104. Definitions.**

2 As used in this article 170, unless the context otherwise requires:

3 (12) (b) In addition to the substances listed in subsection (12)(a)
4 of this section, "natural medicine" includes:

5 (II) Ibogaine, if recommended by the board and approved by the
6 director and the executive director of the state licensing authority; AND
7 IBOGAINE DERIVED FROM A SEMI-SYNTHETIC PROCESS USING THE
8 TABERNANTHE IBOGA PLANT OR VOACANGA AFRICANA PLANT, IF
9 APPROVED BY THE BOARD AS A NATURAL MEDICINE AND TO THE EXTENT
10 PERMITTED BY THE STATE LICENSING AUTHORITY, FOR USE IN THE
11 REGULATED PROGRAMS; or

12 (c) "Natural medicine" does not mean a synthetic or synthetic
13 analog of the substances listed in subsections (12)(a) and (12)(b) of this
14 section, including a derivative of a naturally occurring compound of
15 natural medicine that is produced using chemical synthesis, chemical
16 modification, or chemical conversion, EXCEPT FOR IBOGAINE DERIVED
17 FROM A SEMI-SYNTHETIC PROCESS USING THE TABERNANTHE IBOGA PLANT
18 OR VOACANGA AFRICANA PLANT THAT IS APPROVED BY THE BOARD FOR
19 USE AS A NATURAL MEDICINE AND TO THE EXTENT PERMITTED BY THE
20 STATE LICENSING AUTHORITY, FOR USE IN THE REGULATED PROGRAMS.

21 **SECTION 4.** In Colorado Revised Statutes, 12-170-106, **amend**
22 (1), (2), and (4)(c); and **add** (4)(d), (4)(e), and (4)(f) as follows:

23 **12-170-106. Board - creation - appointment - duties - report.**

24 (1) There is created within the division a natural medicine
25 advisory board, which consists of fifteen VOTING members AND ONE
26 NONVOTING MEMBER DESCRIBED IN SUBSECTION (3) OF THIS SECTION, to
27 advise the division and the state licensing authority concerning the

1 implementation of this article 170 and article 50 of title 44. THE BOARD
2 IS ADVISORY IN NATURE AND SHALL NOT EXERCISE LICENSING,
3 ENFORCEMENT, RULE-MAKING, OR OPERATIONAL AUTHORITY.

4 (2) (a) ~~The governor shall appoint initial board members on or~~
5 ~~before January 31, 2023, with consent of the senate. The members must~~
6 ~~include:~~ THE GOVERNOR SHALL APPOINT THE FIFTEEN VOTING MEMBERS
7 TO THE BOARD.

8 (a) (b) ~~Seven members with significant expertise and experience~~
9 ~~in one or more of the following areas: Natural medicine therapy,~~
10 ~~medicine, and research; mycology and natural medicine cultivation;~~
11 ~~licensee qualifications; emergency medical services and services provided~~
12 ~~by first responders; mental and behavioral health care; health-care~~
13 ~~insurance and health-care policy; and public health, drug policy, and harm~~
14 ~~reduction; and~~ IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR
15 SHALL ENSURE THAT THE BOARD REFLECTS A DIVERSE RANGE OF
16 PROFESSIONAL EXPERTISE, LIVED EXPERIENCE, AND PERSPECTIVES
17 NECESSARY TO ADVISE ON THE SAFE, EFFECTIVE, AND EQUITABLE
18 IMPLEMENTATION OF NATURAL MEDICINES AUTHORIZED PURSUANT TO
19 THIS ARTICLE 170.

20 (b) (c) ~~Eight members with significant expertise and experience~~
21 ~~in one or more of the following areas: Religious use of natural medicines;~~
22 ~~issues confronting veterans; traditional tribal or Indigenous use of natural~~
23 ~~medicines; levels and disparities in access to health-care services among~~
24 ~~different communities; and past criminal justice reform efforts in~~
25 ~~Colorado. At least one of the eight members must have expertise or~~
26 ~~experience in traditional, tribal, or Indigenous use of natural medicines.~~
27 MEMBERS APPOINTED TO THE BOARD MUST HAVE RELEVANT EXPERIENCE

1 TO THE NATURAL MEDICINE CURRENTLY BEING REGULATED OR UNDER
2 CONSIDERATION BY THE BOARD. RELEVANT EXPERIENCE MAY CONSIST OF
3 WORK OR EXPERTISE IN THE FOLLOWING AREAS:

4 (I) MEDICAL, CLINICAL, SCIENTIFIC, PHARMACOLOGICAL,
5 TOXICOLOGICAL, OR RESEARCH RELATED TO NATURAL MEDICINE;

6 (II) PHYSICAL HEALTH CARE, MENTAL HEALTH CARE, BEHAVIORAL
7 HEALTH CARE, OR SUBSTANCE USE DISORDER TREATMENT;

8 (III) EMERGENCY MEDICAL SERVICES, FIRST RESPONDER SERVICES,
9 OR ACUTE CARE MEDICINE;

10 (IV) PUBLIC HEALTH, DRUG POLICY, HARM REDUCTION, OR
11 HEALTH-CARE POLICY;

12 (V) NATURAL MEDICINE CULTIVATION, SOURCING, PROCESSING,
13 MANUFACTURING, SUPPORTIVE CARE PROVIDED PRIOR TO AND FOLLOWING
14 THE ADMINISTRATION OF NATURAL MEDICINE, OR QUALITY CONTROL OF
15 NATURAL MEDICINE;

16 (VI) REGULATORY COMPLIANCE, PROFESSIONAL LICENSURE,
17 HEALTH-CARE REGULATION, OR LABORATORY STANDARDS;

18 (VII) RELIGIOUS, SPIRITUAL, TRADITIONAL, TRIBAL, OR
19 INDIGENOUS USE OF NATURAL MEDICINE;

20 (VIII) ISSUES IMPACTING VETERANS OR OTHER POPULATIONS
21 DISPROPORTIONATELY IMPACTED BY SUBSTANCE USE DISORDER OR
22 MENTAL HEALTH CONDITIONS;

23 (IX) HEALTH-CARE ACCESS, HEALTH EQUITY, OR DISPARITIES IN
24 ACCESS TO CARE;

25 (X) CRIMINAL JUSTICE REFORM, DRUG POLICY REFORM, OR
26 IMPACTS OF PRIOR DRUG ENFORCEMENT POLICIES; OR

27 (XI) ISSUES AFFECTING THE ECOLOGY OR CULTURE OF INDIGENOUS

1 PEOPLE WHO HAVE HISTORICALLY USED NATURAL MEDICINE.

2 (d) NOTHING IN SUBSECTION (2)(c) OF THIS SECTION REQUIRES THE
3 BOARD TO REPRESENT ALL AREAS OF EXPERTISE LISTED IN SUBSECTION
4 (2)(c) OF THIS SECTION.

5 (e) SUBSECTION (2)(c) OF THIS SECTION DOES NOT LIMIT THE
6 GOVERNOR'S DISCRETION TO APPOINT MEMBERS WHOSE QUALIFICATIONS
7 ARE PARTICULARLY RELEVANT TO A SPECIFIC NATURAL MEDICINE THAT IS
8 BEING REGULATED OR IS UNDER CONSIDERATION BY THE BOARD.

9 (4) (c) Except for the executive director of the state licensing
10 authority, or the executive director's designee, members of the board may
11 serve up to two consecutive terms. ~~Members are subject to removal for~~
12 ~~misconduct, incompetence, neglect of duty, or unprofessional conduct.~~

13 (d) MEMBERS ARE SUBJECT TO REMOVAL FOR MISCONDUCT,
14 INCOMPETENCE, NEGLECT OF DUTY, OR UNPROFESSIONAL CONDUCT, AND
15 THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD IF THE
16 GOVERNOR DETERMINES THAT CHANGES TO THE BOARD'S COMPOSITION
17 ARE NECESSARY TO ENSURE THE BOARD POSSESSES THE EXPERTISE
18 REQUIRED TO FULFILL ITS ADVISORY ROLE WITH RESPECT TO A NATURAL
19 MEDICINE BEING REGULATED OR UNDER CONSIDERATION BY THE BOARD.

20 (e) THE GOVERNOR SHALL FILL A VACANCY THAT OCCURS ON THE
21 BOARD WITHIN ONE HUNDRED TWENTY DAYS AFTER THE VACANCY ARISES.

22 (f) A MEMBER APPOINTED PURSUANT TO SUBSECTION (4)(e) OF
23 THIS SECTION SERVES FOR THE DURATION OF THE TERM BEING FILLED,
24 SUBJECT TO SUBSECTION (4)(d) OF THIS SECTION.

25 **SECTION 5.** In Colorado Revised Statutes, 12-170-113, **add** (3)
26 as follows:

27 **12-170-113. Protections.**

1 (3) A FACILITATOR IS NOT LIABLE FOR A PHYSICAL OR
2 PSYCHOLOGICAL INJURY THAT A PARTICIPANT MAY EXPERIENCE AS A
3 RESULT OF THE FACILITATOR'S PERFORMANCE OR SUPERVISION OF
4 NATURAL MEDICINE SERVICES FOR A PARTICIPANT, UNLESS THE INJURY
5 WAS THE DIRECT RESULT OF THE FACILITATOR'S INTENTIONAL
6 MISCONDUCT, GROSS NEGLIGENCE, OR A DEVIATION FROM THE
7 RECOGNIZED STANDARD OF CARE.

8 **SECTION 6.** In Colorado Revised Statutes, 44-50-104, **amend**
9 (2) as follows:

10 **44-50-104. Applicability.**

11 (2) A person applying for licensure pursuant to this article 50 must
12 complete forms as provided by the state licensing authority and must pay
13 the application fee and the licensing fee, which must be credited to the
14 regulated natural medicine division cash fund established pursuant to
15 section 44-50-601. The state licensing authority shall prioritize reviewing
16 applications from applicants ~~who have established residency in Colorado.~~

17 IN THE FOLLOWING ORDER:

18 (a) APPLICANTS WHO PARTICIPATE IN THE PILOT PROGRAM TO
19 ADMINISTER IBOGAIN PURSUANT TO SECTION 27-60-207 AND ARE A
20 PARTY TO A MEMORANDUM OF UNDERSTANDING WITH THE BEHAVIORAL
21 HEALTH ADMINISTRATION;

22 (b) APPLICANTS WHO HAVE ESTABLISHED RESIDENCY IN
23 COLORADO; AND

24 (c) APPLICANTS WHO DEMONSTRATE PRIORITY REVIEW STATUS AS
25 ESTABLISHED BY THE STATE LICENSING AUTHORITY IN RULE.

26 **SECTION 7.** In Colorado Revised Statutes, 44-50-203, **amend**
27 (2)(r) and (2)(s)(III); and **add** (2)(t), (4)(c), and (5) as follows:

1 **44-50-203. State licensing authority - rules.**

2 (2) **Permissive rule-making.** Rules adopted pursuant to section
3 44-50-202 (1)(b) may include, but need not be limited to, the following
4 subjects:

5 (r) ~~Such~~ Other matters as are necessary for the fair, impartial,
6 stringent, and comprehensive administration of this article 50; ~~and~~

7 (s) Requirements that healing centers collect data and information
8 related to regulated natural medicine services and provide the data and
9 information to the department of public health and environment in
10 accordance with section 44-50-401 (6), which data and information must
11 include:

12 (III) Other information as determined by the state licensing
13 authority in consultation with the department of public health and
14 environment; AND

15 (t) REQUIREMENTS FOR THE USE AND ADMINISTRATION OF
16 IBOGAINE, INCLUDING:

17 (I) REQUIRING MEDICAL PRESCREENING, WHICH MAY INCLUDE AN
18 ELECTROCARDIOGRAM, BLOOD TESTS, GENETIC TESTS, AND ANY OTHER
19 MEDICAL TEST, THE RESULTS OF WHICH MAY BE USED TO HELP REDUCE THE
20 RISKS RELATED TO IBOGAINE ADMINISTRATION FOR A PARTICIPANT;

21 (II) REQUIRING CONTINUOUS MEDICAL MONITORING DURING AN
22 IBOGAINE ADMINISTRATION SESSION;

23 (III) REQUIRING APPROPRIATE OVERSIGHT BY TRAINED AND
24 EXPERIENCED MEDICAL PROFESSIONALS DURING AN IBOGAINE
25 ADMINISTRATION SESSION;

26 (IV) ESTABLISHING SPECIFIC STAFF-TO-PARTICIPANT RATIOS;

27 (V) LIMITING PRODUCTS CONTAINING IBOGAINE, AS NECESSARY,

1 DUE TO ITS HEALTH AND SAFETY RISKS; AND

2 (VI) ESTABLISHING MINIMUM MANUFACTURING AND TESTING
3 STANDARDS OR EXPECTATIONS FOR IBOGAIN AND IBOGAIN PRODUCTS,
4 INCLUDING REQUIREMENTS THAT CULTIVATED AND MANUFACTURED
5 PRODUCTS INCLUDE INFORMATION ABOUT SOURCE MATERIAL, AND
6 REQUIREMENTS FOR ADDITIVES AND INGREDIENTS.

7 (4) (c) THE STATE LICENSING AUTHORITY MAY ESTABLISH
8 DIFFERENT APPLICATION FEES FOR LICENSES BASED ON THE TYPE OF
9 NATURAL MEDICINE THAT THE LICENSEE SEEKS TO ADMINISTER OR
10 DISPENSE.

11 (5) A LICENSEE SEEKING TO CULTIVATE, MANUFACTURE, TEST,
12 DISPENSE, OR ADMINISTER IBOGAIN SHALL, BASED ON CONSULTATION
13 WITH THE INDIGENOUS COMMUNITIES THAT HAVE TRADITIONALLY USED
14 IBOGA OR IBOGAIN, ESTABLISH A PLAN THAT BENEFITS THOSE
15 INDIGENOUS COMMUNITIES. THE LICENSEE SHALL MAINTAIN RECORDS OF
16 THE PLAN AND MAKE THE PLAN PUBLICLY AVAILABLE, UPON REQUEST.

17 **SECTION 8.** In Colorado Revised Statutes, 44-50-601, **amend**
18 (1)(a) as follows:

19 **44-50-601. Regulated natural medicine cash fund - created -**
20 **rules - fees.**

21 (1) (a) ~~At~~ Money collected by the state licensing authority
22 pursuant to this article 50 or rules ~~promulgated~~ ADOPTED pursuant to this
23 article 50 must be transmitted to the state treasurer, who shall credit the
24 same to the regulated natural medicine division cash fund, which is
25 ~~hereby~~ created IN THE STATE TREASURY. The regulated natural medicine
26 division cash fund, referred to in this section as the "fund", consists of:

27 (I) The money collected by the state licensing authority; ~~and~~

1 (II) GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE
2 SOURCES; AND

3 ~~(H)~~ (III) Any additional general fund money appropriated to the
4 fund that is necessary for the operation of the state licensing authority.

5 **SECTION 9. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.